MEMORANDUM
May 6, 2015

TO: Academic Council*

COPY TO: 

David Daniel
Denis Dean
Hobson Wildenthal
George Fair
Andrew Blanchard
Dennis Kratz
Calvin Jamison
Bert Moore
Abby Kratz
Bruce Novak
John Wiorkowski
Hasan Pirkul
Austin Cunningham
Mark Spong

FROM: Office of Academic Governance
Christina McGowan, Academic Governance Secretary

SUBJECT: Academic Council Meeting

The Academic Council will meet on WEDNESDAY, May 6, 2015 at 2:00 p.m. in the Osborne Conference Room, ECSS 3.503. Please bring the agenda packet with you to the meeting. If you cannot attend, please notify me at cgm130130@utdallas.edu or x4791.

Attachments

2014-2015 ACADEMIC COUNCIL

Gail Breen
David Cordell**
Murray Leaf***
Ravi Prakash
Viswanath Ramakrishna
Tim Redman *
Liz Salter
Richard Scotch***
Tres Thompson
Brooke Knudtson, Student Government President

*Speaker
**Secretary
*** Vice-Speaker

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION UNIVERSITY
AGENDA
ACADEMIC COUNCIL MEETING
May 6, 2015
Osborne Conference Room, ECSS 3.503

1. CALL TO ORDER, ANNOUNCEMENTS & QUESTIONS  Dr. Daniel
2. APPROVAL OF THE AGENDA  Dr. Redman
3. APPROVAL OF MINUTES  April 1, 2015  Meeting  Dr. Redman
4. SPEAKER’S REPORT  Dr. Redman
5. FAC/ TCFS REPORT  Dr. Leaf
6. CEP Recommendations:  Dr. Radhankrishnan

7. Changes to existing Department Names  Dr. Redman
8. UT System- Sexual Harassment and Sexual Misconduct Model Policy  Dr. Redman
9. Appointment of Committee on Committees  Dr. Redman
10. Regents Rules 90101 and 90102  Dr. Redman
11. Notice of Course Evaluations  Dr. Redman
12. Personal Items in UTD mail  Dr. Redman
13. One Card Presentation  Dr. Redman
14. 3+3+3 Committee Report  Dr. Cordell
15. ADJOURNMENT  Dr. Daniel
UNAPPROVED AND UNCORRECTED MINUTES

These minutes are disseminated to provide timely information to the Academic Council. They have not been approved by the body in question, and, therefore, they are not the official minutes.

ACADEMIC COUNCIL MEETING
APRIL 1, 2015

PRESENT: David Daniel, Hobson Wildenthal, Gail Breen, David Cordell, Murray Leaf, Ravi Prakash, Viswanath Ramakrishna, Tim Redman, Liz Salter, Richard Scotch, Tres Thompson

ABSENT: Andrew Blanchard

VISITORS: Abby Kratz, Inga Musselman,

1. Call to Order, Announcements & Questions
President Daniel called the meeting to order at 2:00 PM. The House adjourned at 5:30 AM on April 1st with a budget that seemed favorable. It will fund full enrollment, inflation and Tuition Revenue Bonds (TRB). The TRB package is the academic building program. The university was able to get $70 million of the $99 million requested for an engineering building. The full backlog of $40 million in matching gifts from the TRIP matching gifts program will be fully funded. The next step is to be passed by the senate.

The Board of Regents formally approved the creation of the ATEC School. The approved start date will be no sooner than September 1 2015. The next step will be a conversation about be the future of the A&H School. A strategic planning committee is being created. There is no shortage of volunteers to be on the committee. Their goal is to assure that A&H thrives. President Daniel opened the floor to questions.

The question was raised that since 70 of the $99 million for the engineering building was funded, did that mean that the building time table would be moved up. The response was that the university has already hired an architect for planning. Because of this, once approved it would be possible to have the building occupied in three years, and not four.

2. Approval of the Agenda
Murray Leaf moved to approve the agenda as circulated. Tres Thompson seconded. The motion carried.

3. Approval of Minutes
Murray Leaf moved to approve the minutes. Richard Scotch seconded. The minutes were approved.

4. Speaker’s Report
1. Speaker Redman suggested a summer email vote to approve summer graduates. Murray Leaf made the motion to add this to the Senate agenda. Tres Thompson
seconded. The motion carried. Speaker Redman suggested that when the motion is made in the senate that it be noted that it is coming out of Council.
2. Speaker Redman had been notified by Secretary David Cordell of a problem in the Senate voting system. There was a recommendation that the voting deadline be extended by seven days.
3. Speaker Redman suggested that all incoming 2015-2016 Council member be invited to the May Council meeting.
4. All other items were on the agenda.

5. **Senate Faculty Caucus**
   Speaker Redman distributed a draft of the upcoming caucus agenda. There were no changes.

6. **FAC/TCFS Report- Murray Leaf**
   It was recommended that going forward FAC/TXCS and CEP be automatically placed on the Senate agenda. Murray Leaf moved to place on the agenda. Liz Salter seconded. The motion carried.

   Murray Leaf had nothing new to report from the previous month. They are currently working on intellectual property issues for their next meeting.

7. **CEP Recommendations- Suresh Radhakrishnan**
   Murray Leaf moved to place all recommendations on the Senate agenda. Viswanath Ramakrishna seconded. The motion carried.

8. **Office 365 Email Conversion Presentation**
   The Senate would like to hear from David Crain regarding the issue. Murray Leaf moved to place the presentation on the agenda. Tres Thompson seconded. The motion carried.

9. **One Card System Presentation**
   Murray Leaf moved to place it on the Senate agenda. Viswanath Ramakrishna seconded. The motion carried.

10. **Approval of Candidates for Graduation - David Cordell**
    David Cordell moved to place it on the Senate agenda. Liz Salter seconded. The motion carried.

11. **Non-Substantive changes to Committee Charges**
    A. **UTDPP 1018- Committee on the Core Curriculum**
       No changes required from the circulated document.
    B. **UTDPP 1023- Committee on Educational Policy**
       The following changes were made to the circulated document.

       “Insofar as possible, the fourteen members of the Committee shall include two representatives from each School, but with one representative from the School of Interdisciplinary Studies, appointed from the membership of the …” was change to
“Insofar as possible, the members of the Committee shall include two representatives from each School, but with one representative from the School of Interdisciplinary Studies, appointed from the membership of the …” This removed the number from the statement.

C. UTDPP 1024- Committee on Effective Teaching
The following changes were made to the circulated document.
“The Committee is composed of nine voting members and shall include six faculty members (one from each school) appointed from the membership of the General Faculty (as defined in UTDPP1088), two students, and one technical expert or librarian. The Dean of Undergraduate Education and such Associate Deans for Undergraduate Education of the seven schools who have not been appointed as voting members serve as non-voting members, ex officio. The Provost serves as the Responsible University Official. ” was changed to

“The Committee is composed of eleven voting members and shall include one faculty member from each school appointed from the membership of the General Faculty (as defined in UTDPP1088), two students, and one technical expert or librarian. The Dean of Undergraduate Education and such Associate Deans for Undergraduate Education of the schools who have not been appointed as voting members serve as non-voting members, ex officio. The Provost serves as the Responsible University Official.”

D. UTDPP 1028- Committee on Learning Management Systems
The following changes were made to the circulated document.
The Committee is composed of seven members appointed from the membership of the General Faculty, (as defined in UTDPP1088), pursuant to the applicable procedures outlined in UTDPP1088, supra. The criteria for appointment shall be that they will be faculty who use WebCT and will represent a broad spectrum of disciplinary content and levels of instruction. Ideally, one member would be from each of six of the seven schools in the University.” Was changed to:

The Committee is composed of eight members appointed from the membership of the General Faculty, (as defined in UTDPP1088), pursuant to the applicable procedures outlined in UTDPP1088, supra. The criteria for appointment shall be that they will be faculty who use WebCT and will represent a broad spectrum of disciplinary content and levels of instruction. Ideally, one member would be from each of the schools in the University.”

E. UTDPP 1038- Committee on Student Scholarships
No changes were made to the circulated document.

F. UTDPP 1076- Library Committee
No changes required from the circulated document.

G. UTDPP 1084- Advisory Committee on the University Budget
No changes required from the circulated document.

H. UTDPP 1022- Committee for the Support of Diversity and Equity
No changes required from the circulated document.
Murray Leaf moved to place amended charges on the Senate agenda. Liz Salter seconded. The motion carried.
12. Second vote on UTDPP 1007- Senate By Laws – Tim Redman
Tim Redman presented the document for its second review. Murray Leaf moved to place it on the Senate agenda. Richard Scotch seconded. The motion carried.

13. 3+3+3 Committee on Non-Tenure-System Faculty Contracts
There has been no policy yet, however the meetings have been successful. The committee has reached a consensus with the three deans, three non-tenure and three tenured faculty. Tim Shaw was brought in to consult. The consensus may not be possible as it may not be allowed by Regents rules.

14. Senate Agenda for April 15, 2015:
1. FAC/ TXCFS Report
2. CEP Recommendations
3. Office 365 Email Conversion Presentation
4. OneCard System Presentation
5. Approval of Candidates for Graduation
6. Non-Substantive changes to Committee Charges
7. Second vote on Senate by laws

There being no further business President Daniel adjourned the meeting at 3:04 PM.

APPROVED: ______________________________ DATE:_____________________________
Tim Redman
Speaker of the Faculty
The meeting began Thursday, April 16. Murray Leaf and David Cordell attended for UTD.

The meeting was convened at 10 AM by Elizabeth Heise, as Chair. Dr. Heise reviewed the last Regents’ meeting. Members introduced themselves. The group broke up into committees.

11:00 am. Steve Collins, Assoc. Vice Chancellor and Special Counsel for Governmental Relations reviewed the legislative session so far. It has gone better than most expected. The FAC was concerned about legislation requiring campuses to allow concealed weapons. The bill has more sponsors than it needs to pass. All university figures have spoken against it but the legislature is not paying attention to them. He also noted, however, that the legislative process usually operates according to number of well-known laws of nature, beginning with Murphy’s Law and Epstein's corollary. Murphy's Law is that whatever can go wrong will. Epstein's corollary is that if you think the problem is bad, just wait until you see the solution.

12:00 Pedro Reyes, Executive Vice Chancellor for Academic Affairs and Dan Sharphorn, Vice Chancellor and General Counsel. Members of the faculty advisory Council recently learned Dr. Reyes Will be leaving his position. We expressed appreciation for the way he has promoted shared governance. Dr. Reyes noted that the Board of Regents has agreed to the FAC’s request that we have a member from a health campus and from an academic campus present at all meetings of the Academic Affairs Committee, with privilege of the floor. We think this will be lead to a substantial improvement in communication with the Board.

1 pm. Stephanie Huie, Executive Vice Chancellor for Strategic Initiatives, discussed the UT implementation of SciVal in influent. This grows out of Chancellor Cigarroa’s effort to create a “dashboard” reflecting UT faculty activities. The idea is to make available information to assist faculty finding each other and cooperating more effectively. It should also help outside agencies or interested parties find faculty whose expertise they needed. Working with the offices of institutional research on each campus, Stephanie has created common website format. This also uses a common form for the URL. For UT Dallas the URL is a http://utdallas.influuent.utsystem.edu. She demonstrated how the site works. It is very nicely done, pulling out keywords to group faculty research and allowing searches across all the faculty of each institution. The limitations are the limitations of SciVal itself, which are serious. Among other things, it only takes data from STEM journals and the data only goes back to about 1990. The only way it recognizes a book is if it was reviewed in one of the journals. Humanities journals and works of art like sculpture or paintings are not captured. Faculty can access the database and add information on their own. Young faculty might find this worthwhile. In my own case, for example, the database showed six publications. I would guess that this.
is about 2% of what I have actually published, in pages. We discussed such possibilities as uploading curricula vitae or the annual report information on our campuses. It may be possible in the future. But of course the main concern is that either the Regents on their own or administrators on our respective campuses we'll use this to make their own assessments of faculty value, bypassing and thereby undermining peer review. From what many of the members of the FAC said it this is a serious problem many campuses already. The FAC concluded that governance leaders should advise everyone on their campuses to look themselves up on this website and provide feedback.

2:00 – 3:00 pm Laura Chambers, Director of Employee Benefits discussed employee benefits and International travel policy. Several members of the FAC have been told by administrators on their campus that it was System policy that they could not expend their own funds for travel without university permission and without going through University travel arrangements. The FAC was assured that there was no such system policy, but it was a good idea to buy trip insurance through the university and register your itinerary.

Friday:

9:00 The FAC met with Paul L. Foster, Chairman, Board of Regents. Foster noted the new arrangement for having the FAC represented at meetings of the Academic Affairs Committee of the Board, and assured the FAC of the Board’s interest and being responsive to the needs of faculty. We had some discussion of the FAC’s interest in rewriting the Regents rules on intellectual property. Evidently the Board is not aware of the faculty point of view or of the way that courts have applied the principle that the creation belongs to the creator in the relation to faculty employment. He asked for my preference, which I stated. He noted that he considered it fair that the university should own what is created with university resources, but agreed to look into it further with the Board. He noted that the Regents now had a task force working on revising the rules and said faculty should be involved. He evidently was not aware that we had been told we would be, but had so far not been asked to send anyone. We reiterated our interest in being in the discussions. Meanwhile, there appears to be no objection to the FAC going ahead and trying to articulate its own position more clearly.

10:00 The FAC met with Chancellor William McRaven. Many of the members had met with Chancellor McRaven in his campus tours, but this was his first meeting with the Faculty Advisory Council as such. Chancellor McRaven laid out his sense of priorities for the future. There was nothing notable that the FAC disagreed with, such as enhanced graduation rates and doing more and better research, but from the FAC’s point of view the main point was not the priorities themselves but the Chancellor’s recognition that improvements are likely to require organizational changes or additional resources, and he considered himself obligated to try to get them. The Chancellor made a point of speaking of all the UT campuses, not just UT Austin.
12:30 – 1:00 pm   Marni Baker, Chief Innovation Officer – Discussed Competency Based Learning. This means the online degree programs that the system has been designing. The main one at this point appears to be biostatistics in faculty who have been involved are pleased with the results. It is an innovative cross-disciplinary program that meets genuine needs and that is apparently intellectually rigorous. A few other similar programs in less advanced stages were also described. There is no sense that this will become anything like an online college or that it will offer ordinary liberal arts type degrees. "Competency based" is evidently not being understood as an idea that applies to all education but rather as education tightly focused on conveying certain technical skills. The FAC generally accepted the value of such programs. There was no discussion of cost except implicitly. Evidently, it is expensive but the hope is that the cost will be recovered on something like a per student basis with increasing scale, and as the modules that are being developed can would be reapplied to additional degrees.

Elections:  Antoinette Sol (UTSA) was elected Secretary. Catherine Ross (UT Arlington) was elected President-Elect.

Resolutions:

The governance committee offered a revised version of Reagan's rules 90101 and 90102 dealing with intellectual property. The revisions were consistent with the principal that the creation belongs to the creator and with the purpose a facilitating commercialization of inventions by clarifying rights of possession. The revision was not offered for resolution at this time because the FAC wanted to wait for a seat for a seat on the intellectual property task force. Meanwhile, the members were asked to read and discuss the revision and respond. Dr. Leaf asked if there were any objections to the draft. There were no objections.

The Academic Affairs and Quality Committee, with concurrence of the Governance Committee, presented a resolution describing the PeopleSoft implementation as “seriously hindering our ability to advise, retain, and graduate students.”

The Academic Affairs and Quality Committee also presented a long resolution title “Best Practices: Policies and Procedures for Assessment of Service.” The reason was that the chair of the Coordinating Board has expressed an interest in recognizing the importance of service, and in providing metrics for assessing it. The FAC wanted to state a position for and others to consider that avoided destructive oversimplification. Campus governance organizations and administrations will receive the wording.

The third resolution reflected the persistent problem that administrations on some campuses ignore Regents Rules and System policies that the FAC supports:

In the University of Texas System a trend has developed of failure to adhere to operating procedures – particularly those pertaining to curriculum and academic programs - as laid out in institutional HOPs/HOOPs as well as in Regents Rules (See Regents Rules 40101 and 40307 inter alia). The Faculty Advisory Council maintains
that the operating procedures of the system provide the governing structure for UT System Campuses rather than representing mere best practice suggestions. Anything less lends itself to capricious and unpredictable governance. On academic, curricular, clinical, and faculty affairs faculty shall always play a central role in developing and maintaining policy. HOP/HOOP policy must be in line with current practices, and where policy and practice do not align policies must be adjusted with full faculty oversight and input, especially in academic/curricular/health care provision/faculty affairs matters.

Addendum:
See:
*Regents Rule 40101 “Faculty Role in Educational Policy Formulation”* and 40307 “Academic Program Approval Standards”

The health affairs committee offered a resolution asking the regions to provide additional funding but the rationale for the funding was not sufficiently clear for the FAC to support the resolution. The FAC recognizes that the Regents cannot simply fill the gap being left by the reduction of federal funding.
New Undergraduate Course
To be offered in 2015-2016

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Dr. Homer Montgomery requested the addition of NATS 3301 to be offered in fall 2015. This course is not a repeatable course although the title is “Current Topics in Marine Science.”

Pending approval, May 2015
School of Natural Sciences and Mathematics (NSM)
Course to be offered in fall 2015
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update req group
AMENDED

New Graduate Courses
To be offered in 2015-2016

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ENCS and EPPS would like to add two more courses respectively to the fall 2015 schedule.

NOTE: ECON 5397 is a repeatable course.

AMENDED on 5-1-15, 5:20 pm by adding JSOM’s request for OPRE 7051 which is also a repeatable course.

Pending approval, May 2015

Venetis, Registrar’s Office, 5-1-15
Erik Jonsson School of Engineering and Computer Science (ENCS)
Courses to be offered in fall 2015
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<td>BMEN 7387 Independent Scientific Research in Biomedical Engineering (3 semester credit hours) This course deals with both the theoretical and practical aspects of designing dissertation research and successfully defending the design during a doctoral qualifying examination. Instructor consent required for ENCS doctoral students who have passed their qualifying exams. May be repeated (9 semester credit hours maximum). (3-0) S</td>
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**Request notes**

Requested by Kelly Sloan on 2015-04-07 15:28:06 through Eform and course to be offered in Fall.

**Peoplesoft Diff:**

BMEN 7387 Independent Scientific Research in Biomedical Engineering (3 semester credit hours) This course deals with both the theoretical and practical aspects of designing dissertation research and successfully defending the design during a doctoral qualifying examination. Instructor consent required for ENCS doctoral students who have passed their qualifying exams. May be repeated (9 semester credit hours maximum). (3-0) S

**Repeat reason**

As project varies

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<td>EESC 6389 Wireless Communications Laboratory (3 semester credit hours) This class and lab course covers the fundamentals of wireless communication from the perspective of digital signal processing (DSP). Physical layer concepts such as linear modulation, demodulation, and orthogonal frequency division multiplexing; synchronization, channel estimation, equalization, and MIMO will be translated into practice with the help of software defined radio platforms. Prerequisite: EESC 6390 or equivalent or instructor consent required. (2-3) Y</td>
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**request notes**

Requested by Jazzmyn Wilson on 2015-04-30 14:59:38 through Eform and course to be offered in Fall.

**peoplesoft diff:**

EESC 6389 Wireless Communications Laboratory (3 semester credit hours) This class and lab course covers the fundamentals of wireless communication from the perspective of digital signal processing (DSP). Physical layer concepts such as linear modulation, demodulation, and orthogonal frequency division multiplexing; synchronization, channel estimation, equalization, and MIMO will be translated into practice with the help of software defined radio platforms. Prerequisite: EESC 6390 or equivalent or instructor consent required. (2-3) Y

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School of Economic, Political and Policy Sciences (EPPS)
Courses to be offered in fall 2015
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<td>ECON 5326 Managerial Economics (3 semester credit hours) Managerial economics has as its focus rational business decision making. This course provides a bridge between economic theory and practice. The inherent methodological approach of the course is the application of microeconomic theory to a variety of challenging business enterprise problems in order to optimize managerial decisions. As such it covers theories of the firm, corporate governance, demand and production economics, financial economics, industrial economics and draws heavily from quantitative techniques such as regression, time series analysis, game theory and operations research. (3-0) R</td>
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**request notes**

Requested by Vy Trang on 2015-04-14 14:25:32 through Eform and course to be offered in Fall 2015.

**peoplesoft diff:**

ECON 5326 Managerial Economics (3 semester credit hours) Managerial economics has as its focus rational business decision making. This course provides a bridge between economic theory and practice. The inherent methodological approach of the course is the application of microeconomic theory to a variety of challenging business enterprise problems in order to optimize managerial decisions. As such it covers theories of the firm, corporate governance, demand and production economics, financial economics, industrial economics and draws heavily from quantitative techniques such as regression, time series analysis, game theory and operations research. (3-0) R

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</table>

**Request Notes**
Requested by Vy Trang on 2015-04-14 15:56:18 through Eform and course to be offered in Fall 2015.

**Peoplesoft Diff:**
ECON 5397 Special Topics in Economics (3 semester credit hours) Topics vary semester to semester. May be repeated for credit (6 semester credit hours maximum). (3-0) R

**Repeat Reason**
This course is repeatable because topics vary. This course is a part of an elective sequence and can only be taken for a max of 6 semester credit hours.

**Show Fields: econ5397.3**
- cat_repeat_units: 6
- cat_delivery_method: deliverymethod_100
- cat_core:
- cat_subtitles: yes_subtitles

(update req group)
Naveen Jindal School of Management (JSOM)
Course to be offered in fall 2015
<table>
<thead>
<tr>
<th>start</th>
<th>req type</th>
<th>course</th>
<th>req_id</th>
<th>catalog course description</th>
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</thead>
<tbody>
<tr>
<td>2015-open</td>
<td>add *</td>
<td>opre7051</td>
<td>(r1)</td>
<td>OPRE 7051 Seminar in Operations Management (0 semester credit hours) The seminar covers topics of current research in the area of Operations Management. Research papers on a variety of topics are presented including supply chain management, inventory models, production planning and control, decision and risk analysis and behavioral operations management. (3-0) Y</td>
</tr>
</tbody>
</table>

**request notes**

Requested by Shawn Alborz on 2015-05-01 15:06:34 through Eform and course to be offered in fall.

**peoplesoft diff:**

OPRE 7051 Seminar in Operations Management (0 semester credit hours) The seminar covers topics of current research in the area of Operations Management. Research papers on a variety of topics are presented including supply chain management, inventory models, production planning and control, decision and risk analysis and behavioral operations management. (3-0) Y

**repeat reason**

Each year, speakers from academia and industry visit the OM group and give research seminars on cutting-edge research. In this course, students are required to attend these research seminars and study the corresponding papers. Since the seminars differ each year, this is a repeatable course (3-18 semester credit hours maximum).

**show fields: opre7051.2**

- cat_repeat_units: 18
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- cat_core:
- cat_subtitles: yes_subtitles
Dear Dr. Redman,

Dr. Daniel has questioned/recommended that changes to existing department names come to Faculty Senate for approval. Many years ago, Drs. Cantrell and Leaf had determined that these were "non-substantive" administrative changes that did not need Faculty Senate approval provided they had the department and school's approvals. However, since that time, there have been changes to the recommended guidelines for school bylaws regarding departments, so I wanted to check with you all again on whether or not you wanted to review name change requests for existing departments. For purposes of this process, I am only speaking about official departments that require UT System/THECB approval/review.

Please note that under current procedures, a request to establish an official new department does come to Faculty Senate for approval.

I have a request from ECS to change the name of the Electrical Engineering Department to the Electrical and Computer Engineering Department, and I need to know (1) if you want it to come to Senate for approval, and (2) if so, what you would want to see in the request in order to approve/disapprove of the change.

Thank you,
Serenity
Review and Approval of Administrative Changes

I. Administrative Unit Change Requests

A. Establish a new school (or college or division)
   1. Internal governance review
      a. Academic Council/Senate approval
      b. Central administration approval
   2. External review
      a. UT System Office of Academic Affairs approval
      b. UT System Board of Regents approval
      c. THECB notification
      d. SACS notification necessary only when no established degree programs exist for the new school; annual institutional profile update

B. Establish a new department
   1. Internal governance review
      a. Evidence of vote/approval by school faculty
      b. Endorsement from dean
      c. CUE/Grad Council approval or both
      d. CEP approval
      e. Council/Senate approval
      f. Central administration approval
   2. External review
      a. UT System Office of Academic Affairs approval
      b. THECB notification
      c. SACS notification only if new programs are a significant departure from existing programs; Compliance Certification Report (CCR) or Fifth-Year Interim (5YR) update

C. Change existing department name: no impact on degree programs
   1. Internal review
      a. Evidence of vote/approval by existing departmental faculty*
      b. Endorsement from dean with rationale
      c. Central administration approval
   2. External review
      a. UT System Office of Academic Affairs approval
      b. THECB notification

D. Change existing department name: consolidation/degree programs move
   1. Internal review
      a. Evidence of vote/approval by school faculty
      b. Endorsement from dean with rationale
c. Central administration approval

2. External review
   a. UT System Office of Academic Affairs approval
   b. THECB notification
   c. SACS CCR or 5YR update

II. Administrative Change Requests: Changes to Existing Degree Programs

A. Change Degree Program Name
   1. Internal review
      a. Evidence of faculty* approval (curriculum committee when applicable)
      b. Endorsement from associate dean and dean with rationale
      c. Central administration approval
   2. External review
      a. UT System Office of Academic Affairs approval
      b. THECB notification
      c. SACS: Institutional profile update

B. Change Classification of Instructional Program (CIP) Code
   1. Internal review
      a. Request from program head or associate dean with rationale
      b. Endorsement from associate dean and dean
      c. Central administration approval
   2. External review
      a. UT System Office of Academic Affairs approval
      b. THECB approval

C. Close/consolidate degree program: School request
   1. Internal review
      a. Evidence of faculty* vote and approval
      b. Endorsement of dean with rationale and teach-out plan sent to UG/Grad dean as appropriate and Provost’s Office
      c. Central administration approval
   2. External review
      a. UT System Office of Academic Affairs approval
      b. THECB approval of teach-out plan for existing students
      c. SACS prior approval required of teach-out plan for existing students

D. Close/consolidate degree program: Low Producing Program
   Due to new rules effective fall 2013, see C.

E. Close/consolidate degree program: Other
   1. If applicable, internal review includes procedures set forth in UTDPP1000 Academic Program Abandonment Policy and Regents Rule 31003 Abandonment of Academic Positions or Programs
   2. External review
      a. UT System Office of Academic Affairs approval
b. THECB notification  
c. SACS prior approval required of teach-out plan for existing students  

F. Change Degree Program Length  
1. Internal review  
a. CUE/Grad Council approval as applicable  
b. CEP approval  
c. Council/Senate approval  
d. Central administration approval  
2. External review  
a. UT System Office of Academic Affairs approval  
b. THECB approval  
c. SACS CCR or 5 YR update in Principle 2.7.1  

G. Offer existing programs off-campus  
1. Internal review  
a. CUE/Grad Council as applicable  
b. CEP  
c. Council/Senate  
d. Central administration approval  
2. External review  
a. UT System Office of Academic Affairs approval  
b. THECB approval/notification per distance education rules  
c. SACS approval per substantive change policy  

H. Offer existing program online  
1. Internal review  
a. CUE/Grade Council Approval as applicable  
b. CEP approval  
c. Council/Senate approval  
d. Central administration approval  
2. External review  
a. UT System Office of Academic Affairs approval  
b. THECB approval/notification per distance education rules  
c. SACS approval per substantive change policy  

*Pursuant to school’s bylaws  

Bold=not currently reviewed by Council prior to requests for external approval. However, all changes listed here except CIP code changes are communicated to CEP and Council/Senate via the catalog review process
1. Title

   Sexual Harassment/Sexual Misconduct Policy

2. Policy

   Sec. 1 General Policy Statement.

   1.1 [Name of Institution] (the University) is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act (SaVE Act). Sexual misconduct is a form of sex discrimination and will not be tolerated. As stated in the definition, sexual misconduct includes sexual harassment, sexual violence, sexual assault, stalking, domestic violence and/or dating violence. Individuals who engage in sexual misconduct and other inappropriate sexual conduct will be subject to disciplinary action.

   1.2 The University will take prompt disciplinary action against any individuals or organizations within its control who violate this Policy. The University encourages any student, faculty, staff or visitor to promptly report violations of this Policy to an individual identified in Section 3.2.

   Sec. 2 Applicability. This Policy applies to all University administrators, faculty, staff, students, and third parties within the University's control, including visitors and applicants for employment. It applies to conduct regardless of where it occurs, including off University property, if it potentially affects the complainant's education or employment with the University. It also applies regardless of the gender, gender identity or sexual orientation of the complainant or the respondent. In addition, it applies whether the complaint was made by or against a third party, and whether the complaint was made verbally or in writing.

   Sec. 3 Filing a Complaint and Reporting Violations.

   3.1 All Members of the University Community, Third Party and Anonymous Complaints. All administrators, faculty, staff, students, and third parties are strongly encouraged to immediately report any incidents of sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct to the Title IX Coordinator or Deputy Coordinators.

   a. Anonymity. Individuals wishing to remain anonymous can file a complaint in any manner, including by telephone or written communication with the Title IX Coordinator or a Deputy Coordinator; however, electing to remain anonymous may greatly limit the University's ability to stop the
harassment, collect evidence, or take effective action against individuals or organizations accused of violating the Policy.

b. Confidentiality. The University has an obligation to maintain an environment free of sex discrimination, thus many University employees have mandatory reporting and response obligations and may not be able to honor a complainant’s request for confidentiality. Complainants who want to discuss a complaint in strict confidence may use the resources outlined in Section 3.5.

c. Timeliness of Complaint. Complaints should be reported as soon as possible after the complainant becomes aware of the inappropriate conduct. Delays in reporting can greatly limit the University’s ability to stop the harassment, collect evidence, and/or take effective action against individuals or organizations accused of violating the Policy.

3.2 Responsible Employees. Incidents of sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct may also be reported to Responsible Employees. A Responsible Employee is a University employee who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible employees include all administrators, faculty, supervisory staff, resident life directors and advisors, and graduate teaching assistants, except any employee with confidentiality obligations as defined in Section 3.5. Responsible Employees can find contact information for the Title IX Coordinator and Deputy Coordinators at the following website: [link].

3.3 Reporting to Law Enforcement. Complaints of sexual misconduct may also be made to The University of Texas at [institution] Police Department at [insert phone] (non-emergency) or [insert phone] (emergency) or to the City of [insert ] Police Department [phone] (non-emergency) or 911 (emergency) or to other local law enforcement authorities. The Title IX Deputy Coordinators can help individuals contact these law enforcement agencies. Employees and students with protective or restraining orders relevant to a complaint are encouraged to provide a copy to the University Police Department.

If a complaint of sexual misconduct is reported to the University Police Department, it shall advise the complainant of his or her right to file a complaint under this Policy. To the extent allowed by law and University policy, the University Police Department shall also notify the Title IX Coordinator of the complaint, and provide the Title IX Coordinator or the individual investigating the complaint access to any related University law

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1 For example, a student may make a complaint to an employee in the Dean of Students’ Office, a faculty member or university police. Each of these individuals is considered a Responsible Employee and accordingly each is obligated to report the complaint to the Title IX Coordinator or other appropriate designee.
enforcement records, so long as doing so does not compromise any criminal investigation.

3.4 Reporting to Outside Entities. An individual wishing to make a complaint may also contact the U.S. Department of Education, Office for Civil Rights (OCR) to complain of sex discrimination or sexual misconduct including sexual violence:

Office for Civil Rights  
U.S. Department of Health and Human Services  
1301 Young Street, Suite 1169  
Dallas, TX 75202  
Phone: (800) 537-7697  
FAX: (214) 767-0432

Employees may also contact the U.S. Equal Employment Opportunity Commission to complain of sex discrimination or sexual harassment:

U.S. Equal Employment Opportunity Commission  
Dallas District Office  
207 S. Houston Street, 3rd Floor  
Dallas, TX 75202  
Phone: (800) 669-4000  
FAX: (214) 253-2720

3.5 Confidential Support and Resources. Physical and mental health care professionals and pastoral counselors (including those who act in that role under the supervision of these individuals), are prohibited by confidentiality laws from reporting any information about an incident to anyone, in any way that identifies the victim, without the victim’s permission. Thus, students may discuss an incident with a counselor in Counseling and Psychological Services, a health care provider in Health Services, the clergyperson of the student’s choice, or an off-campus resource (i.e. rape crisis center, doctor, psychologist, etc.) without concern that the incident will be reported to the Title IX Coordinator. Employees may also seek assistance from the Employee Assistance Program, their own personal health care provider, the clergyperson of the employee’s choice, or an off-campus rape crisis resource without concern that the incident will be reported to the Title IX Coordinator. The University and community resources that provide such services are: [insert resources]

3.6 Immunity. In an effort to encourage reporting of sexual misconduct, the University may grant immunity from student disciplinary action to a person who voluntarily initiates a report of sexual misconduct or assists a complainant, if that person acts in good faith in reporting a complaint or participating in an investigation. This immunity does not extend to the person’s own violations of this Policy.
3.7 Title IX Coordinator and Deputy Coordinators. The Title IX Coordinator and Deputy Coordinators are: [Insert Names/Contact info for Coordinators]

Sec. 4. Parties’ Rights Regarding Confidentiality. The University has great respect for the privacy of the parties in a complaint. Under federal law, however, Responsible Employees who receive a report of sexual misconduct must share that information with the Title IX Coordinator and/or a Deputy Coordinator. Those individuals may need to act to maintain campus safety and must determine whether to investigate further under Title IX, regardless of the complainant’s request for confidentiality.

In the course of the investigation, the University may share information only as necessary with people who need to know to fulfill the purposes of this Policy and applicable law, such as investigators, witnesses, and the respondent. The University will take all reasonable steps to ensure there is no retaliation against a complainant. The University will comply with the Family Educational Rights and Privacy Act (FERPA), with Texas Education Code Sec. 51.971 and other confidentiality laws as they apply to Title IX investigations. To the extent possible, the University will also protect the privacy of all parties to a report of sexual misconduct.

Sec. 5. Victim Resources.

5.1 Immediate Assistance.

[List on and off University resources for health care, police, and counseling]

A. Healthcare. An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within 4 days of the incident. With the examinee’s consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department of [insert hospital with SAFE capabilities] or the nearest hospital that provides SAFE services.

For more information about the SAFE, see http://hopelaws.org/ or https://www.texasattorneygeneral.gov/victims/sapcs.shtml#survivors. The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does
not include fees related to medical treatment that are not a part of the SAFE.

B. Police Assistance. The University encourages individuals who have experienced sexual misconduct to make a report to the police. It is important to note that a police department’s geographic jurisdiction depends on where the sexual misconduct occurred. If the incident occurred on the University campus, a report may be filed with the [insert campus police name] by calling [number] or in person at [insert institution PD name] headquarters at [insert address], even if time has passed since the assault occurred.

[institution PD name] can also assist with filing any protective orders. Reporting an assault to law enforcement does not mean that the case will automatically go to criminal trial or to a University disciplinary hearing. If the University police are called, a uniformed officer will be sent to the scene to take a detailed statement. A ride to the hospital may be provided by a police department counselor. A report may be filed with the University police even if the assailant was not a University student or employee. If the incident occurred in the City of [insert City name], but off campus, a report may be filed with the [City] Police Department, even if time has passed since the assault occurred. If a report is made to the police, a uniformed officer will usually be dispatched to the location to take a written report.

C. Counseling and Other Services. A person who has experienced sexual violence is strongly encouraged to seek medical and psychological care even if he or she does not plan to request a SAFE or report the assault to the police. He or she may be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted or if a SAFE is not performed.

Medical care can be provided at University Health Services (for students only), at a local emergency room, or by a private physician. Psychological support can be provided by the University Counseling and Psychological Services (students), Employee Assistance (employees), a referral through the Employee Assistance Program, or a care provider of the individual’s choosing.

Students desiring counseling should contact:
[insert office and contact information]

Faculty and staff should contact:
[insert office and contact information]

5.2 Interim Measures and Ongoing Assistance.

In addition to the services provided by on- and off-campus providers, the University will take immediate and interim measures to assure the safety and
well-being of the complainant, to maintain an environment free from harassment, discrimination or retaliation, and to protect the safety and well-being of community members.

For example, if the accused is an employee, interim action may include reassignment and suspension. If the accused is a student, interim action may include suspension, no contact orders, changing living arrangements, modifying the course schedule, or modifying other aspects of the educational environment. Interim action may also include allowing the complainant to move to a new residence hall, change work schedules, alter academic schedules, and withdraw from or retake a class without penalty. Moreover, the University may be able to provide additional accommodations for a complainant while an investigation is pending.

Sec. 6 Intake Procedures and Protocol.

6.1 Key Officials in an Investigation.

A. Title IX Coordinator. The Title IX Coordinator is the senior University administrator who oversees the University’s compliance with Title IX. The Title IX Coordinator is responsible for leading the administrative investigation of reports of sexual misconduct and is available to discuss options, provide support, explain University policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators.

Any member of the University community may contact the Title IX Coordinator with questions.

B. Investigators. The Title IX Coordinator will ensure that complaints are properly investigated under this Policy. The Title IX Coordinator will also ensure that investigators are properly trained at least annually to conduct investigations that occur under this Policy. The Title IX Deputy Coordinators shall supervise and advise the Title IX investigators when conducting investigations and update the Title IX Coordinator as necessary.

6.2 Assessment of Complaint.

The Title IX Coordinator or designee will conduct a preliminary assessment of the complaint and determine whether a formal resolution or an informal resolution should occur. Informal resolution may be appropriate:

A. With a complaint solely of sexual harassment, not including sexual violence as defined in this Policy; and

B. When both parties are categorically similar (i.e. employee/employee or student/student).
6.3 Notification of University Offices Offering Assistance. After receiving a complaint, the Title IX Coordinator or Deputy Coordinator shall direct [insert student victim resource coordinator] for students or [Employee Relations] for employees to inform the complainant of available resources and assistance. While taking into consideration requested confidentiality, the [insert student victim resource coordinator info] for students and [Employee Relations] office may serve as a liaison between the complainant and the Title IX Coordinator during the investigation.

6.4 Informal Resolution of Certain Sexual Harassment Complaints. (OPTIONAL)

A complainant may use this option instead of or before filing a formal complaint, but is not required to do so. Also, this option is not permitted for sexual violence cases. Anyone who believes that he or she has been subject to sexual misconduct may immediately file a formal complaint as described in Section 3 of this Policy. An individual wishing to use the informal resolution process should contact the Title IX Coordinator.

A. Informal Assistance. In certain sexual harassment complaints, an individual may not wish to file a formal complaint. If informal assistance is deemed appropriate by the Title IX Coordinator or designee, then the individual will be provided assistance in informally resolving the alleged sexual harassment. Assistance may include providing the complainant with strategies for communicating with the offending party that his or her behavior is unwelcomed and should cease, directing a University official to inform the offending party to stop the unwelcomed conduct, or initiating mediation. However, the University may take more formal action, including disciplinary action, to ensure an environment free of sexual harassment or sexual misconduct.

B. Timeframe. Informal resolutions should be completed no later than 10 business days after the Title IX Coordinator receives the request for informal resolution.

C. Confidentiality and Documentation. The University will document and record informal resolutions. The Title IX Coordinator will retain the documentation. If the individual’s wish to remain anonymous limits the University’s ability to establish facts and eliminate the potential harassment, the University will attempt to find the right balance between the individual’s desire for privacy and confidentiality and its responsibility to provide an environment free of sexual harassment.

6.5 Formal Complaint and Investigation.

Formal Complaint. To begin the investigation process, the complainant should submit a signed, written statement setting out the details of the conduct that is the subject of the complaint, including the complainant’s name, signature, and contact information; the name of the person directly responsible for the alleged violation; a detailed description of the conduct or
event that is the basis of the alleged violation; the date(s) and location(s) of
the occurrence(s); the names of any witnesses to the occurrence(s); the
resolution sought; and any documents or information that is relevant to the
complaint. The University may initiate an investigation regardless of the
manner in which a complaint is received or whether a complaint is received at
all. However, the complainant is strongly encouraged to file a written
complaint. If the complaint is not in writing, the investigator should prepare a
statement of what he or she understands the complaint to be and ask the
complainant to verify that statement. The University office receiving the
complaint should refer the complaint to the Title IX Coordinator.

Investigation.

A. An investigator will be assigned to investigate the complaint.

B. As part of the investigation process, the complainant and the respondent
   will be provided notice of the complaint and allowed a reasonable time to
   respond in writing.

C. The complainant and the respondent may present any document or
   information that is believed to be relevant to the complaint.

D. Persons thought to have information relevant to the complaint will be
   interviewed, and those interviews will be appropriately documented. Both
   the respondent and the complainant may recommend witnesses for
   interview and suggest questions that should be asked. Neither the
   complainant nor the respondent will normally attend these interviews or
   the gathering of evidence; however, if either one is permitted to attend,
   the other shall have the same right.

E. The investigation of a complaint will be concluded as soon as possible
   after receipt of the written complaint. In investigations exceeding 60
days, a justification for the delay will be presented to and reviewed by the
Title IX Coordinator or his/her supervisor. The complainant, respondent,
and supervisor should be provided updates on the progress of the
investigation and issuance of the report.

F. After the investigation is complete, a written report\(^2\) will be issued to the
Title IX Coordinator and the appropriate administrator. The appropriate
administrator will depend on the status of the respondent (i.e., student,
faculty or employee). The report shall include factual findings and a
preliminary conclusion of whether a policy violation occurred (based on a
“preponderance of the evidence” standard).

G. After the written report is completed, the complainant and respondent will
be allowed to inspect the report or, at the university’s discretion, provided
letters summarizing the findings in the report in keeping with FERPA and

\(^2\) Appropriate report redactions will be made to comply with Texas Education Code, Section 51.971.
Texas Education Code, Section 51.971. If a letter is provided, it will contain enough detail to allow the complainant and respondent to comment on the adequacy of the investigation. Each will have 7 business days from the date of receipt (as indicated on the return receipt) to submit written comments regarding the investigation to the Title IX Coordinator.

H. Within 7 business days after the deadline for receipt of comments from the complainant and respondent, the Title IX Coordinator or his or her designee will: (1) request further investigation into the complaint; (2) dismiss the complaint if it is determined that no violation of policy or inappropriate conduct occurred; or (3) find that the Policy was violated. A decision that the Policy was violated shall be based on the record.

I. If the Title IX Coordinator or his or her designee determines that the Policy was violated, he or she will refer the matter for disciplinary action under the applicable disciplinary policies and procedures, which depend on the status of the respondent (i.e., student, faculty or employee).

J. The complainant and the respondent shall be informed concurrently in writing of the decision in accordance with section 6.5.G of this Policy.

K. The appropriate administrator will impose disciplinary action or sanction(s) in accordance with the applicable policies and procedures dependent on the status of the respondent (i.e., student, faculty or employee).

6.6 Standard of Proof. All investigations under this Policy will use the preponderance of the evidence standard to determine violations of this Policy.

6.7 Timelines. Barring any unforeseen and reasonable delays, the University will endeavor to resolve complaints under this Policy no later than 60 calendar days after the initial report was received by the Responsible Employee. If the investigation and resolution exceeds 60 calendar days, the University will notify all parties in writing of the reason for the delay and the expected time frame adjustment. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the University may defer its fact-gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the complainant regarding his/her Title IX rights, procedural options, the status of the investigation, and the implementation of interim measures to ensure his/her safety and well-being. The University will also communicate with the respondent regarding his/her Title IX rights, procedural options and information regarding the status of the investigation. The University will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation, or if the fact-gathering is not completed in a reasonable time.
The filing of a complaint under this Policy does not excuse the complainant from meeting time limits imposed by outside agencies. Likewise, the applicable civil or criminal statute of limitations will not affect the University’s investigation of the complaint.

6.8 Remedies. In addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the University will take appropriate action(s), including but not limited to those below to resolve complaints of sexual misconduct, prevent any recurrence and, as appropriate, remedy any effects:

(a) Imposing sanctions against the respondent, including attending training, suspension, termination or expulsion;
(b) Ensuring the complainant and respondent do not share classes, working environments or extracurricular activities;
(c) Making modifications to the on campus living arrangements of the respondent or complainant (if the complainant requests to be moved);
(d) Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;
(e) Providing the complainant extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
(f) Determining whether sexual misconduct adversely affected the complainant’s university standing;
(g) Designating an individual specifically trained in providing trauma-informed comprehensive services to victims of sexual violence to be on call to assist victims whenever needed;
(h) Conducting, in conjunction with University leaders, a University climate check to assess the effectiveness of efforts to ensure that the University is free from sexual misconduct, and using that information to inform future proactive steps that the University will take;
(i) Providing targeted training for a group of students if, for example, the sexual misconduct created a hostile environment in a residence hall, fraternity or sorority, or on an athletic team. Bystander intervention and sexual misconduct prevention programs may be appropriate;
(j) Issuing policy statements or taking other steps to clearly communicate that the University does not tolerate sexual misconduct and will respond to any incidents and to any individual who reports such incidents.

These remedies are separate from, and in addition to, any interim measures that may have been provided before the end of the University’s investigation. If the complainant did not take advantage of a specific service (e.g., counseling) when offered as an interim measure, the complainant should still be offered, and is still entitled to, appropriate final remedies that may include
services the complainant declined as an interim measure. A refusal at the interim stage does not mean the refused service or set of services should not be offered as a remedy.

6.9 Sanctions and Discipline. Disciplinary action against faculty and employees will be handled under the University’s policies for discipline and dismissal of faculty and employees. Disciplinary actions may include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension, and dismissal. The Dean of Students [or insert appropriate official] will impose disciplinary action, if any, against a student under the University’s student disciplinary procedures. Student disciplinary actions may include, but are not limited to, probation, suspension, or expulsion.

[LINK TO APPROPRIATE POLICIES]

In accordance with federal law, when disciplinary action is commenced because of a violation of this Policy, the above policies will provide both parties equal opportunities in all aspects of the process including notices and advisor representation. Further, the standard of proof in determining the outcome will be the “preponderance of the evidence,” as defined in this policy.

Sec. 7. Provisions Applicable to the Investigation.

7.1 Assistance. During the investigation process, a complainant or respondent may be assisted by an advisor, who may be an attorney; however, the advisor may not actively participate in a meeting or interview.

7.2 Time Limitations. Time limitations in these procedures may be modified by the Title IX Coordinator or appropriate administrator on a written showing of good cause by the complainant, respondent, or the University.

7.3 Concurrent Criminal or Civil Proceedings. The University will not wait for the outcome of a concurrent criminal or civil justice proceeding to take action. The University has an independent duty to investigate complaints of sexual misconduct. (Except as provided in Sec. 6.7).

7.4 Documentation. The University shall document complaints and their resolution and retain copies of all materials in accordance with state and federal records laws and University policy.

Sec 8. Dissemination of Policy and Educational Programs.

8.1 This Policy will be made available to all University administrators, faculty, staff, and students online at [insert website] and in University publications. Periodic notices will be sent to University administrators, faculty, staff and students about the University’s Sexual Harassment/Sexual Misconduct Policy. The notice will include information about sexual misconduct, including the complaint procedure, and about University disciplinary policies and available resources, such as support services, health, and mental health.
services. The notice will specify the right to file a complaint under this Policy and with law enforcement and will refer individuals to designated offices or officials for additional information.

8.2 Ongoing Sexual Misconduct Training. The University’s commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education through annual training and lectures by faculty, staff, mental health professionals, and/or trained University personnel. The University will periodically educate and train employees and supervisors regarding the Policy and conduct that could constitute a violation of the Policy. Preventive education and training programs will be provided to University administrators, faculty, staff, and students and will include information about risk reduction, including bystander intervention. Training on sexual harassment and sexual violence policy and procedures will be provided to law enforcement personnel, including training on their obligation to advise University administrators, faculty, staff, and students of their rights to file a complaint under this Policy and their right to file a criminal complaint. [Link to web page with training provided]

8.3 Training of Coordinators, Investigators, Hearing and Appellate Authorities. All Title IX Coordinators, Deputy Coordinators, investigators, and those with authority over sexual misconduct hearings and appeals shall receive training each academic year about offenses, investigatory procedures, due process, and University policies related to sexual misconduct.

Sec. 9. Additional Conduct Violations.

9.1 Retaliation. Any administrator, faculty member, student or employee who knowingly and intentionally retaliates in any way against an individual who has brought a complaint under this Policy, participated in an investigation or disciplinary process of such a complaint, or opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the University.

9.2 False Complaints. Any person who knowingly and intentionally files a false complaint under this Policy is subject to disciplinary action up to and including dismissal or separation from the University. A finding of non-responsibility does not indicate a report was false.

9.3 Interference with an Investigation. Any person who knowingly and intentionally interferes with an ongoing investigation conducted under this Policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with an ongoing investigation may include, but is not limited to:

(a) Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
(b) Removing, destroying, or altering documentation relevant to the investigation; or
(c) Providing false or misleading information to the investigator, or encouraging others to do so.

9.4 No Effect on Pending Personnel or Academic Actions Unrelated to the Complaint. The filing of a complaint under this Policy will not stop or delay any action unrelated to the complaint, including: (1) any evaluation or disciplinary action relating to a complainant who is not performing up to acceptable standards or who has violated University rules or policies; (2) any evaluation or grading of students participating in a class, or the ability of a student to add/drop a class, change academic programs, or receive financial reimbursement for a class; or (3) any job-related functions of a University employee. Nothing in this section shall limit the University’s ability to take interim action.

Sec. 10 Documentation. The University shall confidentially maintain information related to complaints under this Policy, as required by law. The Title IX Coordinator will document each complaint or request for assistance under this Policy, whether made by a victim, a third party, or anonymously, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information contained in a complaint or otherwise related to the investigation of a complaint under this Policy is subject to disciplinary action.

Sec. 11 Annual Reporting and Notice. The University’s Title IX General Policy Statement will be made available to all students, faculty, and employees online, in required publications and in specified departments. On an annual basis, and upon any updates to this Policy, the University will send notice of its compliance with Title IX as required by law. The annual notice shall designate the Title IX Coordinator and Deputy Coordinators, explain which offenses are prohibited and where to report violations of this Policy, provide information regarding victim resources, and provide a link to this Policy and other related University websites.

3. Definitions and Examples

Consent – A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that

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3 The definitions provided in the main body of the text are the definitions adopted by the University. When applicable, we have included the state law definition. In any criminal action brought by law enforcement, the state law definition will apply.
would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to have sexual activity.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.4

**Dating Violence**5 – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined by the victim with consideration of the following factors:

a) The length of the relationship;
b) The type of relationship; and
c) The frequency of interaction between the persons involved in the relationship

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

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4 Texas Penal Code, Section 22.011(b) states that a sexual assault is without consent if: (1) the actor compels the other person to submit or participate by the use of physical force or violence; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat.

5 Dating Violence is defined by the Texas Family Code, Section 71.0021 as:

(a) an act, other than a defensive measure to protect oneself, by an actor that:

1) is committed against a victim:

   (A) with whom the actor has or has had a dating relationship; or

   (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

1) the length of the relationship;

2) the nature of the relationship; and

3) the frequency and type of interaction between the persons involved in the relationship.

(c) A casual acquaintance or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

Texas Penal Code, Section 22.01 provides the criminal penalties associated with Dating Violence.
Domestic (Family) Violence⁶ – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Texas, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the state of Texas.

Hostile Environment – exists when sex-based harassment is sufficiently severe or pervasive to deny or limit the individual’s ability to participate in or benefit from the University’s programs or activities or an employee’s terms and conditions of employment. A hostile environment can be created by anyone involved in a University’s program or activity (e.g., administrators, faculty members, employees, students, and University visitors).

In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a hostile environment, the University must also find that a reasonable person in the individual’s position would have perceived the conduct as undesirable or offensive.

To ultimately determine whether a hostile environment exists for an individual or individuals, the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of the persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected an individual’s education or employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

First Amendment Considerations: this Policy does not impair the exercise of rights protected under the First Amendment. The University’s sexual misconduct policy prohibits only sex-based harassment that creates a hostile environment. In this and other ways, the University applies and enforces this Policy in a manner that respects the First Amendment rights of students, faculty, and others.

⁶ Family Violence is defined by the Texas Family Code Section 71.004 as:
(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
(3) dating violence, as that term is defined by Section 71.0021.

Texas Penal Code Section 22.01 provides the criminal penalties associated with Domestic (Family) Violence.
Incapacitation – A state of being that prevents an individual from having the capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.

Intimidation – Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Other Inappropriate Sexual Conduct – Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional, inappropriate for the workplace or classroom and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or classroom.

Preponderance of the Evidence – The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this Policy. This standard is satisfied if the action is deemed more likely to have occurred than not.

Responsible Employee – A University employee who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible employees include all administrators, faculty, supervisory staff, resident life directors and advisors, and graduate teaching assistants, except any employee with confidentiality obligations as defined in Section 3.5. Incidents of sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct may also be reported to Responsible Employees.

Retaliation – Any adverse action threatened or taken against someone because the individual has filed, supported, provided information in connection with a complaint of sexual misconduct or engaged in other legally protected activities. Retaliation includes, but is not limited to, intimidation, threats or harassment against any complainant, witness or third party.

Sexual Assault⁷ – An offense that meets the definition of rape, fondling, incest, or statutory rape:

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⁷ Sexual Assault is defined by Texas Penal Code, Section 22.011 as intentionally or knowingly:

   a) Causing the penetration of the anus or sexual organ of another person by any means, without that person’s consent; or
   b) Causing the penetration of the mouth of another person by the sexual organ of the actor, without that person’s consent; or
   c) Causing the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.
a) *Rape:* the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

b) *Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

c) *Incest:* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

d) *Statutory Rape:* Sexual intercourse with a person who is under the statutory age of consent.

**Sexual Exploitation** – Occurs when an individual takes non-consensual or abusive sexual advantage of another for his or her own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

**Sexual Harassment** – Unwelcome conduct of a sexual nature including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when submission to such conduct is made either explicitly or implicitly a term or condition of a person's student status, employment, or participation in University activities; such conduct is sufficiently severe or pervasive that it interferes with an individual's education, employment, or participation in University activities, or creates an objectively hostile environment; or such conduct is intentionally directed towards a specific individual and has the effect of unreasonably interfering with that individual's education, employment, or participation in University activities, or creating an intimidating, hostile, or offensive environment. Sexual harassment is a form of sex discrimination that includes:

a) Sexual violence, sexual assault, stalking, domestic violence and dating violence as defined herein.

b) Physical conduct, depending on the totality of the circumstances present, including frequency and severity, including but not limited to:
   i. unwelcome intentional touching; or
   ii. deliberate physical interference with or restriction of movement.

c) Verbal conduct not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea, including oral, written, or symbolic expression, including but not limited to:
   i. explicit or implicit propositions to engage in sexual activity;
   ii. gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
   iii. gratuitous remarks about sexual activities or speculation about sexual experiences;
   iv. persistent, unwanted sexual or romantic attention;
   v. subtle or overt pressure for sexual favors;
vi. exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials; or
vii. deliberate, repeated humiliation or intimidation based upon sex.

**Sexual Misconduct** – A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes, but is not limited to, sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.

**Sexual Violence** – Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, and/or aggravated sexual assault.

**Stalking**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition—

a) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

b) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

c) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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8 Stalking as defined by Texas Penal Code, Section 42.072 is when an individual on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

a) is considered harassment, or that the actor knows or reasonably should know the other person will regard as threatening:

i. bodily injury or death for the other person;

ii. bodily injury or death for a member of the other person’s family or household or for an individual with whom the other person has a dating relationship; or

iii. that an offense will be committed against the other person’s property;

b) causes the other person, a member of the other person’s family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person’s property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

c) would cause a reasonable person to:

i. fear bodily injury or death for himself or herself;

ii. fear bodily injury or death for a member of the person’s family or household or for an individual with whom the person has a dating relationship;

iii. fear that an offense will be committed against the person’s property; or

iv. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
4. Relevant Federal and State Statutes, and Standards


Clergy Act, 20 U.S.C 1092(f) and its implementing regulations 34 C.F.R. Part 668

FERPA Regulations, 34 C.F.R. Part 99

5. Other Relevant Policies, Procedures, and Forms

[insert reference to]:

Regents’ Rules and Regulations, Rule 30105, Sexual Harassment, Sexual Misconduct, and Consensual Relationships

University of Texas System Administration Systemwide Policy (UTS 184), Consensual Relationships

University’s Sex Discrimination Policy

Regents’ Rules and Regulations, Rule 31008, Termination of a Faculty Member

Staff Discipline policy

Student Discipline policy

6. System Administration Office(s) Responsible for Policy

Office of General Counsel

7. Dates Approved or Amended

April 6, 2015
February 21, 2012

8. Contact Information

Questions or comments about this Policy should be directed to:

• ogc_intake@utsystem.edu
2015-2016

COMMITTEE NAME: COMMITTEE ON COMMITTEES
Charge: Policy Memorandum UTDPP1019

Committee:

EX-OFFICIO (with vote)
Speaker of the Faculty Senate

SPECIAL REQUIREMENTS:
7 members of General Faculty
1 from each of 8 schools, excluding IS
2 year terms

RESPONSIBLE UNIVERSITY OFFICIAL
Executive Vice President and Provost

MEMBERS WHOSE TERMS ARE CONTINUING
FACULTY:
Sheryl Skaggs (EPPS) (5/31/16)
John Hoffman (NSM) (5/31/16)
Robert Stillman (BBS) (5/31/16)

MEMBERS WHOSE TERMS ARE EXPIRING
Jessica Murphy (AH) (5/31/15)
Ramaswamy Chandrasekaran (ECS) (5/31/15)
David Cordell (SOM) (5/31/15)
( ATEC)

REPLACEMENTS NEEDED

CHAIR: Tim Redman (AH) (5/31/16)
Policy Charge

Committee on Committees

Policy Statement

The Committee on Committees is a Standing, Concurrent Committee of the Academic Senate of The University of Texas at Dallas. Members of the Committee are appointed by the President upon nomination by the Academic Council.

The Committee is charged to advise the Academic Council on faculty membership for the standing and ad hoc committees of the Academic Senate; to study the organization and operation of Senate committees, making recommendations with respect to improvements in the structure and effectiveness; and to advise the President on faculty membership for University-wide standing committees.

Annually, but no later than August 31, the Chair of the Committee provides the Academic Senate with a written report for the Academic Senate of the Committee's activities for the prior academic year.

The Committee is composed of seven members appointed from the membership of the General Faculty (as defined in Title III, Chapter 21, Subchapter B., Section 1.B.1. of The University of Texas at Dallas Handbook of Operating Procedures UTD1088- Faculty Governance), consisting of one person appointed to represent each of the six Schools, excluding the School of Interdisciplinary Studies, and the Speaker of the Faculty as ex officio (with vote). The Executive Vice President and Provost serves as the Responsible University Official.

The term of office for appointed committee members shall be effective June 1 to May 31, and members may be reappointed by the President for additional terms upon nomination of the Academic Council. The terms for appointed members shall be staggered so that no more than one-half of the terms expire in any one year. If for any reason a Committee member resigns, the President, upon nomination of the Academic Council, shall appoint another individual to serve the remainder of the unexpired term.

The Speaker of the Faculty serves as the Chair of the Committee. The term of office for the Speaker shall expire upon the selection of the Speaker-Elect, who serves until the next election.

Policy History

- Issued: May 31, 1984
- Revised: May 13, 1985
- Revised: May 1, 1988
- Revised: November 1, 1990
- Revised: October 15, 1993
- Revised: September 1, 1998
• Editorial Amendments: September 1, 2000
• Editorial Amendments: April 18, 2006

Policy Links

• Permalink for this policy: http://policy.utdallas.edu/utdpp1019
• Link to PDF version: http://policy.utdallas.edu/pdf/utdpp1019
• Link to printable version: http://policy.utdallas.edu/print/utdpp1019
1. Title

Rules for Intellectual Property: Purpose, Scope, Authority

2. Rule and Regulation

Sec. 1 Purpose. To balance the interests of the many contributors to the substantial creation of intellectual property at and by the U. T. System, the Board of Regents promulgates these Rules on intellectual property with the purpose to (a) provide certainty in research pursuits and technology-based relationships with third parties; (b) create an optimal environment for research, development, and commercialization opportunities with private industry; and (c) encourage the timely and efficient protection and management of intellectual property.

Sec. 2 Individuals Subject to this Rule. This intellectual property Rule applies (a) to all persons employed by the U. T. System or any U. T. System institution, including, but not limited to, full and part-time faculty and staff and visiting faculty members and researchers, and (b) to anyone using the facilities or resources of the U. T. System or any U. T. System institution, including, but not limited to, students enrolled at a U. T. System institution such as in an undergraduate or graduate degree program or certificate program, and postdoctoral and predoctoral fellows. The Board of Regents automatically owns the intellectual property created by individuals subject to this Rule that is described in Sections 3, 5, and 6 below and in Rule 90102, Sections 2 and 3. Accordingly, all individuals subject to this Rule must assign and do hereby assign their rights in such intellectual property to the Board of Regents. Moreover, individuals subject to this Rule who create such intellectual property (creators) shall promptly execute and deliver all documents and other instruments as are reasonably necessary to reflect the Board of Regents' ownership of such intellectual property. A creator of intellectual property owned by the Board of Regents has no independent right or authority to convey, assign, encumber, or license such intellectual property to any entity other than the Board of Regents.

Sec. 3 Intellectual Property Included. Except as set forth in Sections 4 and 5 below and Rule 90102 of the Regents' Rules and Regulations, this Rule applies to all types of intellectual property, including, but not limited to, any invention, discovery, creation, know-how, trade secret, technology, scientific or
technological development, research data, works of authorship, and computer software regardless of whether subject to protection under patent, trademark, copyright, or other laws.

Sec. 4 Interest in Certain Copyrights. Notwithstanding Section 3 above, the Board of Regents will not assert an ownership interest in the copyright of scholarly or educational materials, artworks, musical compositions, and literary works related to the author's academic or professional field, regardless of the medium of expression. This exemption applies to works authored by students, professionals, faculty, and nonfaculty researchers. The Board of Regents encourages these creators to manage their copyrights in accordance with the guidelines concerning management and marketing of copyrighted works consistent with applicable institutional policies.

Sec. 5 Copyright Interest in Certain Software. The Board of Regents asserts ownership in software; however, copyright in original software that is content covered by Section 4 above or that is integral to the presentation of such content shall be owned by the creator in accordance with Section 4 above.

Sec. 6 Works for Hire and Institutional Projects. Notwithstanding the provisions of Sections 4 and 5 above, the Board of Regents shall have sole ownership of all intellectual property created by (a) an employee, student, or other individual or entity commissioned, required, or hired specifically to produce such intellectual property by the U. T. System or any U. T. System institution, and (b) an employee, student, or other individual as part of an institutional project. Except as may be provided otherwise in a written agreement approved by the institution or the U. T. System, the provisions of the Regents' Rules and Regulations, Rule 90102, Section 2.5, relating to division of royalties, shall not apply to intellectual property owned solely by the Board of Regents pursuant to this Section.

Sec. 7 Role of Creator. Any person subject to this Rule who creates intellectual property (other than a work for hire under Section 6 above or on government or other sponsored research projects where the grant agreements provide otherwise) may give reasonable input on commercialization of inventions; provided however, that the president(s) of the applicable institution(s), or his or her designee(s), in his or her sole discretion, will make final decisions concerning whether and how to develop and commercialize an invention.
Sec. 8 Use of Facilities and Resources. Neither the facilities nor the resources of the U. T. System or any U. T. System institution may be used (a) to create, develop, or commercialize intellectual property outside the course and scope of employment of an individual (see Regents' Rules and Regulations, Rule 90102, Section 1) or (b) to further develop or commercialize intellectual properties that have been released to an inventor (see Regents' Rules and Regulations, Rule 90102, Sections 2.2 and 2.3) except as the institution's president may approve where the U. T. System retains an interest under the terms of the release.

Sec. 9 Use of Research Data. Research data or results created by an employee are owned by the Board of Regents and, except to the extent that rights to such research data are contractually assigned or licensed to another by the Board of Regents, the creator shall have a nonexclusive license to use such data for nonprofit educational, research, and scholarly purposes within the scope of the employee's employment, subject to adherence to other provisions of this Rule.

Sec. 10 Limited License to Institution. Notwithstanding Section 4 above and as reasonably required for the limited purpose of continuing an institution's scheduled course offerings, the Board of Regents retains for one year following the loss of a course instructor's services, a fully paid-up, royalty-free, nonexclusive worldwide license to use, copy, distribute, display, perform, and create derivative works of materials prepared by the instructor for use in teaching a course (including lectures, lecture notes, syllabi, study guides, bibliographies, visual aids, images, diagrams, multimedia presentations, examinations, web-ready content, and educational software).

3. Definitions

None

4. Relevant Federal and State Statutes

Texas Education Code, Chapter 153 – Centers for Technology Development and Transfer

5. Relevant System Policies, Procedures, and Forms
Regents’ Rules and Regulations, Rule 90102 – Intellectual Property Rights and Obligations

Regents’ Rules and Regulations, Rule 90103 – Equity Interests

Regents’ Rules and Regulations, Rule 90104 – Business Participation and Reporting

Regents’ Rules and Regulations, Rule 90105 – Execution of Legal Documents Related to Intellectual Property

Regents’ Rules and Regulations, Rule 90106 – Income from Intellectual Property

6. Who Should Know

Administrators
Faculty
Staff
Students

7. System Administration Office(s) Responsible for Rule

Office of General Counsel

8. Dates Approved or Amended

Editorial amendment to Number 4 made December 8, 2014
November 10, 2011
Editorial amendments made October 6, 2011
Editorial amendment to Sec. 4 made September 29, 2011
February 8, 2007
December 10, 2004

9. Contact Information

Questions or comments regarding this Rule should be directed to:

- bor@utsystem.edu
1. Title

Intellectual Property Rights and Obligations

2. Rule and Regulation

Sec. 1 Intellectual Property Owned by the Creator. Intellectual property developed or created by a U. T. System employee outside the course and scope of employment of the individual which is developed or created on his/her own time and without the support of the U. T. System or any U. T. System institution or use of their facilities or resources, is the exclusive property of the creator.

Sec. 2 Intellectual Property Owned by U. T. System. Intellectual property either developed within the course and scope of employment of the individual or resulting from activities performed on U. T. System time, or with support of State funds, or from using facilities or resources owned by the U. T. System or any U. T. System institution (other than incidental use) is owned by the Board of Regents. To effectively implement this Rule and provide certainty to individuals subject to this Rule, a U. T. System institution may promulgate institutional rules, regulations, or policies defining the course and scope of employment for persons or classes of persons and specifying that authorized (pursuant to existing rules and procedures) outside employment is or is not within an employee's course and scope of employment.

2.1 Determination of U. T. System’s Interest. Before intellectual property subject to ownership by the Board of Regents is disclosed to any party outside the U. T. System, to the public generally, or for commercial purposes, and before publishing same, the creator shall submit a reasonably complete and detailed disclosure of such intellectual property to the president of the creator's institution for determination of the U. T. System's interest. The institution will regularly and promptly communicate with the creator during this decision-making process.

2.2 Election Not to Assert Ownership Interest. If the institution’s president elects not to assert U. T. System's interest, the U. T. System Office of General Counsel and the primary creator shall be notified in writing within 20 business days after a decision is made not to assert
ownership rights that the institution will offer the released intellectual property to the creator (see Rule 90101, Section 8), except where prohibited by law or contractual obligations or requirements. Thereafter, the creator will be free to obtain and exploit a patent or other intellectual property protection in his or her own right and the U. T. System and U. T. System institutions shall not have any further rights, obligations, or duties with respect thereto except that, in appropriate circumstances, the institution's president may elect to impose certain limitations or obligations, including, but not limited to, a nonexclusive license for the creator, U. T. System, and any U. T. System institution to use the released invention for patient care, teaching, scholarly and other academically related purposes, and nonprofit research.

2.3 Later Release of Invention. Except where prohibited by law or contractual obligations or requirements, the institution's president may elect to release an invention to its creator at any time after asserting U. T. System's interest, with notice to the U. T. System Office of General Counsel (see Rule 90101, Section 8); however, such a release must include provisions for the recovery by U. T. System of patent and licensing expenses, if any, as well as the retention of income rights by U. T. System, and may include certain limitations or obligations, including those set forth in Section 2.2 above.

2.4 Protection and Commercialization of Intellectual Property. With respect to intellectual property in which the U. T. System or any U. T. System institution asserts an interest, the institution's president, or his or her designee, shall decide how, when, and where the intellectual property is to be protected and commercialized. Outside counsel services may be contracted with the prior consent of the U. T. System Vice Chancellor and General Counsel and, if required by law, the approval of the Attorney General. U. T. System shall establish an intellectual property data collection system.

2.5 Reimbursement of Licensing Costs and Allocation of Income. In those instances where the U. T. System or any U. T. System institution licenses rights in intellectual property to third parties, and other than with regard to elections under Section 2.2 above, the costs of licensing,
including, but not limited to, the costs to operate and support a technology transfer office and the costs of obtaining a patent or other protection for the property on behalf of the Board of Regents must first be recaptured from any royalties or other license payments received by the U. T. System or any U. T. System institution. The remainder of any such income (including but not limited to license fees, prepaid royalties, minimum royalties, running royalties, milestone payments, and sublicense payments) shall be divided as follows:

50% to creator(s)
50% to U. T. System,

provided, however, that a creator may disclaim his/her interest in such income, in which case the institution shall receive the creator's share and shall decide, in its sole discretion, if, how, and when to disburse such income.

With the prior approval of the Board and after review by the U. T. System Vice Chancellor and General Counsel and the appropriate Executive Vice Chancellor, an institution may adjust the allocation of royalties set forth herein for all creators.

Sec. 3 Intellectual Property Involving Sponsored Research. Intellectual property resulting from research supported by a grant or contract with the government (federal and/or state), or an agency thereof, with a nonprofit or for-profit nongovernmental entity, or by a private gift or grant to the U. T. System or any U. T. System institution is owned by the Board of Regents.

3.1 Nonconformance with Intellectual Property Guidelines. Administrative approval of such grants and contracts containing provisions inconsistent with this Rule or other policies and guidelines adopted by the Board imply a decision that the value to the U. T. System or any U. T. System institution of receiving the grant or performing the contract outweighs the impact of any nonconforming provisions on the intellectual property policies and guidelines of the U. T. System or any U. T. System institution (Reference Regents’ Rules and Regulations, Rule 90105, Section 2).
3.2 Conflicting Provisions. Subject to approval as described in Subsection 3.1 above, the intellectual property policies and guidelines of the U. T. System or any U. T. System institution are subject to, and thus amended and superseded by, the specific terms pertaining to intellectual property rights included in state and/or federal grants and contracts, or grants and contracts with nonprofit and for-profit nongovernmental entities or private donors, to the extent of any such conflict.

3.3 Cooperation with Necessary Assignments. Those persons subject to this Rule whose intellectual property creations result from a grant or contract with the government (federal and/or state), or any agency thereof, or with a nonprofit or for-profit nongovernmental entity, or by private gift to the U. T. System or any U. T. System institution shall promptly execute and deliver such documents and other instruments as are reasonably necessary for the U. T. System or any U. T. System institution to discharge its obligations, expressed or implied, under the particular agreement.

3.4 Sharing of Royalty Income. In the event that two or more persons who are entitled to share royalty income pursuant to Section 2.5 of this Rule (or equity pursuant to Regents’ *Rules and Regulations*, Rule 90103 concerning equity interests) cannot agree in writing on an appropriate sharing arrangement, the institution’s president shall determine that portion of the royalty income to which the creators are entitled under the circumstances and such amount will be distributed to them accordingly. In the event that the creators are located at two or more U. T. System institutions and cannot agree, such royalty (or equity) distribution decision shall be made by the involved institutions’ presidents (or their respective designees). In the further event that the involved presidents cannot agree, then the Chancellor (or designee) shall decide and his/her decision shall be binding on the creators.

3.5 Geographical Scope of Protection. A decision by the U. T. System or any U. T. System institution to seek patent or other available protection for intellectual property covered by Section 2 of this Rule shall not obligate the U. T. System or any U. T. System institution
to pursue such protection in all national jurisdictions. The U. T. System's decision relating to the geographical scope and duration of such protection shall be final.

3. Definitions

None

4. Relevant Federal and State Statutes

_Texas Education Code_, Chapter 153 – _Centers for Technology Development and Transfer_

5. Relevant System Policies, Procedures, and Forms


Regents’ _Rules and Regulations_, Rule 90103 – Equity Interests

Regents’ _Rules and Regulations_, Rule 90104 – Business Participation and Reporting

Regents’ _Rules and Regulations_, Rule 90105 – Execution of Legal Documents Related to Intellectual Property

Regents’ _Rules and Regulations_, Rule 90106 – Income from Intellectual Property

6. Who Should Know

Administrators
Faculty
Staff
Students

7. System Administration Office(s) Responsible for Rule

Office of General Counsel

8. Dates Approved or Amended

Editorial amendment to Number 4 made December 8, 2014
Editorial amendment to Sec. 2.5 made May 23, 2013
November 10, 2011
9. **Contact Information**

Questions or comments regarding this Rule should be directed to:

- bor@utsystem.edu