

JOURNAL OF THE FACULTY SENATE

The University of Oklahoma (Norman campus)
 Regular session - September 16, 1991 - 3:30 p.m.
 Conoco Auditorium (Neustadt Wing, Bizzell Library)

The Faculty Senate was called to order by Professor Jay C. Smith, Chair.

PRESENT: Bennett, Boyd, Breipohl, Christian, Cornelius, Cozad, Cross, Curtis, Dillon, Fonteneau, Foote, Harm, Harper, Harris, Havener, Hill, Hinson, Hopkins, Jaffe, Johnson, Kenderdine, Kidd, Kuriger, Kutner, Latrobe, Levy, Livesey, London, Norwood, O'Halloran, Paolino, St. John, Schlegel, Schnell, J. Smith, P. Smith, Stanhouse, Sullivan, Swisher, Swoyer, Vehik, Vestal, White, Whitecotton, Whitmore, Willinger

Provost's office representative: Gipson

PSA representatives: Spencer

UOSA representatives: Acree, Dietert

ABSENT: Hilliard, Nelson, Striz, Wallach, Zaman

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Prof. Smith suggested that the Senate hear from President Van Horn and Prof. Andy Magid and then return to the regular order of the agenda.

REMARKS BY PRESIDENT RICHARD VAN HORN

President Van Horn said the goals for the University had not changed dramatically in recent years. In order to be a major national university OU must have a strong undergraduate program and a strong graduate and research program.

Last year OU had the highest average ACT score in state--23.1. Enrollment was up by several hundred despite a significant drop in the number of 18 to 22 year olds in the state. State funding increased by 10%, and there was no tuition increase. OU had 94 national merit scholars, which placed us fourth among public universities in the U.S. Last year private gifts totalled \$27.5 million, which is significant because private giving is approaching the same level as tuition income (about \$30 million on the Norman Campus). Endowments total \$144 million, up from about \$130 million ten years ago. Fifty-seven new endowed chairs and professorships have been added since 1988. So far OU has received \$22 million from the state in matching funds for endowed positions.

The prospects for this year look good. Enrollment increased again; enrollment for the Norman campus, including the Law Center, is about 21,000. The President said, "I suspect that we don't want to get any larger than we are." He said enrollment is holding up very nicely in a period of shrinkage of the pool. Faculty size increased by 15, to 825 full-time faculty. Competition for national merit scholars was much tougher this year. With about 75 scholars, OU fell from 4th to 5th or 6th place nationally. That is still remarkable, though, considering OU is about 115th in terms of size of enrollment. OU's average ACT score went up again to 23.5. OU is generally about 4 points higher than the state average and about in the middle of the Big Eight. Twenty-four percent of the students had an ACT of 27 or above, compared with 22% last year. The regional schools in Oklahoma tend to have only four or five percent of their students at 27 or above.

The increase in state funding for this year was broken into \$3.4 million in new continuing funds (compared to \$7.5 million the year before) and \$2.1 million in one-time funds. Combined with the tuition increase, the result was a funding increase similar to the previous year. The President is concerned that the legislature will designate part of next year's increase as one-time funding. Eighty-eight percent of the new money went into academic areas. Faculty salary increases used almost one-third of the money. New faculty positions and support used 17%. Seventy-six percent of the faculty received increases of 5% and above. Overall OU faculty salaries are estimated to be fifth among the Big 8 institutions for FY92 or about 94.8% of the Big 8. If the Big 10 is included, that figure drops to about 86%. Staff salaries are 95% of the market. The proportion of salaries paid to faculty out of E&G funds has been rising the last three years.

The budget for next year will depend on the fate of House Bill 1017, the amount of new revenue, and the decision about one-time funding. There probably will not be a tuition increase. The legislative analysis office estimated the increase in state funds to be about 7%. That would mean about \$6 million for OU, or \$4 million excluding \$2 million in one-time funds. A

\$4 million increase is approximately half of last year's increase and would result in a rough year. An increase in faculty salaries of 1% costs \$485,000, staff \$385,000, and GAs \$60,000.

President Van Horn pointed out that the legislature will not reach the State Regents' plan to get OU to the average of its peer group. A 7% increase in state funds and no tuition increase will cause OU to fall behind its peer group in funding. He noted that the Faculty Senate, students, alumni and community groups are already working to get the message out to the legislature. The President, as chairman of the Higher Education Alumni Council, is trying to restructure HEACO. He said there are plans to have another Higher Education Day at the legislature again this year.

The President has submitted a proposal calling for the institutions to work together to build a reasonable institution at the University Center at Tulsa. OU volunteered to take the research activities in Tulsa and affiliate them with UCT. Other programs were suggested to increase the effectiveness and efficiency of UCT. He said the UCT board is very enthusiastic, and enrollment is up significantly.

Turning to recruitment and admissions, Dr. Van Horn said more effort is being targeted toward recruiting alumni children from out of state. Some changes in the admissions policy have been proposed to the State Regents. The President is urging that the Gateway Program--in which minority students are admitted based on ACT scores compared to their minority group--be made a state-wide program. The retention rate for minority students has gone up significantly. The University will continue to work hard on the user friendly campus program. President Van Horn would like to begin a "21st Century Education Project" to look at graduate student screening, training and supervision, the use of technology in teaching, the role of groups, and international areas.

Prof. Foote asked whether the President was still having open office hours for students. Dr. Van Horn said he plans to continue that as well as student lunches and faculty dinners.

Prof. Hopkins questioned how OU's expenditures for academics compared to that spent by peer institutions. President Van Horn said 43% of tuition and state funds is spent on teaching salaries, which puts OU above average in the Big 8 and Big 10.

Mr. Herb Spencer, PSA representative, asked about the status of the proposed increase in tuition waivers (faculty/staff fee waiver would increase from 50 to 75 percent, and dependent children or spouses of faculty/staff would receive a 25 percent fee waiver after the employee has completed one year of service). Dr. Van Horn said the State Regents are debating the proposal and talking with other schools. If they agree to the plan, they will implement it for the state system. Dr. Van Horn thinks it eventually will be approved, although the regional institutions are not enthusiastic about it.

Prof. Kuriger asked whether the distribution of funds within the colleges followed the P-9 model. President Van Horn said he believed it did not and that he will look at that.

Prof. Johnson wanted to know whether the presidents of state higher education institutions would be lobbying for capital funds. President Van Horn answered yes, but that no one wants to talk about a bond issue until the HB 1017 issue is resolved. He said he thought there was a 40% or 50% chance for a \$500 million bond issue.

Mr. Damon Gardenhire, Oklahoma Daily reporter, asked about the difference in ACT scores between minority students and the general student population. President Van Horn said he did not remember the exact scores but could get that information.

Prof. Smith said the Senate office would distribute to the Faculty Senate members a hard copy of the transparencies used by the President (available from the Senate office).

REMARKS BY PROFESSOR ANDY MAGID ON THE UNITED WAY CAMPAIGN

Prof. Magid, faculty co-chair of the United Way campaign, said he believes it is important for the citizens to support the quality of life issues in Norman that United Way provides. He said there is no fixed expectation on how much to give. However, the University would like 50% participation.

APPROVAL OF JOURNAL

The Senate Journal for the regular session of May 6, 1991, was approved.

ANNOUNCEMENTS

The Chair introduced the new members of the Faculty Senate. The roster of Senators is attached (Appendix I). Prof. Smith invited the group to a get acquainted and reacquainted reception following the meeting. He announced that a reception would be held in February or March to commemorate the fiftieth anniversary of the Faculty Senate.

The regular meetings of the Faculty Senate for 1991-92 will be held at 3:30 p.m. on the following Mondays: September 16, October 14, November 11, December 9, January 13, February 10, March 16, April 13, and May 4. The location will be announced later.

The Senate Executive Committee nominated Professor Harry F. (Rick) Tepker (Law) to serve on a re-activated committee to review the procedures for cases of academic misconduct.

The compilation of the 1990-91 annual reports of University Councils was mailed June 12 to the Faculty Senate members and to chairs/directors/deans to make available to the general faculty. Copies are available from the Senate office.

The Senate Executive Committee elected Prof. Peter Kutner as parliamentarian of the Faculty Senate and General Faculty.

University Affairs has asked the governance groups to announce that OU Update is now being published as an insert in the Oklahoma Daily on Wednesdays, as of August 28.

A flyer from the Association of American Publishers on how to request copyright permissions was distributed at the meeting (available from the Senate office).

An ad hoc committee composed of Professors Al Schwarzkopf (Management) and Gary Copeland (Carl Albert Center/Political Science) was formed to recommend the apportionment of Senate seats for 1992-95. As soon as the statistics on the number of regular faculty are available, the committee will make a report to the Senate.

President Van Horn is hosting a faculty/staff picnic October 26 before the football game. Lunch will be provided and football tickets will be available at a reduced rate.

A debate on HB 1017, sponsored by the Employee Executive Committee and the Oklahoma Daily, will be held Friday, September 20, at 11:30 a.m. in Meacham Auditorium. Stan Ward, Jack Edens, Carolyn Thompson, and Cal Hobson will be the panelists. Prof. Smith distributed a memo from Professors Harry (Rick) Tepker and Michael Scaperlanda (Law) outlining the rights of OU employees to express opinions about HB 1017. Professor Smith summarized: "We can say what we want to say as long as we don't pretend we are representing the University, and we cannot spend any University resources to advance our ideas, nor can we in any way let our campaigning or our ideas and thoughts or the work that we might do interfere with our duties." He said many faculty felt the need to speak up and appreciated Professors Tepker and Scaperlanda giving the faculty some idea as to what they can and cannot do. [See Appendix II and New Business.]

DISPOSITION BY THE ADMINISTRATION OF SENATE ACTIONS

[The summary record of the disposition by the administration of Senate actions for September 1990 to May 1991 is attached (Appendix III).]

The following faculty were selected from the nominations submitted by the Senate Executive Committee for the faculty positions on the Provost Search Committee: Joel Dietrich (Architecture), Connie Dillon (Educational Leadership), Roger Frech (Chemistry and Biochemistry), Fred Lee (EECS), Doug Lilly (Meteorology), Nancy Mergler (Psychology), Roger Rideout (Music), Wanda Ward (Psychology), and Daniel Wren (Management). Prof. Rideout will chair the committee.

The appointments to the end-of-the-year vacancies on councils, committees and boards were approved (see 5/91 Senate Journal, page 2 and Appendix I) and are incorporated in the 1991-92 membership booklet that was mailed to the general faculty in late August.

President Van Horn has asked that the proposed revisions in section 2.8.2 of the Faculty Handbook pertaining to faculty evaluations of department chairs and procedures for resolving complaints about the performance of a chair (see 5/91 Senate Journal, page 5) be studied as part of a larger review of the selection, functions, responsibility, and accountability of department chairs.

In response to Senate concern about the Monday OU/Texas football game holiday (see 5/91 Senate Journal, page 5), the administration proposed that some alternative schemes be tried. For Fall 1991 the OU/Texas holiday will take place on Friday, October 11. After the holiday, student and faculty opinion will be sought to determine the best alternative.

In May, the OU Regents approved the revisions in the description of service (see 3/91 Senate Journal, page 6). The degree-granting areas are now being asked to establish and publish review criteria for evaluating service.

At their July meeting, the OU Regents modified the implementation steps of the short-term disability policy for nine- and ten-month faculty to provide an initial deposit in the short-term disability account of 70 days plus 12 additional days for each year of service at OU (see 4/91 Senate Journal, page 3 and Appendixes Ia and Ib). In the original plan, they would have received 6 days per year for service over five years.

SENATE CHAIR'S REPORT

"This month's report is longer than I would like and I hope it is not a pattern for all of the Reports for 1991-1992. What I hope to do is to include those items which would not be included in the Chair's Report in the Announcements in each month's Agenda sent to you or as a separate information attachment to the Agenda. I think doing this will save time during Faculty Senate meetings and also provide time for you to read about and study issues. Of course, any questions/comments about any item will be appropriate for Faculty Senate discussion.

"This month I want to share with you some of the items which have become issues since we met in May and which will likely reach the Faculty Senate during 1991-92. Each of the items involves some controversy and will likely require discussion and debate. I believe it is too early to discuss/debate them today, but I want you to know about them.

Item 1

"It became evident very soon after our May meeting that there was a crisis regarding State funding for higher education. While numerous faculty (many of whom are in this room) worked very hard on the problem and events did turn out better than was first thought, the most disturbing part of that period was that the faculty were surprised by the crisis and by the lack of good information about the situation. It is my opinion that should not happen again. I further believe that the faculty of the University of Oklahoma should become proactive (not continue to be reactive) on the issues having to do with state legislation which impacts our welfare and the way we do our work. I have, therefore, proposed to the Executive Committee that we propose to the Faculty Senate the creation of a permanent standing Faculty Senate Committee (like the Faculty Compensation Committee and the Faculty Welfare Committee) which will be charged with monitoring legislation and talking with people "in the know" about those political events of most importance to the University community. Certainly there is all of the expertise and experience to do that among the faculty of the University. An ad hoc committee to propose and write a description of duties and activity for a permanent committee of the Faculty Senate has been established with Chair-Elect Susan Vehik as chair. I'm certain that that committee and Dr. Vehik will value any thinking/ideas any one of you (and/or any one of your constituents) wants to share with them.

Item 2

"It has become clearly evident that the faculty appeals process is not working and/or causing considerable confusion and unhappiness, especially having to do with the principle of due process. The 1990-91 Chair of the Faculty Appeals Board, Professor Leonard Rubin, in a report submitted

September 12, points out that during the entire academic year 89-90 there were no appeals brought to the Faculty Appeals Board. During 90-91 he, as Chair of the Board, received 8 major complaints of one type or another. In his report he states his concern about the application (or lack of application) of due process concerning actions having to do with faculty and further states, "I am convinced that our fragmented, incoherent jumble of appeals processes have contributed to this." That report, coupled with several letters from faculty I've received since May, makes it clear we need to look at the faculty appeals process, how it is working or not working, what are the problems, what is the source of the problems and how the problems, if they do exist, can be rectified. Over the next couple of weeks, the Faculty Senate Executive Committee and I will be putting together a group to look into this issue and, again, we will very much value your thinking and ideas.

Item 3

"A problem clearly of an academic nature that was addressed by then Chair Andy Magid and the Faculty Senate in 89-90 but apparently was not resolved because of administrative action has to do with University of Oklahoma academic offerings at the University Center at Tulsa. The question is not whether there will or will not be OU programs at Tulsa. There are successful programs now there which are serving a legitimate higher education need. The problem seems to be one of the assurance of continued academic integrity and support, especially for proposed new programs, and the appointment of "resident faculty" at UCT. The fact is that programs/courses at UCT do not go through the faculty review procedures (e.g., Academic Programs Council and/or Graduate Council) that are in place for the Norman Campus. While that may not be a problem for programs/courses already approved as University of Oklahoma programs, there is now a proposal for a new degree program for UCT that does not even exist on the Norman Campus. So, under present review procedures, it is possible that, in the near future, an OU degree can be earned without that degree program having ever been reviewed by the faculty of this University. The Chair of the Academic Programs Council informs me that the membership of that Council will be studying the issue and will likely be bringing the results of their work to the Faculty Senate for consideration.

Item 4

"During the Summer, the faculty of one of our academic units was informed that there would be a change in their status as faculty. University Library Faculty were informed that, in the future, there would be no tenure-eligible faculty for that unit and that present faculty could choose to remain with tenure or on tenure track, elect a "continuous appointment" faculty track without tenure (an option not now described in the Norman Campus Faculty Handbook), or elect to become Professional Staff. This issue is very complex and, needless to say, has been disturbing to the faculty in University Libraries as well as to faculty in other academic units. The issue for the general faculty of this campus has to do with the basic definition of "faculty." Interim Provost Gipson has asked the Faculty Senate to study the entire issue, and that study is now in the process of being organized. Obviously, the issue will be discussed in the Faculty Senate. The definition of "faculty" is one which is not related to only one academic unit. It has implications for us all and is also one being studied and discussed/debated by institutions of higher education throughout the nation. The Senate and the Committee studying the issue will have to thoughtfully consider some basic issues about faculty roles and distinguish between what was done from the emotional issue of how it was done. Again, we invite your thoughts and ideas.

"It looks to me as if we will have a busy year. These are the issues we know about now, and I believe that it is already clear that this will be a year when important questions will become a part of our work in faculty governance and that how we handle the issues could become a test for faculty governance and the Faculty Senate."

ELECTION, UNIVERSITY AND CAMPUS COUNCILS, COMMITTEES, AND BOARDS

The Senate approved the Senate Committee on Committees' nominations to fill vacancies on University and Campus Councils, Committees and Boards (Appendix IV).


NEW BUSINESS

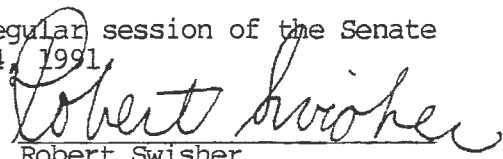
Prof. Breipohl asked whether there would be some interplay between the Provost's office and Faculty Senate on the revisions in the Faculty Handbook. Prof. Smith responded that Prof. Anita Hill, who is the Faculty Administrative Fellow in the Provost's office, will work on that, and she knows faculty issues.

Prof. Smith called on Prof. Tepker to elaborate on faculty rights concerning HB 1017 (see last item of announcements). Prof. Tepker explained that faculty should not feel they are under a special disability because of the state statute. It was designed merely to avoid misuse of public funds.

ADJOURNMENT

The meeting adjourned at 4:50 p.m. The next regular session of the Senate will be held at 3:30 p.m. on Monday, October 14, 1991.


Sonya Fallgatter
Administrative Coordinator


Robert Swisher
Secretary

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The University of Oklahoma (Norman Campus)
1991-92 Faculty Senate

Smith, Jay (Educ. Psychology) - Chair
 Vehik, Susan (Anthropology) - Chair-Elect
 Swisher, Robert (Library & Info. Studies) - Secretary
 Kutner, Peter (Law) - Parliamentarian

<u>Senators</u>	<u>Representing</u>	<u>Term</u>
Hamm, Nickolas (Architecture)	Architecture	1989-92
Hilliard, Edmund (Architecture)	Architecture	1990-93
Boyd, Tom (Philosophy)	Arts & Sciences	1991-94*
Christian, Sherril (Chemistry & Biochem.)	Arts & Sciences	1989-92
Cozad, George (Botany & Microbiology)	Arts & Sciences	1991-92
Fonteneau, Yvonne (English)	Arts & Sciences	1991-94*
Harris, Betty (Anthropology)	Arts & Sciences	1991-92
Havener, Michael (Library & Info. Studies)	Arts & Sciences	1990-93
Hinson, Bruce (Journalism & Mass Comm.)	Arts & Sciences	1991-94*
Hopkins, Penny (Zoology)	Arts & Sciences	1989-92
Jaffe, David (Journalism & Mass Comm.)	Arts & Sciences	1989-92
Johnson, Arthur (Chemistry & Biochem.)	Arts & Sciences	1990-93
Latrobe, Kathy (Library & Info. Studies)	Arts & Sciences	1991-94*
Livesey, Steven (History of Science)	Arts & Sciences	1990-93
Nelson, Donna (Chemistry & Biochem.)	Arts & Sciences	1990-93
Norwood, Stephen (History)	Arts & Sciences	1991-94*
O'Halloran, Maureen (Physics & Astronomy)	Arts & Sciences	1990-93
St. John, Craig (Sociology)	Arts & Sciences	1990-93
Sullivan, Regina (Psychology)	Arts & Sciences	1990-92
Swoyer, Chris (Philosophy)	Arts & Sciences	1989-92
Vehik, Susan (Anthropology)	Arts & Sciences	1990-93
White, Luther (Mathematics)	Arts & Sciences	1989-92
Whitcotton, Joe (Anthropology)	Arts & Sciences	1991-94*
Whitmore, Stephen (Physics & Astronomy)	Arts & Sciences	1991-94*
Kenderdine, James (Marketing)	Business Administration	1991-94*
Schwarzkopf, Al (Management)	Business Administration	1991-94*
Stanhouse, Bryan (Finance)	Business Administration	1991-93
Willinger, G. Lee (Accounting)	Business Administration	1991-92*
Dillon, Connie (Educ. Leadership)	Education	1991-94*
Smith, Patricia (Educ. Psychology)	Education	1990-93
Breipohl, Arthur (EECS)	Engineering	1990-93
Foote, Bobbie (IE)	Engineering	1989-92
Kuriger, William (EECS)	Engineering	1990-93
Schlegel, Robert (Industrial Engr.)	Engineering	1991-94*
Striz, Alfred (AME)	Engineering	1989-92
Zaman, Musharraf (CEES)	Engineering	1989-92
Bennett, Sally (Music)	Fine Arts	1991-94*
Cornelius, Marjory (Music)	Fine Arts	1991-94*
Curtis, Steven (Music)	Fine Arts	1990-92
Levy, Janey (Art)	Fine Arts	1990-93
Paolino, Ray (Drama)	Fine Arts	1989-92
Harper, Charles (Geology & Geophysics)	Geosciences	1989-92
London, David (Geology & Geophysics)	Geosciences	1991-94*
Wallach, Bret (Geography)	Geosciences	1991-94*
Schnell, Gary (Zoology)	Graduate College	1989-92
Kutner, Peter (Law)	Law	1989-92
Hill, Anita (Law)	Law	1991-94**
Vestal, Bedford (Zoology)	Liberal Studies	1990-93
Cross, Jack (Aerospace Studies)	Provost Direct - ROTC	1991-94**
Kidd, Claren (Univ. Libraries)	Provost Direct - Library	1990-93

* New member

** Re-elected member

SEPTEMBER 16, 1991

M E M O R A N D U M

TO: JAY C. SMITH
PRESIDENT, FACULTY SENATE

FROM: HARRY F. TEPKER, JR.
MICHAEL A. SCAPERLANDA

RE: FREE SPEECH RIGHTS OF FACULTY DURING BALLOT MEASURE CAMPAIGNS

Recent memoranda from the university administration advise that "state law prohibits the use of University time or resources to lobby or campaign for approval or rejection of the repeal [of House Bill 1017]." *Memorandum of Interim Provost Richard C. Gipson* (Aug. 27, 1991). See also *Memorandum of President Richard L. Van Horn* (Aug. 20, 1991). As you indicated, some faculty members have interpreted administration warnings to mean that they must not express opinions for or against repeal, except after work and away from University premises.

The basic statute relevant to this problem is 26 Okla. Stat. § 16-119, which provides:

Any official in this state who shall direct or authorize the expenditure of any public funds under his care, except as specifically authorized by law, to be used either in support of, or in opposition to, any measure which is being referred to a vote of the people by means of the initiative or referendum, or which citizens of this state are attempting to have referred to a vote of the people by the initiative or referendum, shall be deemed guilty of misdemeanor, . . .

Though the statute deals with "sensitive areas of basic First Amendment freedoms," it appears to be carefully crafted and narrowly drawn so it does not "inhibit the exercise of [those] freedoms." *Grayned v. Rockford*, 408 U.S. 104, 109 (1972). The narrow--and proper--focus of the statute is to ensure that resources dedicated to public uses not be misappropriated for personal political causes.

The statutory prohibition does not mean that a faculty member must remain silent on this one issue--as opposed to all other issues--in the course of faculty meetings, Faculty Senate meetings, scheduled public debates, or other occasions and forums when the issue arises. There are several other more specific principles which may aid a faculty member to know the difference between constitutionally-protected activity and unlawful activities.

(1) Oklahoma law does not subject university faculty to special prohibitions or disabilities from participating in the debate respecting the merits or shortcomings of HB 1017. The relevant Oklahoma statute is not designed to prohibit university faculty or other public employees from expressing opinions. I believe neither President Van Horn nor Provost Gipson intended to suggest otherwise.

(2) A faculty member is not obliged to conceal his or her affiliation or position with

the university when addressing the public on the ballot measure. It may be prudent, of course, for a faculty member to say that he or she is not speaking as a representative of the university.

(3) University faculty, like other public employees, may not use First Amendment rights as an excuse to neglect job duties. The Constitution does not "place an employee in a better position as a result of . . . constitutionally protected conduct than he [or she] would have occupied had he [or she] done nothing." *Mt. Healthy City School District Board of Education v. Doyle*, 429 U.S. 274 (1977). The considerations underlying *Mt. Healthy* are probably one source for Interim Provost Gipson's warning that employees should not use "university time" for campaigning. It means employees should not be leaving work or neglecting work when they are expected to be working. It does not mean that there is some taboo against talking about HB 1017 between 8 a.m. and 5 p.m.

(4) Faculty and other public employees may not take advantage of special access to university facilities and assets to communicate their views. For example, faculty must not use funds, postage, stationery and similar supplies and equipment, because that is the same thing as "direct[ing] or authoriz[ing] the expenditure of . . . public funds" for campaign purposes.

If the Oklahoma statute were interpreted broadly to prevent university employees from expressing their own views, it would be a serious violation of the First Amendment. In *Pickering v. Board of Education*, 391 U.S. 563 (1968), a public school teacher was dismissed for writing a letter criticizing the board of education for failing to raise sufficient funds for public education. The U.S. Supreme Court held the dismissal violated the teacher's rights of free speech. *Pickering* emphasizes a person does not lose the right to comment on public issues merely because the person is employed by government. Government may restrict a public employee's speech only when necessary to "promot[e] the efficiency of the public services it performs." Finally, the rights of public school teachers to comment on issues of public policy—including public school funding—are given great protection, because teachers can make special contributions to public debate.

The question whether a school system requires additional funds is a matter of legitimate public concern on which the judgment of the school administration [cannot], in a society that leaves such questions to a popular vote, be taken as conclusive. [Teachers] are, as a class, the members of the community most likely to have informed and definite opinions. . . . Accordingly, it is essential that they be able to speak out freely on such questions.

As a result, the Court concluded:

The interest of the school administration in limiting teachers' opportunities to contribute to public debate is not significantly greater than its interest in limiting a similar contribution by any member of the general public.

cc: President Richard L. Van Horn
Interim Provost Richard C. Gipson
Fred Gipson, University Counsel

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RECORD OF DISPOSITION BY ADMINISTRATION OF FACULTY SENATE ACTIONS
(September 1990 - May 1991)

	Date of Senate mtg.	Item*	Origin	Disposition, Date
1	9-10-90	Faculty replacements, councils/committees	Senate	Appointed, 9/26/90
2	10-8-90	Resolution, prevention of racial harassment	Senate	Acknowledged, 10/22/90
3	10-8-90	Faculty replacements, councils/committees	Senate	Appointed, 11/5/90
4	11-12-90	Faculty replacements, councils/committees	Senate	Appointed, 11/28/90
5	11-12-90	Search Committee, Student Affairs Vice President	President	Appointed, 11/28/90
6	11-12-90	Resolution, changes in final examination policy	Senate	Approved, 12/7/91
7	11-12-90	Resolution, library budget	Senate	President provided funding to match or exceed last year's level, 1/2/91
8	11-12-90	Revised Ethics in Research policy	Research Council	Under review by Legal Counsel
9	11-12-90	Communicable Disease policy	President	Approved, 1/21/91
10	12-10-90	Racial and Ethnic Harassment policy	President	Approved by OU Regents, 12/19/90
11	12-10-90	Paid Leave and Short-Term Disability policy	President	Approved, 4/4/91; Revised, 7/18/91
12	1-14-91	Faculty replacements, councils/committees	Senate	Appointed, 1/16/90
13	3-11-91	Description of faculty service	CE&PS Council	Approved by OU Regents, 5/9/91
14	4-8-91	1991-92 Program Review Panel	Provost	No action necessary
15	5-6-91	OU-Texas holiday	Senate	Friday holiday to be tried, 6/10/91
16	5-6-91	Procedures for faculty evaluation of and for resolving complaints about department chairs	Senate	President wants expanded review of chair selection, functions, responsibility and accountability, 6/17/91
17	5-6-91	End-of-year faculty replacements, councils/comm.	Senate	Appointed, 7/24/91
18	5-17-91	(Exec. Comm. action) Search Committee, Provost	President	Appointed, 7/24/91

*Full text of recommendation can be found in Senate Journal for date indicated at left

FACULTY SENATE COMMITTEE ON COMMITTEES' NOMINATIONS FOR
COUNCILS, COMMITTEES, AND BOARDS (September 1991)

Academic Regulations Committee:

to replace Fred Miller, 1989-93 term
Stewart Ryan (Physics & Astronomy)

Athletics Council:

to replace Henry Eisenhart, 1990-93 term
Rod Uphoff (Law)

Bass Memorial Scholarship Committee:

one faculty member from Economics, 1991-93 term
Lex Holmes (Economics)

Campus Tenure Committee:

to replace John Seaberg, 1989-92 term
Jody Newman (Educational Psychology)
to replace Kenneth Starling, 1990-93 term
Tzvi Gal-Chen (Meteorology)

Committee on Discrimination:

to replace Walter Wei, 1990-93 term
Ted Herstand (Drama)
two faculty, 1991-94 term
Jerry Straka (Meteorology)
Lee Willinger (Accounting)

Committee on Sexual Harassment:

one faculty, 1991-94 term
Frank McQuarrie (Instructional Leadership)

Continuing Education and Public Service Council:

to replace Andrew Miller, 1989-92 term
Adedeji Badiru (Industrial Engineering)

Equal Opportunity Committee:

to replace Jerlene Reynolds, 1989-92 term
Larry McNeal (Educational Leadership)
one faculty member, 1991-94 term
Karen Rupp-Serrano (University Libraries)

Faculty Appeals Board:

to replace Walter Wei, 1989-92 term
JoAnna Rapf (English)
to replace Nicholas Howe, 1989-93 term
Arn Henderson (Architecture)
to replace Margarita Banos-Milton, 1991-95 term
James Kudrna (Architecture)

Parking Violation Appeals Committee:

to replace Jerlene Reynolds, 1990-92 term
Igor Reider (Mathematics)

Rita Lottinville Prize for Freshmen Committee:

two faculty members, 1991-94 term
Michael Flanigan (English)
Lawrence Larsen (MLL&L)

ROTC Advisory Committee:

to replace Kenneth Nicholas, 1990-93 term
John Albert (Mathematics)

Speakers Bureau:

to replace Robert Richardson, 1989-92 term
Osborne Reynolds (Law)