MEMORANDUM
April 2, 2010

TO: Academic Council*

FROM: Office of Academic Governance
Vicki Carlisle, Academic Governance Secretary

SUBJECT: Academic Council Meeting

The Academic Council will meet on Wednesday, April 7, 2010 at 2:00 p.m. in the Osborne Conference Room (ECS South 3.503). Please bring the agenda packet with you to the meeting. If you cannot attend, please notify me at vicki.carlisle@utdallas.edu or x6751.

Attachments

2009-2010 Academic Council
Beron, Kurt
Cantrell, Cyrus
Chandrasekaran, R.
Cordell, David **
Huxtable-Jester, Karen
Leaf, Murray *
Miller, Dennis
Redman, Timothy

Kao, Diana – Student Government President

*Speaker
**Secretary
AGENDA

ACADEMIC COUNCIL MEETING
April 7, 2010

1. CALL TO ORDER, ANNOUNCEMENTS & QUESTIONS       DR. DANIEL

2. APPROVAL OF THE AGENDA                               DR. LEAF

3. APPROVAL OF MINUTES                                  DR. LEAF

   March 3, 2010 Meeting

4. SPEAKER’S REPORT                                     DR. LEAF

5. FAC REPORT                                           DR. LEAF

6. DRAFT UT DALLAS POLICY ON FINANCIAL EXIGENCY         DR. LEAF

7. REGENTS’ RULES FINANCIAL EXIGENCY ADVISORY COMMITTEE
   RECOMMENDATIONS                                       DR. LEAF

8. SUSTAINABILITY POLICY                                SERENITY KING

9. APPROVAL OF CANDIDATES FOR GRADUATION                 DR. LEAF

10. CEP REPORT                                          DR. CANTRELL

11. SENIOR LECTURER SENATE ELECTION RESULTS             DR. CORDELL

12. AGENDA FOR APRIL 21, 2010 SENATE MEETING            DR. LEAF

13. 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 official minutes.

Academic Council Meeting
March 3, 2010

PRESENT: Kurt Beron, Cy Cantrell, R. Chandresakaran, David Cordell, Murray Leaf, Dennis Miller, Tim Redman

VISITORS: Hobson Wildenthal, Andrew Blanchard, Serenity King

1. CALL TO ORDER, ANNOUNCEMENTS & QUESTIONS

Provost Wildenthal called the meeting to order. There were no announcements, but Dr. Wildenthal confirmed that the requested state budget cut would be the full 5% of state appropriated funds. This will result in UTD losing $7 million in available funds.

2. APPROVAL OF THE AGENDA

Speaker Leaf added the Exigency Policy draft to the agenda as Item #7. Cy Cantrell moved to approve the agenda as amended. Kurt Beron seconded. The motion carried.

3. APPROVAL OF MINUTES

Corrections were made to the minutes as circulated. Tim Redman moved to approve the minutes of the February 3, 2010 meeting as amended. Cy Cantrell seconded. The motion carried.

4. SPEAKER’S REPORT—MURRAY LEAF

Murray Leaf stated that the Provost’s office is in the process of rewriting policies on a new format. However, the Institutional Review Board policy does not fit into the new template. Serenity King had asked if another template could be developed to address this situation. Speaker Leaf suggested leaving the IRB policy in its current format. Ms. King noted that the problem is not exclusive to the IRB policy – there are other concerns as well. She will review this further and discuss at a later date.

5. FACULTY ADVISORY COUNCIL REPORT—MURRAY LEAF

Murray Leaf reported that the amended Regent’s Rules dealing with financial exigency has now been reported to the Chancellor, and circulated to administrations and faculty governance organizations. The rules require each campus to develop its own policy for implementation. Concurrently, templates for campus policies have been developed in the FAC, and are being reviewed and discussed on the campuses. If all goes as it promises to, we should have the necessary feedback from the campuses by the FAC meeting in spring, and the amendments to the Regents Rules should be ready for the Regents’ meeting in August.

6. TEXAS COUNCIL ON FACULTY SENATES

Murray Leaf attended the Texas Council on Faculty Senates meeting last week in Austin along with David Cordell. The state leaderships’ request for reduction in funding was one of the main issues discussed. No campuses are anticipating faculty reductions as a result of the budget cuts; however, some campuses may experience staff reductions. It appears that the way campuses are handling the reduction
request is largely size-dependent. Larger campuses are mandating across the board cuts for constituent units, such as colleges. Smaller campuses are prioritizing functions.

7. **EXIGENCE POLICY – MURRAY LEAF**

Item taken out of order. Murray Leaf briefly reviewed the changes in the campus policy since the Senate last reviewed it and the proposed amendments to Regents Rules. The definition of exigency comports with what we initially developed. The definition of faculty now clearly means the governance organization. The main difference in the draft Regent’s Rules and our own original proposal was that the Rules’ will not allow campuses to resort to their grievance policies for appeals. Speaker Leaf has rewritten the appeals section of our own policy draft accordingly. Cy Cantrell made a motion to place this item on the Senate agenda. Tim Redman seconded. The motion carried.

8. **SUSTAINABILITY POLICY – SERENITY KING**

Serenity King reported that the UT System has adopted a Sustainability Policy and has asked each institution to come up with a policy as well. UT-D has hired Donna Riha who will serve as the Energy Conservation and Sustainability Manager. She has drafted this policy. There was discussion in the HOP meeting on whether or not Senate input would be beneficial in drafting the final policy. Murray Leaf stated that the faculty has long been interested in sustainability, and one particular area of concern was the possibility of an overlap with the charge of this committee and the duties of the Facilities Management Committee. Facilities Oversight has not been active for the last two years. Its major project was to develop a websites for keeping the community updated on ongoing construction and renovation projects. This was done, but at the same time the Facilities Management department has set up its own website doing substantially the same thing, and it is working effectively. So we need to reconsider what this committee is needed for alongside considering what the sustainability committee would do, with the obvious question being whether we should bring the two charges together. Speaker Leaf asked if the Council felt the draft of the policy should be sent to the Facilities Management Committee or to the Senate. Further discussion ensued on the general implications of sustainability. It was decided to invite Ms. Riha to speak to the Senate to address some of the concerns.

Kurt Beron moved to put the Sustainability Policy on the Senate agenda. Tim Redman seconded. The motion carried.

9. **MEMBERSHIP – SENATE ADVISORY COMMITTEE ON UNIVERSITY BUDGET – MURRAY LEAF**

Murray Leaf distributed a list of the recommendations of the Committee on Committees for membership on the Budget Advisory Committee. The recommendations are as follows:

Dr. Robert Kieschnick (Chair), (SOM)
Dr. Timothy Redman, (A&H)
Dr. Richard Scotch (EPPS)
Dr. D.T. Huynh (ECS)
Dr. Mark Anderson (SOM)
Dr. Robert Serfing (NS&M)
Dr. Jay Dowling (BBS)

After discussion, Cy Cantrell made a motion to put this item on the Senate agenda with the following additions: Placing the Speaker of the Faculty on the committee as a voting ex-officio member and naming Dr. Elizabeth Salter to the committee as a faculty representative from Interdisciplinary Studies. Tim Redman seconded the motion. The motion carried.
10. CONTINUITY AND INSTITUTIONAL MEMORY – TIM REDMAN

Dr. Redman described a problem that arose in his service on the CQ. He felt that the committee had been handicapped in their deliberations because current committee members have not always personal knowledge of what actions may have been taken during previous reviews, and the CQ was told that looking at the third year files was either not permitted at all, or strongly discouraged. It was his opinion that third-year files need to be available for review by the CQ at the sixth year (tenure) review. There was discussion regarding whether the current CQ should automatically be provided with a copy of previous reviews. Speaker Leaf stated that the original intention in requiring the kind of third-year assessment that we do, with a balanced estimate of the apparent trajectory to tenure and the best advice for attaining tenure that the ad hoc committee could provide, was that the report would be made available at the subsequent tenure consider if a question arose regarding the kind of advice that had been given. Provost Wildenthal said that while he felt there were good reasons to consider the tenure review de novo, to avoid biasing the case by automatically including the third year review, his office would provide the third year file if the CQ felt there was a reason to ask for it. He felt it was not advisable to provide the third year ad hoc committee report alone, without the rest of the file. The Council concurred.

11. CEP REPORT – CY CANTRELL

Cy Cantrell reported that the CEP Committee will meet on March 8 to discuss the approval of both the undergraduate and graduate catalogs as well as three new degree plans – Bachelor of Science in Marketing; Bachelor of Science in Management Information Systems; and Bachelor of Science in Global Business

Council members asked whether the catalogs needed to be approved in their entirety since the first forty pages of each had already been approved. Dr. Cantrell felt that it would be a good idea to approve the entire catalog in each instance. It would be very difficult to mark changes in the portions that were previously approved. However, the unapproved parts in both catalogs would primarily be the course description sections. Serenity King will verify if OGC needs to review anything other than the first 40 pages of the catalogs.

It was agreed that instead of printing the catalogs, links to them will be provided to senators when the agenda packet is sent out for the March 24 meeting. Speaker Leaf will communicate with the senators and ask them to review the catalog section pertaining to their particular area.

Dr. Cantrell moved to place these items on the Senate agenda. Tim Redman seconded the motion. The motion carried.

12. STATUS OF SENATE ELECTION – DAVID CORDELL

David Cordell distributed a list of the nominees for Senate that had been received to date. It was noted that John Burr was incorrectly listed as non-tenure system faculty and should be included in the tenure-system faculty. This change opens up an additional position for a non-tenure system seat, and David will send an email to all non-tenure system faculty requesting additional nominations.
It was also noted that email voting is continuing for Senate approval of the President’s Draft Strategic Plan. The deadline for this vote is March 5. An email reminder will be sent to all Senate members regarding this vote as well.

13. The items for the Agenda for a meeting of the Senate on March 24 therefore are:

1. Approval of members of the Senate Budget Advisory Committee including amendment to the charge to include the Speaker of the Faculty as one of the members, ex officio.

2. From CEP:
   a. Bachelor of Science in Marketing; Bachelor of Science in Management Information Systems; and Bachelor of Science in Global Business
   b. Undergraduate Catalog
   c. Graduate Catalog


14. ADJOURNMENT

Provost Wildenthal adjourned the meeting.

APPROVED: ___________________________ DATE: ___________________________

Murray J. Leaf
Speaker of the Senate
ITEM #6

DRAFT UT DALLAS POLICY ON FINANCIAL EXIGENCY (Rev 3 MR 2010)

Preamble

The enunciation of a policy in Rule 31003, Section 1, of the Regents' Rules and Regulations (http://www.utsystem.edu/bor/rules.htm#A4) concerning the Abandonment of Academic Positions or Programs calls for the President of the University to determine institutional procedures for an in-depth review to inform and guide decisions on these matters. Section 2 concerns elimination for “Academic Reasons.” Section 3 concerns elimination due to financial exigency. In accord with Rule 31003, U. T. Dallas policy and procedures relating to Section 3 are as follow.

GENERAL POLICY ON INTERPRETATION OF RECENT’S RULES

Regents Rule 31003, abandonment of academic positions or programs must be interpreted in the light of Rule 40101 which gives faculty the “major role” in regard to “general academic policies and welfare” and related matters and in the light of the further provisions that assign these faculty responsibilities to the faculty governance organization and require that the organization and procedures of the governance organization be set out in the university Handbook of Operating Procedures and subject to governance review and approval. In addition, the University accepts the recommendations regarding declarations of exigency in the American Association of University Professors “Recommended Institutional Regulations on Academic Freedom and Tenure.”

The term “faculty committee” as used in Regents Rules section 31003 shall be understood here as meaning the Academic Senate of the University of Texas at Dallas, the regular committees of the Senate, or any ad hoc committee that the Senate may assign responsibilities to in order to respond to the exigency. It does not include committees that the Senate does not constitute or approve.

INITIAL DECLARATION OF FINANCIAL EXIGENCY

Financial exigency is an imminent financial crisis that threatens the survival of the institution as a whole and that cannot be alleviated by less drastic means. Whenever there is reason to anticipate that the University is sufficiently threatened by financial exigency, declines in enrollment, or changes in educational needs to endanger the continuance of the University's obligations to faculty members with tenure or those on regular academic appointments, the President at the earliest date possible shall inform the Faculty Senate and all potentially affected budgetary units of the problem.

The President shall consult with the Senate and the concerned budgetary units to determine the nature and seriousness of the problem, the most appropriate of the possible courses of action to be taken, and the means of safeguarding faculty rights and interests, including tenure rights. In solving such a problem, The University shall make every reasonable effort to reassign affected faculty members to other suitable work and to aid them in finding other employment.
On the basis of these deliberations, the President shall write an Initial Declaration of Financial Exigency giving the extent and scope of the emergency and the general approach to be taken to respond to it.

CONCURRENCE OF THE SENATE

The President shall submit the Initial Declaration of Exigency to the Senate for advice and concurrence. Concurrence requires a majority vote of the Senate. This process may involve amendments, mutually agreed upon. Concurrence will result in a joint Senate-presidential Exigency Plan. The joint Plan shall include a formula for the membership of the committee “composed of faculty and administrative personnel to make recommendations to the president as to which academic positions and/or academic programs should be eliminated as a result of the financial exigency” in accordance with rule 3.1, as well as the general criteria the committee should apply in making its recommendations.

PROCEDURE FOR ELIMINATING POSITIONS

Upon concurrence, the Senate shall nominate faculty to serve on the committee to review the President’s declaration, assure that there is no alternative to the proposed actions, and develop a process to make the needed decisions as outlined in Regents Rules 31003, Section 2, 3.2 to 3.5, provided that:

For section 3.1, the “committee composed of faculty and administrative personnel” the general size and composition of the committee shall be agreed upon by the Senate and the President, provided that it has at least seven members, three of whom will be faculty. Once this is done, the Senate will nominate the faculty members. At least a majority of the faculty nominated will be tenured. The nominations should seek to represent the university as a whole, not just programs initially slated to be reduced or just those not so slated, and at least some of them will have served on the Committee for Qualifications of Academic Personnel. The President shall not appoint faculty to the committee who are not nominated by the Senate. This committee shall be called hereafter the Exigency Committee.

For section 3.2, assessment of academic programs. The Exigency Committee will provide a written report of its analysis of programs, which shall be submitted to the Senate for review and response before recommendations are made for specific positions to be eliminated. As stated in the Rule, “The committee will review and assess the academic programs of the institution and identify those academic positions that may be eliminated with minimum effect upon the degree programs that should be continued. The review will include, but not be limited to, an examination of the course offerings, degree programs, supporting degree programs, teaching specialties, and semester credit hour production.” The Committee shall consider and may offer advice on all avenues by which terminations of faculty members can be avoided or minimized, and, as well, by which the negative effects of any necessary terminations can be mitigated. Unless an extension is approved by the President, the Committee shall complete its work in a period of time no longer than 60 days.
In section 3.3, Review Consideration. The Exigency Committee next recommends specific positions to be eliminated. These recommendations should also be contained in a written report. The recommendations should be related to the Exigency Committee’s assessment of programs. If other officers of the university, such as deans or program chairs, are involved in identifying individuals whose appointments are to terminated, the process for obtaining these recommendations should be described in the report. The Exigency Committee will have available the personnel records of those being considered including current curriculum vitae, annual reports, promotion committee reports and recommendations, and results of periodic performance reviews. It will have access to full personnel files. Faculty whose positions would be jeopardized by the proposed actions will be provided the opportunity to contribute meaningfully to the Committee's review process.

For section 3.4, Tenure Preference. The Exigency Committee should not apply an unduly narrow interpretation of the idea that two candidates should be “equally qualified” before preference is given to one with tenure over one without. Preference should be given to tenured faculty over non-tenured if they are have approximately the same qualifications and prospects, and to more senior faculty over less senior provided that their accomplishments are roughly proportional to their relative academic lifetimes. The decisions should be consistent with the general principle that greater contributions will gain greater recognition.

In section 3.5, Recommendation. According to the Rule, “upon completion of its review, the Exigency Committee shall promptly recommend to the president those persons who may be terminated, ranked in order of priority, with the reasons for their selection. The president shall, with such consultation with institutional administrative officers as they may deem appropriate, determine which academic positions are to be terminated because of the financial exigency and shall give the holders of these positions written notice of the decision.” The Exigency Committee recommendations to the President shall be made in writing. Unless an extension is approved by the President, the Committee shall complete its work in a period of time no longer than 60 days from the submission of the initial recommendations identifying the programs or positions to reduce or eliminate.

PROCEDURE FOR NOTICE AND APPEAL

A faculty member whose position has been eliminated is entitled to appeal the decision, subject to the requirements of Regents’ Rules 31003 section 3.8.

The issues in this hearing may include:

(a) The existence and extent of the exigency. The burden will rest on the administration to prove the existence and extent of the condition. The findings of other hearing involving the same issue may be introduced.

(b) The validity of the educational judgments and the criteria for identification for termination, although the panel should give presumptive weight to the previous judgments of the Senate and the exigency committee.
ITEM #6

(c) Whether the criteria developed by the exigency committee are being properly applied in the individual case.

The hearing shall be held before a panel consisting of full-time faculty drawn from the list of faculty in the pool approved for service on hearing tribunals in accordance with the UTD Policy on Hearing Tribunal Selection Procedures, provided that such faculty are not in the academic programs affected by the decision. At least half of the membership of such panels shall be from faculty recommended by the Senate. The size of such appeals panels shall be determined as part of the guidelines for the declaration of exigency. The Hearing Panel shall elect its own Chair. The hearing must be held no later than 30 days after a written request is submitted to the President's office.

The employment of a tenured faculty member who is to be terminated under this policy shall extend only to the termination of his/her academic program. During this period of employment and for 3 additional years, the terminated faculty member shall have the right to first consideration among equally qualified candidates for any faculty position at U. T. Dallas for which a recruitment and hiring process is conducted and for which the faculty member in question formally applies. In addition, the considerations noted in Rule 31003, Section 2, Subsections 2.6 - 2.11 of the Regents’ Rules and Regulations will be extended to the faculty member to be terminated.

NO CONCURRENT REPLACEMENTS

If appointments are terminated, the University will not at the same time make new appointments except in extraordinary circumstances where a serious distortion in the academic program would otherwise result. Similarly, the appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a serious distortion of the academic program would otherwise result.
FINANCIAL EXIGENCY ADVISORY COMMITTEE RECOMMENDATIONS

1. Title

Abandonment of Academic Positions or Programs

2. Rule and Regulation

Sec. 1 President’s Responsibility. The president of an institution of The University of Texas System has the responsibility for determining when to eliminate occupied academic positions, the titles of which are given in the Regents’ Rules and Regulations, Rule 31001, or abandon academic programs or both, subject to approval by the appropriate Executive Vice Chancellor. The decision of the president shall include full and meaningful faculty input as specified below and in the institution’s Handbook of Operating Procedures, and the implementation of that decision shall be subject to the following minimum procedural requirements.

Sec. 2 Elimination for Academic Reasons. An academic program under consideration for abandonment or an academic position that is under consideration for elimination for bona fide academic reasons should be reviewed in depth through a procedure determined by the president that includes the elements specified below and in the Institution’s Handbook of Operating Procedures. Neither the procedures specified in Rule 31008 of the Regents’ Rules and Regulations concerning termination of a faculty member, the notice requirements of Rule 31007, Section 5 concerning tenure, nor Rule 31002, Sections 1 and 2, concerning notice of nonrenewal to nontenured faculty members, shall be applicable.

2.1 Notification. Tenured faculty in a program that is under consideration for abandonment or in an academic position that is under consideration for elimination will be notified and afforded an opportunity to contribute to the review process through a duly constituted committee consisting of faculty members and administrators and have those contributions fairly considered.

2.2 Supporting Rationale. Upon completion of the review process, a recommendation with supporting rationale should be submitted to the chief academic officer for review and recommendation to the president.
2.3 Review by Executive Vice Chancellor. If the president determines that an academic program should be abandoned, a request for approval with supporting documentation should be forwarded to the appropriate Executive Vice Chancellor.

2.4 Appeal Procedures. The president of an institution shall appoint a hearing committee comprised of faculty members to consider any appeals for reconsideration of termination decisions. Within 30 days from the date of notice of termination, a person faculty member shall have the right to appeal to the hearing committee for reconsideration of the termination decision. The appeal for reconsideration shall be in writing and addressed to the president of the institution. A person to be terminated faculty member who appeals to the hearing committee (the appellant) shall be given a reasonably adequate written statement of the basis for the initial decision to reduce academic positions and, upon request of the person, shall be given any written data or information relied upon in arriving at such decision. The hearing committee shall conduct the hearing in accordance with the following conditions and procedures:

(a) The hearing committee shall set the date, time, and place for hearing the appeal for reconsideration. Such hearing shall be held within 30 days of the date of the written request unless the person to be terminated appellant waives such time requirement; however, such hearing shall be held within 90 days from the date of the request.

(b) The hearing will be closed to the public unless requested to be open by the appealing person appellant.

(c) The appealing person appellant may be represented by legal counsel at their expense.

(d) The appealing person appellant and the institution may offer any written evidence or oral testimony that is material to the issues.

(e) The burden shall be upon the appealing person appellant to show by a preponderance of the credible evidence that the decision to terminate the
appealing person appellant as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable.

(f) No other issues shall be heard or considered by the hearing committee.

2.5 Establishment of Date. The date for abandoning or phasing out an academic program should take into consideration the time required for anticipated completion by students currently enrolled or to facilitate their placement in acceptable alternative programs.

2.6 Requests for Reassignment. The administration will notify tenured faculty in the program to be abandoned and ask each faculty member to inform the president or designee, in writing, of the faculty member's request for reassignment to other academic program(s) and to provide details of their qualifications to teach in such academic program(s).

2.7 Employment Alternatives. The president or designee will meet individually with tenured faculty who respond to discuss possible employment alternatives to termination.

2.8 Non-retention. If the decision is not to retain, the president or designee will send a written response stating reasons for non-retention.

2.9 Displacement. If retention of a tenured faculty member results in displacement of a tenured faculty member in another area program, the displaced faculty member is entitled to the above procedures.

2.10 Benefit Information. Any faculty member whose employment is terminated pursuant to this Subsection shall be informed of applicable benefits available upon termination, such as retirement, accrued leave, and opportunity to continue insurance coverage.

2.11 Employment Assistance. U. T. System institutions shall provide appropriate assistance to affected faculty members concerning available alternative employment opportunities.
Sec. 3 Elimination Due to an Institutional Financial Exigency. When such reductions are necessary as a result of financial exigency, the procedure for the selection and notification of those academic positions that are to be terminated shall be governed by this Section, and the institution’s Handbook of Operating Procedures. Neither the procedures specified in Rule 31008 of the Regents’ Rules and Regulations concerning termination of a faculty member, the notice requirements of Rule 31007, Section 5 concerning tenure, nor Rule 31002, Sections 1 and 2, concerning notice of nonrenewal to nontenured faculty members, shall be applicable.

3.1 Committee Recommendations. Upon determining the existence of a financial exigency and the need to reduce academic positions or academic programs, or both, the president of an institution shall appoint a committee composed of faculty and administrative personnel to make recommendations to the president as to which academic positions and/or academic programs should be eliminated as a result of the financial exigency. At least one-half of the total committee membership shall be faculty members and at least one-half of the faculty members on the committee shall be appointed from recommendations submitted to the president from the institution’s faculty governance body.

3.2 Assessment of Academic Program. The committee will review and assess the academic programs of the institution and identify those academic positions that may be eliminated with minimum effect upon the degree programs that should be continued and upon other critical components of the institution’s mission. The review will include, but not be limited to, as relevant: (a) an examination of the course offerings, degree programs, supporting degree programs, teaching specialties, and semester credit hour production; (b) an evaluation of the quality, centrality, and funding of research activities; and/or (c) an assessment of the productivity, community service, and quality of clinical services (in relation to teaching, healthcare delivery, and scholarly activity).

3.3 Review Consideration. Upon determining that one or more academic positions in a degree program or teaching specialty should be eliminated, the committee will recommend to the president, in writing the particular position or positions to be terminated by after reviewing
the academic, research, and clinical qualifications and talents of holders of all academic positions in those degree programs or clinical or academic teaching specialties, the needs of the program they serve, past academic performance, and the potential for future contributions to the development of the institution. Tenure status of a faculty member shall not be a consideration in the determination of whether a particular position should be eliminated except as permitted in Section 3.4 below.

3.4 Tenure Preference. If, in the opinion of the committee, two or more faculty members are equally qualified and capable of performing a particular teaching, research, and/or clinical role, the faculty member or members having tenure shall be given preference over non-tenured faculty. However, if such faculty members have the same tenure status and equal qualifications, consideration will be given to other documented needs of the institution.

3.5 Recommendation. Upon completion of its review, the financial exigency review committee shall promptly recommend in writing to the president those persons who may be terminated, ranked in order of priority, with the reasons for their selection. The president shall, with such consultation with institutional administrative officers as they may deem appropriate, determine which academic positions are to be terminated because of the financial exigency and shall give the holders of these positions written notice of the decision.

3.6 Notification of Vacancies. Any person terminated due to financial exigency will be notified when a vacancy occurs in the same institution in their field of teaching within the next two academic years following the termination. If such person makes timely application and is qualified for the position to be filled, they shall be offered employment in that position. If the vacancy is in a field of teaching in which two or more persons have been terminated because of financial exigency, all will be notified of the vacancy and of those so notified and making timely application, employment will be offered to the person who is the better qualified for the position to be filled.

3.7 Hearing Committee. The president shall appoint a hearing committee comprised of faculty members to hear
any appeals for reconsideration of termination decisions based upon financial exigency. Within 30 days from the date of the notice of termination, a **person faculty member** shall have the right to appeal to the hearing committee for reconsideration of the termination decision. The appeal for reconsideration shall be in writing and addressed to the president. A **person to be terminated faculty member** who appeals to the hearing committee (the appellant) shall be given a reasonably adequate written statement of the basis for the initial decision to reduce academic positions and, upon request of the person, shall be given any all written data or information relied upon in arriving at such decision.

3.8 Appeal Procedures. The hearing committee shall set the date, time, and place for hearing the appeal for reconsideration. Such hearing shall be held within 30 days of the date of the written request unless the **person to be terminated appellant** waives such time requirement; however, such hearing shall be held within 90 days from the date of the request. The hearing committee shall conduct the hearing in accordance with the following conditions and procedures.

(a) The hearing will be closed to the public unless requested to be open by the appealing **person appellant**.

(b) The appealing **person appellant** may be represented by legal counsel at their **his/her own** expense.

(c) The appealing **person appellant** and the institution may offer any written evidence or oral testimony that is material to the issues.

(d) The burden shall be upon the appealing **person appellant** to show by a preponderance of the credible evidence that:

(1) Financial exigency was not in fact the reason for the initial decision to reduce academic positions; or

(2) The decision to terminate the appealing **person appellant** as compared to another individual in the same discipline or
teaching specialty was arbitrary and unreasonable based upon the evidence presented.

(e) No other issues shall be heard or considered by the hearing committee.

(f) The hearing committee shall make written findings of fact and recommendations to the president of the institution as soon as practical following the hearing. The president shall have the final decision to either accept or reject the recommendation of the hearing committee.

Sec. 4 Institutional policies and procedures implementing this Rule shall be approved in accordance with applicable Regents Rules (including Rule 20201, Sec. 4.9) and placed in the institution’s Handbook of Operating Procedures.

3. Definitions

None

Financial Exigency: a demonstrably bona fide financial crisis that adversely affects an institution as a whole and that, after considering other cost-reducing measures, including ways to cut faculty costs, requires consideration of terminating appointments held by tenured faculty.¹

Governance body: the elected body representative of the faculty and charged with developing academic policy in the areas designated in Regent’s Rule 40101.

4. Relevant Federal and State Statutes

None

5. Relevant System Policies, Procedures, and Forms

None

6. Who Should Know

Administrators

¹ Includes faculty holding seven-year term appointments, approved by the Board of Regents (Regents Rule 31007, Sec. 2), during the term of their appointments.
Faculty

7. **System Administration Office(s) Responsible for Rule**

   Office of Academic Affairs
   Office of Health Affairs

8. **Dates Approved or Amended**

   December 10, 2004

9. **Contact Information**

   Questions or comments regarding this rule should be directed to:
   
   - bor@utsystem.edu
The University of Texas at Dallas Sustainability Policy

Policy
The University of Texas at Dallas aspires to be one of the nation’s best public research universities focused on research and education in emerging areas of technology, science, and learning. This includes excellence in advancing environmental stewardship and sustainability on our campus, in our academic and research programs, and in our public service and outreach activities. Efficient energy use is central to this objective and energy-conservation efforts provide a means to save money, foster environmental awareness, reduce the environmental consequences of University activities, and provide educational leadership for the 21st century.

To accomplish this goal, the University shall establish procedures to consider conservation of utilities’ use and sustainability in the design and operation of University facilities in the most economical and environmentally friendly manner possible, educate the University community on sustainability measures, and consider conservation in purchasing decisions and transportation. Our decisions and actions will be guided by the University’s Sustainability Policy day to day.

Rationale
This policy promotes efforts to support initiatives that increase efficiency, reduce emissions, promote sustainability and contribute meaningfully to the environment, while achieving the mission of the University.

Scope
This policy applies to the University main campus and other University-owned facilities in the Dallas Metroplex.

Definition
Sustainability refers to societal efforts that meet the needs of present users without compromising the ability of future generations to meet their own needs. This is accomplished through teaching, research, service, and administrative efforts that benefit our various communities.

Implementation
Education:
The University will integrate the Sustainability Policy in educating faculty, staff, and students, promote the development and expansion of sustainability related research and curriculum, support sustainability related service and learning opportunities on and off campus, and encourage sustainability themed programming opportunities and events.
Campus Operations:
In campus planning, operations and activities, the University will use resources in a manner that takes into consideration environmental, social and economic impacts. The University will seek to integrate sustainability considerations into all business decisions including but not limited to:
- Energy management
- Procurement
- Materials and resource management
- Landscaping and grounds maintenance
- Transportation
- Dining
- Building construction, renovation, operation, and maintenance

Community Engagement:
The University will seek to establish partnerships with government, business and community organizations that strive to foster environmental consciousness and lead to the betterment of our campus and surrounding communities, encourage research by faculty that benefits the local community, share experiences and provide outreach to the community wherever feasible, increase awareness and inform the community on sustainability related issues.
Establishment of a UT Dallas Sustainability Committee

UT Dallas' Sustainability Committee's mission is to foster a culture of environmental responsibility in which the entire UTD community is aware of, engaged in and committed to advancing environmental awareness and sustainable practices through education, research, operations, and community service activities.

The University sustainability Committee's purpose is to bring together stakeholders who will champion the University's efforts of promoting environmental awareness and sustainability throughout our campus community. The Committee will develop and recommend to the President short, mid, and long term sustainability measures which can be implemented within budgetary, legal, regulatory and programmatic constraints. All recommendations will be evaluated on a Life Cycle Cost Basis.

The Committee members will consist of the following seven representatives:

Chair
   Tenured faculty, preferably one actively engaged in academic pursuit of sustainability curriculum or research

Two Faculty Members
   One from NS&M or Engineering (alternating)
   One from EPPS or Business or Arts & Humanities (alternating)

Two Staff
   Assistant Director of Procurement
   Representative of Staff Council

Two Student Members
   One from the Office of Student Government
   One from a student group/club supportive of sustainability initiatives

Ex Officio Members
   Vice President of Business Affairs
   Assistant Vice President of Facilities Management
   Energy Conservation and Sustainability Manager
   Assistant Vice President of Communications