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SENATE EXECUTIVE COMMITTEE MEETING
MINUTES
January 8, 2003

Present: Jesse Binford, Elizabeth Bird, Julian Dwornik, Susan Greenbaum, William Kealy, Jana Futch Martin, Cheryl McCoy, Gregory Paveza, John Richmond, Nancy Jane Tyson

Provost’s Office: Phil Smith, David Stamps

Student Government: Gregory Sanderson

Guests: Michael Berman, Student Senate President; Michael Griffin, Student Body President; Sara Mandell, Graham Tobin

The meeting was called to order at 3:05 p.m. The Minutes of December 4, 2002, and today’s agenda were approved as presented.

PRESIDENT’S REPORT AND ANNOUNCEMENTS (Gregory Paveza)

President Paveza welcomed everyone back for the spring semester. He then reiterated his commitment that as he joins the Board of Trustees (BOT) he would, at every opportunity, work with them as colleagues seeking to make this university great. However, when he believes that proposed actions would be detrimental to the educational and research life of this university or detrimental to the welfare of the faculty and others who strive to make this university great, he would voice and vote that opinion.

He then turned to the issue of a governance structure, of which its elected leaders were present at today’s meeting, and its representative participatory body is the Faculty Senate. The issue for President Paveza is making sure that when the faculty governance body and its leaders are not engaged in the decision-making process that they raise issue with the process and insist on their participation. This at times may require reminding the administration that it does not pick the faculty leaders, the faculty do through a well established process. This means that if the administration is unhappy with the leadership at any particular time, that it does not have the right to ignore them and pick others as the leaders, but rather that it find a way to work with those leaders. Parenthetically, President Paveza noted that he does not feel that he has been ignored, but at times it has appeared even to him that the Senate and other members of its leadership have been.

He added that shared governance from his perspective is not consultation after the fact but involvement from the outset as ideas and policies are being formulated. However, shared governance does not mean that the faculty have the one eternal truth and that it is “our way or no way.” Instead, faculty must be prepared to compromise, to find that outcome which meets the diverse needs of all members of this university, the board, the faculty, the administration, the
students and the staff. Too often it seems to him that faculty have taken the position of moral
certitude on issues that are far too complex to have any moral certitude. A way must be found to
work toward compromise without giving up beliefs.

Shared governance is also recognizing that when somewhere in the neighborhood of 1,000
faculty who have always been considered the bargaining unit faculty indicate that they want a
collective bargaining agent and a collective bargaining agreement, that that request not be
ignored, or faculty are indeed being harmed.

A second issue was the fact that the BOT has not passed a motion that would recognize the
current collective bargaining agent and collective bargaining agreement. President Paveza stated
that if this issue has not been resolved beforehand, that he would place before the BOT at his
first available opportunity a motion recognizing the United Faculty of Florida (UFF) as the
collective bargaining agent. Additionally, President Paveza will be following the development
of the rules closely and, if necessary, will propose substitute rules on behalf of the Senate. He
pointed out that what this means for the Senate Executive Committee (SEC) is that it may have
to meet more frequently than in the past and asked for its assistance in preparing his arguments
for the Board.

President Paveza then read an e-mail message from Vice President Carl Carlucci regarding
USF’s transition from the Florida Accounting Information Resource (FLAIR) to the
Fundamental Accounting System (FAST) on July 1, 2003. The various components of the
FAST plan are posted on its web page (http://www.usf.edu/Fast/financials/). President Paveza
asked that the SEC members review this plan and send him any comments and suggestions that
he will, in turn, forward to Dr. Carlucci.

PROVOST’S REPORT (David Stamps)

Provost Stamps announced that instead of providing a report, he wanted to start by saying that as
Provost, he feels that his primary responsibility is the academic side of the university; that is, the
faculty. He added that the administration is interested in complete consultation with the faculty
and with the staff. The Provost has always wanted to focus on moving the university forward
and the only way this can be done is by supporting the faculty. He has stated in the past, and
now again, that it was a mistake on the part of the university that the temporary rules were
passed without adequate consultation. President Genshaft recognizes and also supports that
statement. As the university moves through this transition period, he stated to the Faculty Senate
that this would not happen again. As the university moves forward in discussion in terms of
permanent rules, the faculty will be consulted.

It is the Provost’s understanding that if the university is to keep on schedule for permanent rules,
there would not be enough time for the degree of discussion that he thinks is necessary with the
faculty. The Provost would like to see the Faculty Senate support a resolution that would agree
with the university, and at the end of 90 days put before the BOT another set of temporary rules.
The reason for this is because both he and President Genshaft realized that including examples of
misconduct was a mistake and should not have happened. The reason why it happened was
because the temporary rules that are now in effect are for the entire university including A&P,
USPS, and other people throughout the university. However, from a faculty standpoint examples of misconduct have never been provided because of their controversial nature. This is unfortunate and is detracting from the overall mission here at the university. Provost Stamps reiterated that President Genshaft fully agrees. If PERC certifies the faculty union, the administration will then enter into bargaining with the faculty union. In the case that this does not happen, at the end of 90 days there will still be a need to have additional temporary rules to continue until permanent rules are agreed upon and are approved. He stressed that he would like to have adequate time for the faculty and the staff to participate fully in a discussion of the rules. Provost Stamps would like to propose that if the university has what is necessary for additional temporary rules, there would not be any examples given as far as misconduct is concerned. It does matter that many of the examples that were given were to discipline faculty. The point is that this is something that is new and has caused concern among the faculty, and the Provost thinks that it should not be a part of any rules.

President Paveza clarified that what he understood the Provost asking for at this point is that the SEC recommend to the Faculty Senate the possibility of a resolution that would be supportive of those two principals. The Provost replied in the affirmative. He also added that as part of his report that the President’s Faculty Excellence Awards will go out next week. There are 140 awards provided as opposed to 100. They are designed to encourage faculty to stay, but there are no stipulations associated with it. It is an attempt to reach as many faculty members as possible. Those raises will range from 8 percent to 12 percent. The committee consisted of distinguished professors and other outstanding faculty members, none of who were put up for awards. They did an excellent job of evaluating the 162 faculty members who were nominated and of those 140 will receive awards.

President Paveza asked the Provost if it is known where the university stands at this point in terms of operation? Are we public or are we city employees or are we simply in the same place as before? The Provost replied that we are now public employees and no longer state employees.

Vice President Susan Greenbaum asked if all of the universities went through this temporary ruling process. Associate Provost Smith replied that most of the universities did go through the same process. The other universities either had to do one of two things: put temporary rules in place, go to permanent rules in a hurry, or take their existing rules and perpetuate them. He pointed out that the existing rules were written for USPS, A&P, and faculty. If the existing rules had simply been perpetuated, they would have seemed more onerous than the rules that went into place. For example, there would have been nothing with respect to academic freedom and the misconduct rule was even more ponderous than the one that was put into place on a temporary basis. Yes, the university could have chosen to perpetuate the existing rules, but it would have probably been a worse course of action than what happened.

Senator-at-Large Elizabeth Bird pointed out that the faculty handbook is in force which indicates an assumption that there is no collective bargaining agreement. So now there are two sets of rules that faculty are working under, the temporary rules and the new BOG rules, some of which are in conflict. Associate Provost Smith replied that the faculty handbook, which is very old, is in force except for those parts of the faculty handbook that cite to the bargaining agreement. The bargaining agreement is gone and much of the faculty handbook cites to that agreement. All of
the collective bargaining agreements do not exist, and that is a fact not an opinion. He added that, extensively, yes there are two sets of rules. How the issues will be resolved between the BOG and the local BOT about exactly who is responsible for what is still not a completely answered question. The reason that the BOG adopted the old Board rules was because it was the easiest thing to do in the short run. The old Board rules on the web site were in the form of what are called “Chancellor’s Memorandums.” Many of those no longer exist. At this point in time, Associate Provost Smith anticipates that the BOG will put those rules in place but not on a permanent basis, and they will be reconciled fairly quickly with the temporary rules that have been put in place. Provost Stamps continued by stating that there was no intent whatsoever as far as this administration is concerned to attempt to do anything against the faculty. It would be unwise to attempt to set up an adversarial relationship with the faculty. There are certain things that have happened that has caused distrust among the faculty, there have been administrative mistakes made and the administration has admitted to those mistakes. Provost Stamps stated that what the administration wants to try to do now as best it can is to go back and ask where can it go forward from the mistakes. When there is a certain amount of distrust, this is very difficult to do. There is no reason for this administration to be against the union. There are many interpretations to be considered. The union contract went away and this was already written in the contract as of January 7, 2003. The administration has sent a letter to United Faculty of Florida President Dr. Roy Weatherford stating that it will be delighted to start negotiations with the union as soon as the union is certified. This is all the administration is asking for is certification. The administration is willing, able, and ready to start negotiations. It wants to get this out of the way as quickly as possible.

Past President Jesse Binford asked if the Board of Governors (BOG) is referring to the Board of Regents Operational Manual when it talks about rules and regulations. He is particularly interested in the selection of the president. Associate Provost Smith replied that it has not been made clear as yet exactly what parts of the BOR Operational Manual the BOG has adopted. In addition to the temporary rules that USF is now operating under, there are other documents out there. For example, the university guidelines on tenure promotion that were promulgated and went into effect in August 1998, and are still in effect. The rules for how to obtain tenure and promotion at this university that have been in effect for a long time, plus the continuing status of those faculty members who are tenured, are totally unchanged.

President Paveza added that the BOG passed only two short and simple motions, but what they passed are in some conflict with each other. One says the BOG is adopting all of the Board rules, and the other says but everything that has been devolved to the universities is devolved to the universities. They have passed a set of conflicting motions in essence saying they have adopted some things but not really all of them because whatever has been passed to the universities is still passed to the universities. They made a very clear statement that the presidential issues are now the responsibility of the local BOT such as selection, hiring, firing, and compensation. There are clearly no set standards unless an individual university has taken the time to set them. President Paveza indicated that he would pass this along to Richard Briggs. Past President Binford suggested that there might be an issue for the BOG to consider.

Associate Provost Smith explained that what the BOG did at its meeting the previous day was to give the local BOT certain authorities locally, and among those was the authority to bargain
locally. What confuses that issue somewhat is bargain with whom? The law that governs public collective bargaining in Florida requires certification of the bargaining units, not just for faculty members but for any bargaining unit that is on campus. With the expiration of the bargaining agreement which was part of the agreement agreed to by both parties, and with the expiration of that document, and with the expiration bargaining agreements for other campus unions (UFF is one of only five unions operating on this campus) the bargaining agents must seek certification through the Public Employees Relations Commission (PERC). That is why there has been the filing of cards. Now, whether ultimately there is an actual election to select the bargaining agent or not is dependent upon several things. When there is absolute clarity about whether the university BOT is the legal public employer which is different from the successor in Florida (there is a very major legal difference between those), then one of the options is for the public employer to agree to recognize the union. This does not certify the union, it just moves it into a process that can be considered to say let us see if these other standards that are prescribed in statute are met, and they could then, certify the union on that basis. Something else could also happen, and that is if another union steps forward and says it wants to be considered as the legitimate, recognized bargaining agent for the faculty of USF (this only require 10 percent of signatures on cards) then PERC would be faced with the probability of conducting an election. Or, if the public employer did not recognize the union then certification would have to come through the election process. These are the various possibilities for any of the unions and are the mechanisms that would have to unfold for all of those. When the union is certified, what that does is make it possible for the public employer and the various union(s) to sit down at the bargaining table and to reconstruct the bargaining agreement. It is a set of complicated legal issues.

The question was asked if PERC certifies the union, would the administration support the collective bargaining agent? Provost Stamps replied that, yes, the administration would be working with the agent to develop a collective bargaining agreement. He added that the administration favors this union over any other union. He also reiterated his statement to the Faculty Senate at least two or three meetings ago that the administration had no problem with the current faculty union. In addition, and he thinks everybody in administration believes this further, and that is there will be a union at USF. Some would be much worse to work with than the current one.

Associate Provost Smith added that the union has just filed over 1,000 cards. What is the probability of the union not carrying certification? Slim to none. So why do it, is essentially the point he makes. If someone is asking a philosophical question about unions and whether or not there should be unions in universities, and whether faculty are best served by unions or not and if you are posing a question of personal conviction, he thinks unions do serve the best interests of faculty.

Past President Nancy Jane Tyson replied that among the scenarios that Associate Provost Smith mentioned, she did not hear the one that is stipulated in Florida Statute 447.307 which is that if the petition consisting of 30 percent of the employees in the bargaining unit is filed and validated by PERC and it is determined by PERC that the petition is sufficient, PERC shall immediately establish an election.
President Paveza replied that PERC has to validate that there have been sufficient petitions. If they certify that there is a petition on board, one of the options would be for the BOT to say, given the fact that 60 percent of the faculty are in the bargaining unit have already indicated their willingness to do that, they are going to recognize this union assuming no other union steps forward to be considered the bargaining agent. If that happens, then PERC must conduct an election. He thinks what everybody is waiting for is PERC to say that sufficient petitions have been filed that suggest that an election need to be held at which point many things can begin to happen. Past President Tyson added that USF pays one-half of the cost if there is an election.

President Paveza pointed out that if PERC says there are petitions, he fully intends to introduce a motion to the BOT that will recognize the United Faculty of Florida (UFF) as the bargaining agent for this university or recommend to PERC that it recognizes UFF as the bargaining agent for this university assuming no other agent comes forward. He added that he would do whatever he can as a member of the BOT to see that certain things happen because from the philosophical point, he believes that unions are in the best interest of this faculty. We need to let some things unfold.

Provost Stamps added that the administration is absolutely committed to working with the faculty. There has never been and there is not an attempt to undermine the faculty or do away with tenure. As faculty themselves, the administration knows there is a lot of work to do to improve morale and regain the trust of faculty. It is unfortunate that this has happened, but the administration is committed to supporting the faculty.

Senator Graham Tobin, Chair of the Ad Hoc Committee on Permanent Rules, attended today’s meeting at the request of President Paveza. President Paveza pointed out that he would like to broaden the charge of this ad hoc committee to not only work with the administration but also to create a second set of temporary rules and also work with the administration on any permanent rules. He reminded everybody that a third of the faculty are not protected under the collective bargaining agreement and for these faculty rules have to be in place.

President Paveza has also asked the ad hoc committee if in the process they truly believe they have not been able to reach a reasonable working set of rules in working with the administration, that they be prepared to bring to him and to work with him on establishing a set of substitute rules which he will, if necessary, introduce to the BOT. He does not think this will happen because he believes that the administration is prepared to work with this faculty to come up with a set of rules that represents both the best interests of the faculty and the university.

Senator Tobin commented that one of the things Provost Stamps said is he is most open and committed to working within the context of the existing temporary rules to improve those rules. For example, the rule on misconduct over which everyone seems to be upset. What may be necessary because of the timetables involved for the approval of permanent rules, is to substitute additional temporary rules or change some of the existing one, as the Provost has indicated. As we move through the process of putting permanent rules in place that also would do two things: It would provide the kind of time needed over the course of Spring semester for consultation with faculty for those permanent rules. It would allow the process to unfold with respect to union certification and the bargaining process committee.
President Paveza pointed out that the motion is to expand the charge to the ad hoc rules committee to include, if necessary, bringing and working out a set of alternative rules should they not be able to reach a reasonable set of agreements with the administration. The motion was seconded and opened for discussion.

Past President Tyson commented that it is still a matter of legal dispute whether the bargaining agreement is in effect or not. She does not think this body should validate any rules that supplant the bargaining agreement. President Paveza pointed out that fully a third of the faculty are not covered by the collective bargaining agreement, and rules are needed for those faculty. Past President Tyson asked that her point be included for the record.

At this point Senator Tobin read the following statement “As a faculty member covered by the Collective Bargaining Agreement, I believe that the provisions of that agreement take precedence over the University Rules. Until it is clearly established otherwise, I do not accept in any shape or form a position that faculty are giving up the rights established in the CBA. I also deplore the process through which the emergency rules were created and promulgated, a process that showed complete disregard for the established standards of shared governance. At the same time, I recognize that many faculty represented by the Faculty Senate are not covered by the CBA, thus will be subject to the USF personnel rules. It is important that their rights are safeguarded through adequate consultation.

I am thus accepting this assignment in good faith, assuming that it represents a genuine effort on the part of the administration to re-establish the commitment to collegial and shared governance. I look forward to working directly with the Office of Academic Affairs to develop permanent rules that reflect this commitment.” It was clarified that Academic Affairs is with whom discussions would take place.

At this time a vote was taken on whether or not to expand the charge to the ad hoc committee. The motion passed with one abstention.

**REPORTS BY OFFICERS AND COUNCIL CHAIRS**

a. **Senate Elections** (Jana Futch Martin)

Secretary Martin presented the Voting Units and Apportionment, Senate Vacancies, and Senate Election Schedule for the 2003/2004. A motion was made and seconded to accept these three items. The motion was unanimously passed and the information will be presented to the Faculty Senate at its meeting on January 22, 2003.

b. **Ad Hoc Committee on A+ Grades Report** (Kelli McCormack Brown, Glen Besterfield)

Senator Sara Mandell attended today’s meeting on behalf of Graduate Council Chair McCormack and Undergraduate Graduate Council Chair Besterfield to report on the response to Student Government Resolution 2. She reported that members of the ad hoc committee (comprised of both Undergraduate and Graduate Council members) agreed
that the A- grade should not be eliminated. The ad hoc committee believes that the A is already an inflated grade as it stands right now, and to eliminate the A- grade further inflates the grade. If USF is to maintain its standing as a Research I institution, its grades must be meaningful. Therefore, both councils are opposed to the elimination of the A-grade.

President Paveza clarified the motion from the ad hoc committee that the SEC refer Student Government Resolution 2 to the Faculty Senate with a recommendation that it not be approved. Since it is a report from an ad hoc committee, it came to the SEC as a motion and the floor was opened for discussion.

At this time, Mr. Michael Berman, President of the Student Senate, raised several issues. From these issues, President Paveza derived the following: First, the lack of clear communication from the chairs of the councils to the ad hoc committee in terms of its charge. Second, was the lack of materials the ad hoc committee had access to regarding the resolution. Third, the lack of student input on this resolution. Secretary Martin commented that the SEC had before them a statement from the Graduate Council regarding the resolution, but that there was nothing from the Undergraduate Council. Following a call to question, President Paveza stated that he would refer this issue back to the ad hoc committee requesting that the committee prepare the appropriate report. He added that he would draft a memorandum to both chairs of the councils involved that he will share with the Student Senate President and the President of the Student Government for their input.

c. Ad Hoc Committee on Academic Grievance Procedure (Kelli McCormack Brown, Glen Besterfield)

President Paveza turned everyone’s attention to the memoranda from Graduate Council Chair McCormack Brown and Undergraduate Council Chair Glen Besterfield regarding the Student Academic Grievance Procedures. He pointed out that the two chairs met with both councils, reviewed the academic grievance procedure and pulled together the original notes from the previous discussions that occurred at both the Undergraduate and the Graduate Councils. The issue before the SEC today was a memo from Chair Besterfield and Chair McCormack Brown having to do with the academic grievance procedure and then a copy of the academic grievance procedure with some suggested changes. In addition, Past President Tyson brought comments from faculty and chairs who have seen this proposed grievance procedure. President Paveza pointed out that the recommendation from the two chairs is that it offers no particular guidance as to what to do with the current document other than for it to continue to be crafted, which was the purpose of the ad hoc committee. The primary change is that of the capacity of the chairs to change an arbitrary or capricious grade be removed and that it be limited to the dean’s or Provost’s Office. The real issue is whether this standardized procedure is sufficiently safe. Some of the issues that have been raised by some of the faculty for instance is that they believe this procedure is not clear in terms of the capacity of the faculty member if their grade is overturned to grieve that. Associate Provost Smith added that although it
was not built specifically into the procedure, it certainly exists in the rules that were just passed. That is, there is a provision for processing of faculty grievances that could certainly incorporate this.

President Paveza asked for approval from the SEC that discussion of the issue be postponed until the February meeting to give him an opportunity to meet with Chairs McCormack Brown and Besterfield to determine whether this document, as it has been sent back to the SEC, is their recommended academic grievance procedure. Senator Sarah Mandell informed the SEC members that the Graduate Council did vote on this and it is the recommended procedure. That is, they voted to accept the provisions with that one change stipulated but that they cannot accept the procedure if that change is not made. Associate Provost Smith replied that the Provost’s Office would probably accept this. President Paveza pointed out to the SEC members that all they can do is recommend to the President and Provost and ultimately they decide whether to implement or not. In the early discussion it was very clear that the Provost’s Office wanted in place an arbitrary and capricious clause where the administration could, if necessary, make the change to a grade.

Sergeant-at-Arms Julian Dwornik asked if this document had been discussed with students. President Paveza replied that it originally came out of the Provost’s Office from a committee that was comprised of members of the Faculty Senate and the appropriate deans. He would be agreeable to sending it to the Student Senate Government for their comments.

The issue was tabled until the February SEC meeting.

d. Board of Trustees Workgroups (Cheryl McCoy)

At the request of President Paveza and on behalf of the ad hoc committee, Chair McCoy presented a draft of “Faculty Service Guidelines for Board of Trustees Workgroups.” The purpose of the guidelines is to provide a mechanism for the Faculty Senate President to follow when asked to make recommendations to the university President for workgroup membership. Members of the ad hoc committee Senators Sang-Hie Lee, Jana Futch Martin, and Cheryl McCoy reviewed all the charges of the different workgroups and added some of the things that President Paveza had proposed last Spring when he was asked initially to do these recommendations, trying to put logical choices and positions that should be put forward to faculty members as to who would be good choices for these particular workgroups. The ad hoc committee also wanted to make sure that there was a mechanism in place that would make it necessary to have somebody from the Faculty Senate on these workgroups that would create a reporting structure back to the Faculty Senate Executive Committee, and then try to pass information on to the Senate if it was deemed appropriate. Chair McCoy pointed out that this is a draft that was put together mainly for discussion to see if there is any other input or ideas as far as who would be appropriate to serve on the groups. At this time, there was a discussion of the draft guidelines.
Chair McCoy recommended that open slots could be left open to allow for some flexibility, but the ad hoc committee felt that these open slots could be set things to make sure that these are the people who get recommended, and to make sure there is someone from the appropriate council (i.e. Research Council)

President Paveza reminded the SEC that what he was looking at ultimately to see drafted, and this was open for discussion, was the issue of a set of general criteria in which either specific persons would be named to the workgroups or the appointments would be recommended to the President in the same way in which the Faculty Senate makes appointments to all of the other committees and councils. That is, people would submit their nominations to the Committee on Committees and they, in turn, would sift through those names and then compile a list that the SEC and the Senate would then approve and forward on to the President. He explained that this comes down to the shared governance issue that is if, indeed, faculty will be participating on these committees, then it should flow within the normal structure of the Faculty Senate and should not be appointments that are external to the Faculty Senate. He is looking forward to putting this together with the Committee on Committees, and then having the Faculty Senate Executive Committee determine who should be on those committees in terms of appointments, and then create a structure by which appointments are made. He would certainly support the inclusion of students on these workgroups. This issue will be tabled until the February SEC meeting.

OLD BUSINESS

a. Continuation of Newsletter to Faculty

President Paveza queried the SEC members as to whether or not they want to continue a newsletter. He also asked them if the newsletter was a necessary item given the issues with which they were contending. It was agreed that the newsletter does serve a purpose by informing faculty about events. When President Paveza asked for volunteers to continue the newsletter, both Vice President Susan Greenbaum and Senator-at-Large Elizabeth Bird volunteered.

OLD BUSINESS

a. Charge to Senators

President Paveza asked the opinion of the SEC members whether or not to ask Senators to hold a convocation with the members of their colleges, at least on a quarterly basis, to keep their colleagues up to date about what is going on in the Senate. His motive was in order for the Faculty Senate President to be an effective member of the BOT, there needs to be broader lines of communication. One recommendation was to have the Senators ask to be on their college’s convocation program and to make it known to faculty that they can contact them as Senate members with things that they wish to bring before the Senate, just as the Senate would like to bring issues to them at the convocation.
Another suggestion was to create better links between the Senate and SEC, and not the convocation because they meet once a month. President Paveza will raise this as an issue with the full Senate.

OTHER

a. Instructional Technology and Distance Learning Council Chair William Kealy announced that the target date for Adobe Acrobat site licensing is January 15, 2003.

b. President Paveza asked Sergeant-at-Arms Dwornik for a recommendation from the College of Medicine to sit on the ad hoc rules committee to which he replied that he would do the best he could to oblige.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:05 p.m.