

Special Report

“Black Tuesday” Epilogue? An Investigative Series on the Use of the CoB for Personal Gain

The following insert was first published by USMNEWS.net as part of **CoB News, 29 October 2008**. It concerns recent events related to [Black Tuesday in the CoB](#), which is one of the links in the USMNEWS.net [Archives](#). This portion of that prior **CoB News** installment deserves its own report, and to be housed on the [Black Tuesday in the CoB](#) page of the [Archives](#).

Carter’s Reach

Below, USMNEWS.net reporters have inserted page 1 of the 10-July-08 meeting Minutes of USM’s Council of Chairs. The purpose of doing this is not to highlight the fact that newly-appointed interim chair of MGT & MKT, David Duhon, *missed* the meeting, his first as interim chair. No, this section of **CoB News, 29 October 2008**, focuses on the comments of another CoB administrator, EFIB chairman George Carter.

Council of Chairs / Minutes / 10 July 2008

Location: Fritzsche-Gibbs 114

Present: Dr. Chris Campbell, Dr. Susan Fitzsimmons, Dr. George Carter, Dr. Edward Mann, Dr. Susan Hubble Burchell, Dr. Kathleen Yadrick, Dr. Lisa Nored, Peggy Price

Absent: Dr. Leah Fonder-Solano, Dr. Steven Jackson, Dr. David Duhon, Dr. M. Jay Norton, Dr. Gaylynn Parker, Dr. Tim Rehner, Dr. Ken Malone

1.0 Chair Yadrick called the meeting to order at 12:20.

2.0 Introductions

Dr. Yadrick welcomed new members and initiated introductions.

3.0 Membership Roster

Council members discussed the membership roster and provided information regarding terms of service. Membership status was updated for everyone except Dr. Ken Malone. COST needs to elect a new representative to replace Dr. Dixon. Dr. Nored will follow-up with Dr. Dixon.

4.0 Website

Peggy Price discussed the new website for COC. She has transferred documents and content from the old site into the standard USM template and is in the process of updating the pages. The url is www.usm.edu/coc.

5.0 Election of Chair-elect

Dr. Yadrick opened the floor for nominations for chair-elect for 2008-2009. Dr. Edward Mann was nominated and elected by acclamation.

6.0 Faculty Handbook Changes

Dr. Yadrick offered copies of the document reflecting changes to the Faculty Handbook recommended by the Handbook Committee and approved by Faculty Senate. The changes were submitted to the COC for review, not approval. Dr. Carter determined that the changes will not necessitate a change to the COB Faculty Handbook. He also suggested a clarification to section 8.3.1:

The handbook should explicitly number each of the 3 options for personnel committee membership in order to make clear the paragraph at the bottom of the page referring to Option 1, Option 2, and Option 3.

7.0 Communication with Provost: priority concerns of COC

Chair Yadrick opened discussion about the Provost meeting with the Council and a review of the priority concerns. She suggested a meeting first between the

In the CoC Minutes insert above, Carter explains to the CoC that USM’s then newly-amended Faculty Handbook contained new language about the composition of faculty governance committees. That new language is actually *old* language reborn, and it concerns the **three** governance options available to USM faculty. Though some CoB faculty may have been voting on the basis of *three* options for some time, long-time readers of USMNEWS.net are aware that recent versions of the USM Faculty Handbook stipulated only *two* options: (1) three faculty members (chair eligible) and (2) chair only. Recent amendments to the Faculty Handbook signal a return to the past, when there were three options: (1) three faculty, no chair, (2) three faculty, w/ chair as one of three, and (3) chair only. The section – 8.3.1 – of the recently amended USM Faculty Handbook referred to by Carter above is inserted below:

8.3 THE DEPARTMENTAL PERSONNEL COMMITTEE

8.3.1 Committee Membership. All members of departmental Corps of Instruction with a minimum of three (3) years of service with the University and who hold the rank of associate professor or higher are eligible for committee membership. Department chairs with less than three years of service at the University, who hold the rank of Associate Professor or higher, are also eligible for committee membership. The Departmental Personnel Committee is elected annually by the members of the Corps of Instruction employed by the academic department. This election occurs at a departmental meeting and is accomplished by means of a secret ballot. A department may choose one of the following three options for its Departmental Personnel Committee: *Option 1:* Authority for all personnel evaluations and recommendations, exclusive of recommendations for pre-tenure review, tenure, and promotion, is vested in the department chair. *Option 2:* A personnel committee consisting of the department chair and two members of the Corps of Instruction employed by the academic department. The three-member committee then elects its chair. The chair of the committee, after obtaining signed concurrence or dissent from each committee member, submits the committee's evaluations and recommendations to the department chair. In turn, the department chair prepares independent personnel evaluations and recommendations and transmits them, along with the signed evaluations and recommendations of the Departmental Personnel Committee, to the dean of the college. *Option 3:* A personnel committee consisting of three members of the Corps of Instruction employed by the academic department, exclusive of the department chair. The three member committee then elects its chair. The chair of the committee, after obtaining signed concurrence or dissent from each committee member, submits the committee's evaluations and recommendations to the department chair. In turn, the department chair prepares independent personnel evaluations and recommendations and transmits them, along with the signed evaluations and recommendations of the Departmental Personnel Committee, to the dean of the college.

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As is clear, the USM Faculty Handbook Committee ultimately took Carter's "suggestions" to heart and "explicitly number[ed]" the three *new* (or *old*) faculty governance options. According to sources, for USM faculty governance the 2008 Faculty Handbook amendments represent a not-so-good journey back to the future.

Unfortunately, sources add, the skullduggery does not stop here. The following page of the 2008 Faculty Handbook includes provisions for replacing members of the faculty governance committee. That page is inserted below:

8.3.3 Replacement of Committee Members. If a committee member resigns, dies, or otherwise relinquishes the committee position, another eligible faculty member within the department must be elected in the same manner that the original members were chosen. If a department is operating under Option 2 (department chair and two other faculty members) and the chair of the department resigns from the Departmental Personnel Committee or is no longer able to serve on that committee, the members of the department's Corps of Instruction must reconvene and choose either Option 1 or Option 3 as their operational Departmental Personnel Committee for the remainder of the academic year and until the next annual election of the Departmental Personnel Committee option.

Of particular interest is the following statement:

"If a department is operating under Option 2 (department chair and two other faculty members) and the chair of the department resigns from the Departmental Personnel Committee or is no longer able to serve on that committee, the members of the department's Corps of Instruction must reconvene and choose either Option 1 or Option 3 as their operational Departmental Personnel Committee for the remainder of the academic year and until the next annual election of the Departmental Personnel Committee option."

Thus, what was only an *unwritten* legal opinion offered by USM counsel Lee P. Gore through EFIB chairman George Carter on "[Black Tuesday](#)" of 2006 is now codified plainly in the 2008 version of USM's Faculty Handbook. And, according to sources, as a result USM department chairs can hold Option 2 hostage, meaning that there are only two *possible* options for faculty governance at USM. Of course, any department chair seeking to hold Option 2 hostage has only one thing in mind, which results in only one *real* option – in

which case there is no *option* at all – for faculty governance underneath the verdant trees and inside the sheltering walls of Southern Miss.