APPROVED AND CORRECTED MINUTES

These minutes are disseminated to provide timely information to the Academic Senate. They have been approved by the body in question, and, therefore, they are the official minutes.

ACADEMIC SENATE MEETING

May 18, 2016

Present: Ilholou Wildenthal, Inga Muschman, Frank Andelson, Karen Bayramian, Elizabeth Bell, Kurt Beron Dinesh Bhatia, Judd Bradbury, Matthew Brown, R. Chandrasekaran, Nadine Cornell, David Cordell, Gregory Dess, Gregg Dieckmann, Eric Farrar, Nicholas Gans, M. Ali Hooshyar, D.T. Huynh, Joe Izen, Carie Lambert, Murray Leaf, Michele Lockhart, Simeon Ntafos, Ravi Prakash, Tim Redman, Christopher Ryan, Betsy Schlobohm, Richard Scotch, Tres Thompson, Michael Tiefeldorf, Tonja Wissinger,

Absent: Robert Ackerman, Naofal Al-Dhair, John Burr, Patrick Brandt, Gail Breen, Mieczyslaw Dabkowski, Vladimir Dragovic, Monica Evans, Bernard Ganglmair, Lev Gelb, Jennifer Holmes, Dorrthee Honhon, Mustapha Ishak-Boushaki, Syam Menon, BPS Murthi, Ramachandran Natarajan, Viswanath Ramakrishna, Michael Rebelo, Sabrina Starnaman, Murat Torlak, Alejandro Zentner


1. Call to Order, Announcements and Questions
Interim President Wildenthal called the meeting to order at 2:00 PM. The weather was good for the Spring Graduation ceremonies, which occurred without any serious problems. The university made a great effort to acquire a new faculty member under the Governor’s grant; however, after weeks of deliberation the individual declined the university’s office. All of the proposed university building projects were approved by the Regents without discussion. He opened the floor to questions. There were none.

2. Approval of the Agenda
Matt Brown moved to add an update to the Title IX 3+3+2 Committee by Marion Underwood during the discussion on the Title IX addition to the syllabus template, and approve the amended agenda. Greg Dess seconded. The motion carried.

3. Approval of the April 20, 2016 Minutes
Betsy Schlobohm moved to approve the amended minutes. Richard Scotch seconded. The motion carried.

4. Speaker’s Report – Tim Redman
   1. All items are on the agenda.
5. UT Dallas’s SACSCOC Reaffirmation Project – Serenity King And Jessica Murphy
Serenity King had nothing to add other than what was already on the agenda.

6. FAC Report - Murray Leaf
At the recent Faculty Advisory Council meeting the main theme was the importance the Chancellor placed on Academic Governance. This was affirmed by the Chancellor himself at the meeting. The discussion showed that the all members of the FAC did not realize how firm Regents Rules themselves are in supporting shared governance. This was reaffirmed at the meeting. The Chancellor has set the FAC a task of drafting for him a white paper on shared governance, faculty recommendations, and giving him one or two main items to talk to about with each president on each campus. The full white paper was not agreed to by FAC in meeting, as they did not have the time, but there was an executive summary that was well done. The main problem as it evolved in the discussion was that although Regents Rules are fairly clear on both traditional areas of responsibility of faculty in policy and execution. The campuses’ administrations do not execute, and do not conform to the Regents Rules, which means also means with tradition. The FAC has done a very brief survey of the Faculty leadership on all the campuses. Of the fourteen campuses in the UT System, six said their shared governance arrangements were unsatisfactory, four said moderately unsatisfactory, and four said they were all right. The Chancellor was surprised by this as were other people. The Chancellor takes this as a problem, instead of Faculty whining. The FAC will wait and see what will happen. A serious underlying problem is that the leadership of the FAC is not clear on the advice they should be giving. The medical campuses continue to be a problem. The Chancellor went to MD Anderson, which has terribly relations between its faculty and administration, and talked very firmly with the administration to set up a “shared governance committee.” That is a committee consisting of mostly administrators, and few members of shared governance. This committee outranks the Academic Senate. The many members of the FAC who were writing the white paper wanted to make that a blanket recommendation for everyone. This would be a twenty year step back for our university, and would be a disaster. The problem was to explain what pluralism, and division of labor are. This was done and now is stated clearly. In general it is Dr. Leaf’s opinion that the consensus was good but the Chancellor still does not have a firm grip on the difference between academic rank, and military rank, as well as academic organization and how they do things in institutions of higher education.

The only other major thing that happened was the new appointment of Judge Ernest Aliseda. The FAC met with him, and he is very serious about repairing the reputation to the University System. One of his questions to the FAC was “How do you know if you are doing a good job in governance and administration?” He did not understand a problem with the four-year graduation rate as a measure of that. This caused a fairly lively discussion. One cannot simply measure that with that one metric. The fact that it is used nationally does not argue for it. He will be the chair of the Academic Affairs committee. This is the committee the FAC now has two members sitting with privileges of the floor. When they are discussing matters relevant to the faculty’s futures, and they go off on an odd tangent that is not based on academic ways of doing things, the FAC will have a representative who can say that it isn’t relevant, rather than waiting until a policy is formulated. He then turned the floor over to David Cordell.

Dr. Cordell noted that the dual credit policy is moving forward and a study will be done beyond our campus during the fall of 2016. The rational for the study is that there are students getting credit for work in high school by an instructor who does not know the subject. There is a major concern about the quality, and that students in ninth grade are able to get this credit.
7. Student Government Report – Rajadhar Reddy
Student Government will not be holding regular meetings during the summer, but will return to normal starting in August. In the mean time they will be working on their Green Incentive. The deadline for suggestions ends in June, and they hope to be implementing the chosen suggestion by August. The Comet Creed is being installed across campus.

8. CEP Proposals- Clint Peinhardt

The Committee representative presented the following Committee report.

Clint Peinhardt made a motion on the behalf of CEP to approve the questions. The motion carried.

A. Addition to Syllabus Template on Title IX
An addition to the syllabi template explaining Title IX was requested by Student Government. CEP reviewed the suggestions and produced a first cut of the addition that met Student Government’s request. The language will again be reviewed in fall 2016, but CEP was satisfied with the wording for the moment. He turned the floor over to Marion Underwood to discuss the 3+3+2 Committee on Title IX.

The Title IX Committee worked on the syllabus wording that CEP had approved. The committee is continuing its work because there are some big issues that need to be addressed to improve confidence in Title IX implementation at our university. The committee requested more clarity in how reports for requests for confidentiality are handled. It is their hope that reports may be submitted to the Title IX Coordinator, James Dockery, or the Deputy Coordinator. All of the policies about Title IX stipulate that reports be directed to either director or the deputy director. The Committee would like that process to be clearer in all documents. The Committee would like to explore the possibility of a web portal to be created for reports by non-responsible for reporting employees. Baylor has a similar web portal and it could be helpful on our campus.

The committee would like to work toward a more collaborative and constructive tone to help faculty and students view the Title IX office as a resource as under the umbrella of confidentiality, and as an advocate for the protection of students in the community. To help make that happen the committee recommended that a couple of faculty members be added to the Title IX Advisory committee. They also have recommendations for training. Unrelated to the committee, there is a campus climate survey is being conducted by a faculty member in criminology the results of that survey would be very useful in guiding the committee in its work. They have scheduled five meetings for over the summer months, and would like to make another report to the senate in the fall after they have more of the survey results.

Before the 3+3+2 committee initially met, Dean Underwood submitted to James Dockery in the Title IX Office a series of general questions. Examples of those questions were the following:

- How many reports had been made?
- How many of those reports have been investigated?
• How many of those submitted confidentially were protected?

After several exchanges back and forth answers to those questions were provided, and she was able to share that information with that committee, which was very helpful. Following their meetings, the Committee had some follow up questions on more specifics. On April 28, 2016, those questions were emailed to James Dockery in the Title IX Office, with the request that a response be sent back to her by May 14, 2016 so that she could share them with the Committee before they met on May 23, 2016. Dr. Fair did ask to meet with Dean Underwood to talk about difference between the two sets of questions. She forwarded the email that has the two sets. The second set was generated by the Committee and was more tailored. She noted that she was hopeful to get that information as it would be very helpful to the Committee, and in keeping with their goal of increasing transparency. At the time of the Senate meeting, no response had been returned from his office.

Dean George Fair, who serves as Vice President of Diversity and Community Engagement, responded to Dean Underwood. Mr. Dockery reports to Dean Fair and in that capacity Mr. Dockery brought the questions to Dean Fair for discussion. Dean Fair explained that given the confidentiality that Title IX entails, they agreed to give a confidential report to the President only at the end of the fiscal year. Some of the questions asked by the Committee, according to Dean Fair, infringe on confidentially on some of the sensitive material as far as Title IX is concerned. His office is currently working on the responses but the responses may not be as full as the Committee would prefer. This is to maintain confidentiality of the respondents, and the process of Title IX. The questions that were sent asked questions that had to do with confidentiality. He felt that some questions would require confidential information and needed to be properly formulated.

Speaker Redman asked if the responses they are formulating are going to differentiate between those they can answer fully, and those that they are not sure about. Dean Fair responded with an example of one submitted question, "How will decisions be made?" The response will be made by looking at the policy, by looking at several of the letters put out by the Department of Education, and the professional judgment of the two administrators who have numerous years of experience in this field. It would be hard to respond as to how decisions are made in the brief response made by the Committee.

Speaker Redman reminded Dean Fair that he is on the Title IX advisory Committee appointed by Mr. Dockery, and the ad hoc Senate Committee’s goal is transparency. Dean Fair noted that “transparency” could be defined in many ways. Title IX must protect an area that not only cares for students but also faculty and staff. Transparency in a good goal but the integrity of the process must be maintained. The confidential report at the end of the fiscal year will go to the president, and the president only.

Dean Underwood responded that she felt the information the Committee requested did not require confidentiality. The questions simply ask for more detailed information about where reports have been coming from i.e. victims themselves or, other offices. How are the reports dispensed with? There are not any questions that require confidential information to be disclosed. Dean Underwood noted that this was the first time she had heard a response
despite no response for several weeks. The questions were for procedure instead of specific cases. Dean Fair disagreed.

It was Dean Fair's opinion that when one looks at the detailed answers that must be provided, some of them do have some impact on the confidentiality of the respondents. The other issue is that how decisions are made is based on the professional judgment of the two people we have who are experienced in Title IX determination. It is hard to express that in a brief answer, which is what the Committee requested. The issue is very complex, and cannot be answered briefly.

R. Chandrasekaran asked if it was possible to describe the procedures without there being backlash on Title IX. In many cases an individual may decide not to say anything because if something is said, it may trigger an undesirable mandatory reporting situation. Is that the case here? Dean Fair asked Mr. Dockery to respond to R. Chandrasekaran's question.

Mr. Dockery noted he would gladly meet with the Committee at any time to answer any of their questions. This would allow him to have a dialog with the Committee as opposed to interrogatory type questions. To Dean Fair's point, as the Title IX office goes through the deliberative process it is much more complex to talk about the procedure, because the procedures themselves are clearly outlined in the policy. The questions actually get into the precise kind of deliberative process that one goes through in terms of making a decision as to whether something is determined to be a violation of policy, or not a violation of policy. Sometimes as you answer those complex questions on a very narrow scale it may lead one towards knowing who the claimant/respondent might be. That is one of their concerns. Mr. Dockery noted that in regards to transparency, their website has many guides, FAQ's, and other resources that they share with anyone who requests them.

A Senate member raised the comment that the decisions made by the Title IX office are making will be making the university under legal scrutiny. This has happened all across the United States. Mr. Dockery agreed with this statement. He noted they understood their point to confidentiality; however to the point of the Committee on transparency, to make the comment that 'we are relying on the professional discretion of two individuals' to them it sounds like an invitation to a lawsuit. This is all the more reason why the university body would want more understanding of the process.

Mr. Dockery noted he had no problem talking about specifics and having a discussion with regarding to the specific process, but one must take a look at all those various universities, especially Baylor. They did not have a process. The part of the issue is that most universities do not have a process in place, or if they had a process it was so incredibly flawed that they never followed the process. UT System decided that all the system schools, including the health care campuses, would be subject to one policy across the whole system. Each university's Title IX coordinators follow effectively the same process and policy. At Baylor, Montana, Yale, Dartmouth, and all 160 plus universities that have been investigated recently by the Department of Justice, the university did not have a Title IX Coordinator. Further, those universities did not have personnel with the skill and expertise that our university now has. Speaker Redman reminded Mr. Dockery to keep his focus on the University of Texas at Dallas, not other universities.
Ravi Prakash noted that no one seemed to argue with Mr. Dockery over the necessity of the policy, simply the way in which it is being implemented on our campus. The faculty is extremely concerned due its considerable implications for our university. When the information on the implementation of the policy stops at "we are relying on the professional discretion of two individuals" it was Dr. Prakash's opinion that is not an adequate and transparent implementation of the policy. There is no question on the ability of those individuals, but for the sake of the university, and confidence in the implementation of the policy, there needs to some degree of measure of how this will be done in contrast to someone's 'gut feeling' on who is responsible, and who is not. The Committee is not asking for information on what happened in a particular case. It simply wants to know the criteria that will be used to determine whether to move forward with an issue or to dismiss it completely.

Matt Brown voiced his puzzlement by the reference to confidentiality considerations and unwillingness to respond to these questions. He is aware there are some statistical questions that would indicate the number of reports is very low, that some of the questions could get into the confidentiality issues. There are questions about process. How could these questions be a confidentiality issue, unless the process is "we know it when we see it"? If that is the case, one must know all the details of the case to know how the situation must proceed. It is Dr. Brown's understanding that that would mean that there was not a process. He is aware there may be borderline judgment calls made in any process, but admitting that fact would be part of answering the question. It is not Dr. Brown's belief that confidentiality issues are relevant to those questions.

Another senate member remarked that they were also concerned about the points that were raised by Dr. Brown. There is a lack of communication of applicable statistical data in any context. Further, it causes concern when one looks at some of the questions and the unwillingness to answer any of the questions because of curious claims of confidentiality. This concern includes the plans for training in the upcoming fiscal year. It gives an impression of a lack of good faith.

Mr. Dockery countered that it was not a lack of good faith. Per Dean Fair, his department is working on pulling all the questions and answers together. It was Mr. Dockery's interpretation that the office will answer every question that they can. Dean Fair followed with clarification that his office could not have the answers by May 14, 2016 but would have them by the May 23, 2016 meeting of the Committee.

Murray Leaf commented that if it was necessary to answer in a longer form, which is not brief, do so. The point of the questions is to get the necessary information regardless of the length of the response.

Kurt Biron raised a question on the syllabus template statement brought to the senate by CEP. He needed clarification on the line "...be aware that faculty members and teaching/research assistants are required by UT Dallas policy to report information about sexual misconduct and may identify the student to the UT Dallas Title IX Coordinator." We were curious if the word "may" would be the appropriate word, instead of "must" on the Title IX page. Mr. Dockery swiftly noted, that was "must". Vice Speaker Leaf noted that this was language that faculty used should they choose to include it in their syllabus, as opposed to requiring it on all syllabi. It was Vice-Speaker Leaf's opinion that it should not be required. The "may" vs. "must" was
discussed by the Committee, and the Senate-approved policy specified the word "may". In contrast, the website, says "must". That is one of the points of contention. The statement was worded in this way to leave it to the faculty member to make their own decision on whose advice/ruling they chose to follow. Mr. Dockery noted he would be reviewing the policy Vice Speaker Leaf cited.

Chair of the Committee on Educational Policy, Clint Peinhardt reiterated that the language would join the other sections on the syllabus template that is on the Provost’s website, which CEP brought to the senate for approval to post on the website. Each section is a link that will take a student to the specific policies on the website. The section was written in a brief manner in the hopes that it would encourage students to read it, and the committee did work with Tim Shaw, the university attorney, on the wording. The feedback the committee has received was that it was best for the statement to focus on the context of the relationship that the syllabus represents, which is the teacher/student relationship.

Clint Peinhardt made a motion on the behalf of CEP to approve:

"Syllabus Template Language for Sharing Confidential Information
Students considering sharing personal information in email, in person, or within assignments or exams should be aware that faculty members and teaching/research assistants are required by UT Dallas policy to report information about sexual misconduct and may identify the student to the UT Dallas Title IX Coordinator. Students who wish to have confidential discussions of incidents related to sexual harassment or sexual misconduct should contact the Student Counseling Center (972.883.2527 or after hours 972.UTD-TALK or 972.883.8255), the Women's Center (972.883.8255), a health care provider in the Student Health Center (972.883.2747), the clergy/other person of their choice, or an off-campus resource (i.e. rape crisis center, doctor, psychologist). Students who are sexually assaulted, harassed, or victims of sexual misconduct, domestic violence, or stalking, are encouraged to directly report these incidents to UT Dallas Police Department at 972-883-2222 or to the Title IX Coordinator at 972-883-2218. Additional information and resources may be found at: http://www.utdallas.edu/oic/title-ix/resources/"

The motion carried.

B. Undergraduate / Graduate Scholarship Programs
Clint Peinhardt made a motion on the behalf of CEP to approve the amendments to Scholarship Programs. The updates were made in order to make the policy in line with the Board of Regents’ Rules, and the criteria set by the university. The motion carried.

C. Graduate Courses for possible future use
Clint Peinhardt made a motion on the behalf of CEP to approve the amendments. The amendments that were made brought the policy in line with the actual practice. The motion carried.

D. Amendments to UTDPP 1052 to allow for electronic submission of dissertations
Clint Peinhardt made a motion on the behalf of CEP to approve the amendments. The amendments that were made brought the policy in line with the actual practice. He assured the Faculty that dissertation committee members can still ask for hard copies of the dissertation, however the office of Graduate studies will not require hard copies as of fall 2016.
9. Hearing Tribunal Appointments – Tim Redman
Murray Leaf moved to reappoint each person currently on the tribunal for another year. Robert Scotch seconded. The motion carried.

10. Updates to UTS 180- Tim Shaw
Changes were made to UTS 180 system wide. The only change that was made to the document was a suggestion to include dual position holding processors. Murray Leaf moved to approve the amendments. David Cordell seconded. The motion carried.

11. Amendments to UTDPP1013-Academic Program Review Committee – Murray Leaf
The only change to the committee charge was to change the membership term from one year to two years. One additional amendment was suggested to say that no one could serve on the Committee for more than seven years. Matt Brown moved to approve the amendments to the committee charge. Richard Scotch seconded. The motion carried.

12. Amendments to UTDPP1003- Information Technology Resources, Planning and Policy Committee
Two students were added to the Committee on the floor of the April Senate meeting. At the IOP meeting it was noticed that the term was two years for the student s, which is probably not appropriate. An amendment was suggested to state that the term for students would be one year. Murray Leaf moved to approve the amendment. Joe Izen seconded. The motion carried.

13. Amendments to UTDBP 3050- Scholarships, Fellowships, and Other Appointments and Monetary Awards to Students
During a recent audit it was found that this policy had not been updated in quite some time, and it was recommended that it be updated. The policy was pulled from a portion of an old HR appointments policy. A stand-alone policy has been created that reflects how scholarships, fellowships, and monetary awards are handled currently. A major change from the previous policy was the inclusion of a section on tuition waivers. Betsy Schlobohm moved to approve the amendments. Greg Dess seconded. The motion carried.

14. Adjournment

There being no further business, Inga Musselman moved to adjourn. Greg Dess seconded. The motion carried. The meeting adjourned at 3:14 PM.

APPROVED: Tim Redman
Speaker of the Faculty

DATE: 4/21/16