

## **FACULTY SENATE MINUTES NOVEMBER 11, 2004**

Senators Present: David Bailey; Christopher Baldwin; Jim Carter; Steven Cuvelier; Peggy DeMers; James DeShaw; Mark Frank; Mary Gutermuth; Marsha Harman; David Henderson; Lady Jane Hickey; Joan Hudson; Joe Kirk; Gerald Kohers; Tom Kordinak; Paul Ioeffler; Bill Lutterschmidt; Philip Morris; Valerie Muesham; Debra Price; Gary Smith; Christopher White; Patricia Williams.

Senators Absent: Stacey Edmonson (professional conflict); Deborah Hatton (professional conflict); Holly Miller (professional conflict);

Chair Harman called the meeting to order at 3:30 p.m. and introduced Dr. Fernando Gomez, the Texas State University System's Lawyer for a presentation and open forum with the Faculty Senate.

Dr. Gomez had spent the earlier part of the day meeting with Chair Harman, Associate Vice President Eglsaer, Chairs and members of the Academic Affairs and Faculty Affairs committees of the Faculty Senate. Discussions in those meetings focused principally on issues of Post Tenure Review and the ongoing revision of the SHSU Faculty Grievance Policy although other subjects were addressed as well.

Chair Harman requested Dr. Gomez to begin his discussion with the Faculty Senate by addressing issues of separation of church and state particularly with regard to the place of prayer at events on campus.

Dr. Gomez began by offering the Faculty Senate an analysis of the establishment and free exercise clauses of the U.S. Constitution, pointing out as well some current case law concerning the exercise of religious expression on public property. Dr. Gomez concluded that public property belongs to all citizens and that SHSU: (1) should be sensitive to the diversity of religious beliefs and non-beliefs represented on campus; (2) should not favor or elevate one set of religious beliefs or expressions over any others; (3) university sponsored events should not necessarily begin and/or end with a prayer and if they do the prayer or religious expression should be non-denominational and inclusive; (4) freedom of speech and expression should be tolerated and celebrated on campus within reasonable limits protecting the rights of others exposed to the statements or expressions of belief.

Dr. Gomez also presented an overview of his thoughts on Post Tenure Review and the Faculty grievance procedure and engaged in a question and answer session on those topics with the Senators. Dr. Gomez assured the Faculty Senate: that he believed in shared governance; that grievance policies and procedures would include and ensure all of the Constitutional protections of due process and impartiality; and that the outcome of grievance procedures, whatever their source, would only involve potential termination in the most extremely unique cases. When asked by Senator Kordinak specifically about cases of faculty on faculty grievances and the use of Tribunals with the authority to terminate faculty members, Dr. Gomez noted that a recent case involving a Tribunal was

unique and that only in exceptional circumstances would the option of a Tribunal and the possible termination of a Faculty member be appropriate. He also noted that for that reason SHSU probably needs another policy alternative to address Faculty on Faculty grievances.

Chair Harman thanked Dr. Gomez for his willingness to engage in direct dialogue with the Faculty Senate and for the time and energy he invested at SHSU working with the Faculty Senate on issues of concern to the faculty and administrators.

The Faculty Senate adjourned at 5:00 p.m.

Respectfully Submitted  
Jim Carter