APPROVED AND CORRECTED MINUTES

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ACADEMIC SENATE MEETING
August 18, 2010

PRESENT:  David Daniel, Dan Bochsler, Cy Cantrell, David Cordell, Kelly Durbin, Murray Leaf, Jessica Murphy, Tim Redman, Liz Salter, Richard Scotch


VISITORS:  Andrew Blanchard, Calvin Jamison, Serenity King, Dina Shahrokhi

1. CALL TO ORDER, ANNOUNCEMENTS AND QUESTIONS

A quorum was not met. Speaker Leaf suggested that the meeting continue with any votes taken being advisory or provisional votes. An email will be sent to all Senators following the meeting giving everyone an opportunity to vote on the items discussed in today’s meeting. There was general agreement on this plan, and President Daniel called the meeting to order.

President Daniel reported that his main concern at the present time is explosive enrollment growth. Final enrollment figures are not out yet, but acceptance rates for the fall semester are running 12%-13% over last year. He has been told that 200 sections of classes have been closed and all the introductory mathematics courses were closed on the first orientation. There is no shortage of classroom space, but rather a shortage of instructors, and President Daniel has authorized whatever reasonable additional resources might be necessary to cover the need this fall. This is his highest priority, particularly when it comes to required classes. He will continue to monitor this situation very carefully.

At the recent UT System Board of Regents meeting there was discussion of the impact of a 10% state budget cut on individual campuses. Some are anticipating staff layoffs while others are being forced to eliminating some outreach programs. President Daniel has looked very closely at our budget for the year beginning September 1 but of greater concern is the first year of the next biennium assuming cuts take place. If we maintain fall 2010 status quo – with no new hires, no raises, etc. the budget will still be extremely tight. On the academic side, he has asked the Provost to review low enrollment non-
critical graduation path courses as a way of reallocating resources. That will continue to take place throughout the fall, but we are not in any type of desperate situation. He is hopeful that if we continue to grow it will be a question of not what we cut but what remains stagnant.

President Daniel reported that U.S. News and World Report published their university rankings. UTD is ranked 143rd in the country, tied with Arizona State and Rutgers. That makes us the #3 ranked public university in Texas, behind UT-Austin and Texas A&M. We are the highest ranked among the seven emerging research universities. President Daniel feels that there is a tremendous amount of momentum in our favor at this time.

2. APPROVAL OF THE AGENDA
Cy Cantrell made a motion to approve the agenda as distributed. Richard Scotch seconded. The motion carried.

3. APPROVAL OF MINUTES
It was noted that the electronic version of the minutes from the last Senate meeting did not include the full list of candidates for graduation, but those that received a hard-copy of the minutes received the full packet. The electronic version posted to the web will be corrected. Cy Cantrell made a motion to approve the minutes as amended. Page 2 of 6 Tim Redman seconded. The motion carried.

4. SPEAKER’S REPORT
Speaker Leaf reported the following:

1) The new charge for the Intellectual Property Advisory Committee was slightly revised by the Vice President for Research, after approval by the Senate at the June meeting and before being sent to OGC. The changes only involved changes of administrative titles reflecting recent adjustments in the administration. Accordingly, I regarded them as editorial, and asked the Assistant Provost to go ahead and sent the policy to OGC for legal review and approval.

2) The most important matter not on the agenda is the ongoing discussion at the System level of criminal background check policy. A second draft of the proposed system policy has been circulated. I drafted a response for the FAC, which the FAC agreed with and sent back to V. C. Prior and Barry Burgdorf, the main attorney working on it.

There are two main problems. First, it is too sweeping, possibly requiring checks on everyone the faculty at least every few years. Second, it would require each person subject to such a search to sign a release or be subject to dismissal. Mr. Burgdorf’s reason for insisting on such a release was explained to us in the meeting with the Chancellor as having to do with cost and comprehensiveness. Searches through the established agencies in the Texas Department of Public safety are low cost, but not thorough. System wants more thorough searches, which require private companies but cost more. To use a private company you have to have a release. Since court records are public documents, this did not make sense to me, so I looked for the relevant law. The explanation seems to lie in the Right to Privacy Act of 1974. This provides a strong set of safeguards against drawing information from multiple federal agencies together into personal profiles that could allow either official or unofficial abuse. But these safeguards can be abrogated in what the law calls a “consumer record check,” also described as a “credit check” by a
private company provided that the company doing the checking has the written permission of the person about whom the information is being sought. Essentially, once a person signs such a release, they allow an open-ended search for anything with their name on it from whatever federal agencies have such information and have posted the fact that they have it in the Federal Register. This has nothing to do with criminal records, in the sense of court records. Court records are public documents, and do not require a release.

Combining these two features, the predictable effect of the policy as drafted was that each campus would obtain large amounts of questionable information on almost every member of the faculty every few years. This is in addition to the very questionable practice of requiring faculty and potential faculty to sign away their legal rights to privacy as a condition of employment.

The system Provosts and Presidents had much the same reaction as the FAC representatives. To facilitate a common approach, I boiled my objections down to a single page of bullet points, which we circulated to members of the FAC, some of whom in turn circulated it to their presidents.

Last Thursday, as a side-discussion to the Regents' meeting in Austin, the Chancellor, Vice Chancellor Prior, and Chief Council Barry Burgdorf meet with the Presidents to get their views. Then they met with representatives of the FAC: Dan Formanowicz (Chair), Mansour Al Kikhia (past chair), and me (via Skype on Mansour's laptop). The upshot is that the old draft of twenty-something pages, has been scrapped and System will come up with a new paper of four to five pages—seemingly now pretty close to what Speaker Leaf suggested in his page of Key Points: based on public information clearly relevant to criminal activity (i.e.: court records), no release form required, hence no threat of disciplinary action against those who do not sign, staying with a narrower scope of who is checked and when, and providing clear guarantees that whatever information is collected will also be made available to the person being considered for their response. The System policy will require a local policy in the HOP, which means Governance will have to be involved in formulating this local policy—as we did with the exigency policy. There was even agreement at the end that this process—these kinds of discussion and the requirement for inclusion in the HOP—should be recognized as a model for all future policy problems.

3) Dr. Wildenthal has been working on his proposal for administrative salary supplements for the Speaker, Secretary, and Chairs of the CQ and CEP. We should be able to discuss them at the next meeting.

4) The Service Excellence Committee met with the full Council and others. There was substantial agreement on purpose and value, and no real dissent. The discussion mainly turned on language to avoid or qualify the “customer” metaphor while still retaining the work the committee had already done in developing the program. In Dr. Leaf’s opinion, the upshot of the discussion was that the committee would still be primarily focused on staff: we would not try to generalize the ideas or program to include faculty. Faculty already have much the same concerns, and we are implementing them, but not in the same way. The Committee will now discuss our suggestions and get back to us. If we can remove the problems in terminology, a charge for the committee can be drafted quickly.
5. **FAC REPORT**

1) The FAC Executive Committee will meet this coming Friday in Austin. Murray Leaf and David Cordell will attend. Speaker Leaf expects to have the new draft of the Criminal Background Check policy by then and will respond. We (the FAC) have also offered to provide templates for the several campuses. Speaker Leaf has offered our UTD policy as a starting point.

2) Speaker Leaf will be out of the country at the time of the September FAC meeting. September 23-24. David Cordell will attend as usual, and Richard Scotch has agreed to go as our alternate delegate. The agenda has not yet been developed, but the Criminal Background Check policy will surely be on it.

6. **STUDENT GOVERNMENT LIAISON REPORT**

Neither Dina Shahrokhi, Student Government representative, nor David Cordell had anything to report.

7. **CHARGE – SUSTAINABILITY COMMITTEE**

Richard Scotch made a motion to approve the charge. Jessica Murphy seconded the motion. The motion carried.

8. **RECOMMENDATIONS FROM THE COMMITTEE ON COMMITTEES**

Before entertaining an omnibus motion for approval, Speaker Leaf called the Senate’s attention to the following items:

Duane Buhrmester was appointed to the Committee on Educational Policy before he passed away. Karen Prager is being appointed to fill that position.

Tim Redman raised a question over the appointment of Pam Gossin to the Committee on Educational Policy. Dr. Gossin lives in Oklahoma and Dr. Redman says that she cannot guarantee that she will be able to attend the meetings since she is not on campus on Mondays. Speaker Leaf reported that Daniel Wickberg, a member of the Committee on Committees, had spoken with Dr. Gossin and she would be able to accept the appointment. Speaker Leaf agreed to review this issue and find a replacement if necessary.

Speaker Leaf noted that there are no appointments to the Committee on Effective Teaching. Last year the Committee had nothing to do and recommended the dissolution of the committee. The primary reason for this is that each School now has its own Committee on Effective Teaching. The Senate will review this matter further before a decision is made regarding the future of this committee.

Aria Nosratinia was recommended as chair of the Committee on Qualifications of Academic Personnel, but has declined the appointment and does not wish to serve on the committee. David Mauer is recommended as Chair. Poras Balsara is recommended to replace Aria Nosratinia on the Committee. Xinchou Lou is recommended as Vice Chair.

There is some confusion regarding the proposed membership of the University Safety and Security Council. Dennis Miller is listed as Chair of the committee but not listed among the members of the committee. It was agreed to add Dennis Miller as a
member of the committee. He was previously a member of the committee and has been attending the meetings.

Cy Cantrell made a motion to approve the recommendation of the Committee on Committees with the above noted corrections. Tim Redman seconded. The motion carried.

9. CEP PROPOSALS:
LEAN SIX SIGMA FOR HEALTHCARE MGT. YELLOW BELT CERTIFICATE
Cy Cantrell presented the proposed Lean Six Sigma for Healthcare Management Yellow Belt Certificate from the School of Management. This proposal has been reviewed and approved by the Committee on Educational Policy. This is an academic certificate. It does not call for the creation of any new courses. Cy Cantrell made a motion to approve the Certificate proposal. Tim Redman seconded the motion. The motion carried.

CATALOG COPY CHANGE – PHD IN POLITICAL SCIENCE
Cy Cantrell stated that this proposal was from Robert Lowry, program head in Political Science. These are amendments to the catalog copy that was previously approved. Dr. Cantrell acknowledged that these changes will not show up in the fall 2010 catalog. The changes represent modifications that have already occurred in the program. Cy Cantrell made a motion to approve these changes. Richard Scotch seconded the motion. The motion carried.

At this time Chris Parr, Senate representative from the UTD Retiree’s Association, addressed the Senate. The group is looking for speakers for their meetings and asked anyone who was interested themselves or had a recommendation for a speaker to email him at parr@utdallas.edu

10. REVISED CHARGE – BIOSAFETY COMMITTEE
Speaker Leaf stated that this revision came from the Biosafety Committee. The Committee and the Environmental Safety Officer agree with the change, which would add a chemist to the membership of the committee. Cy Cantrell made a motion to approve the charge. Dan Bochsler seconded the motion. The motion carried.

11. REVISED CHARGE – FACULTY MENTORING COMMITTEE
Speaker Leaf reported that these changes were also recommended by the Committee and reflect the experience over the past year working with a working group from the Provost’s Office who worked with the Committee to host a series of events. The Provost’s Office also provided a budget for these events. The change would add two liaisons from the Provost’s Office and to subtract one member from the membership. The Chair of the Committee would have the authority to add additional members if it was deemed necessary. Tim Redman made a motion to approve the charge. The motion was seconded. Jessica Murphy asked for the following corrections to the charge: On page 2 replace the word “utilizing” with the word “using” and correcting the spelling of the word “liaison.” The motion as amended was approved.

12. OGC REVISIONS TO FACULTY FITNESS FOR DUTY POLICY
Speaker Leaf stated that the OGC returned the amended policy with suggested revisions. The Academic Council has reviewed these and felt they were non-substantive changes, but that the Committee on Faculty Standing and Conduct should review them as well.
The Committee on Faculty Standing and Conduct agrees that the changes were not substantive, but wanted the Senate to have the opportunity to review as well. Richard Scotch, Chair of the Faculty Standing and Conduct Committee made a motion to approve. Tim Redman seconded the motion. The motion carried.

13. **REVISIONS TO FINANCIAL EXIGENCE POLICY**
These proposed revisions were received by Speaker Leaf from Dan Sharphorn, in the OGC. Speaker Leaf has spoken with Mr. Sharphorn and made suggested changes. These were distributed to the Academic Council. The Council felt that these changes should be reviewed by the Senate. In the meantime, Mr. Sharphorn made additional changes to the policy. These changes are included in the copy which was distributed at today’s meeting. Speaker Leaf reviewed the changes made by Mr. Sharphorn. Speaker Leaf suggested either approving the policy with Mr. Sharphorn’s changes or approve the policy and wait to discuss some of the changes. Speaker Leaf feels that some of the changes are important. Tim Redman made a motion to table this item until next month’s Senate meeting. Cy Cantrell seconded the motion. The motion to table was approved.

There being no further business, the meeting was adjourned.

**APPROVED:**
Murray J. Leaf
Speaker of the Academic Senate

**DATE:** 6 Oct 2010