APPROVED AND CORRECTED MINUTES

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

ACADEMIC SENATE MEETING
APRIL 20, 2011

PRESENT: Hobson Wildenthal, Indranil Bardhan, Kurt Beron, Dinesh Bhatia, Dan Bochsler, John Burr, Cy Cantrell, R. Chandrasekaran, David Cordell, Gregg Dieckmann, Kelly Durbin, Simon Fass, D.T. Huynh, Ganesh Janakiraman, Kamran Kiasaleh, Murray Leaf, Dennis Miller, Jessica Murphy, Steven Nielsen, Simeon Ntafos, Ravi Prakash, Tim Redman, Liz Salter, Lucien Thompson, Zhenyu Xuan


VISITORS: Chris Parr, Lev Gelb

1. CALL TO ORDER, ANNOUNCEMENTS AND QUESTIONS
Speaker Leaf called the meeting to order and announced that Dr. Wildenthal was at an off-campus event and would be late arriving.

2. APPROVAL OF AGENDA
Speaker Leaf asked to add one item to the agenda, which is the summer schedule for Senate meetings. Cy Cantrell moved to approve the agenda as amended. The motion was seconded and the agenda was approved as amended.

3. APPROVAL OF MINUTES
Cy Cantrell moved to approve the minutes as circulated. Simon Fass seconded. The minutes were approved.

4. SPEAKER’S REPORT
Speaker Leaf stated that because his report is so long, it has been included in the agenda packet. He announced that Rick O’Donnell, who had been hired as an adviser to the UT System Board of Regents, is no longer employed by the UT System. The two task forces that the Regents have set up are still in operation - one on blended learning and one on excellence and productivity. The latter is most likely to recommend things like new forms of faculty evaluation on the A&M model. Speaker Leaf also stated that his description of the background for the policy on student appeals was incorrect, and he corrected the description. The report as revised in the meeting therefore is:

1. CBC Policy. The HOP committee has met and we have advised the Office of the General Council that we have approved the CBC policy. The HOP committee will make some editorial changes, matters of punctuation and formatting to be consistent with the standard formatting the Provost’s office is trying to develop for all charges.
Since Speaker Leaf had not heard from the Council in response to the revised form, the HOP Committee is holding that until he can say the Council or Senate has approved it, as we agreed at the last Senate meeting.

2. **Criminal Background Check Form.** The HOP committee accepted the form as revised pending Academic Council agreement that the revisions are what the Senate required. The Council met after the HOP committee. The Council agreed that they were what the Senate required and that the form did not need to come back for Senate additional approval—but also suggested some minor expansions of wording (to reference our policy at the start of the second paragraph). Accordingly, we did not put it on the agenda. It is back with the HOP committee.

3. **Student Appeals.** Last fall, Dean Cunningham raised questions about the policy for students to appeal grades or anything else on their transcript that they think is an error or otherwise wish to contest. The process has four steps, beginning with the instructor and ending with the Undergraduate and Graduate Deans. There is a training module on this that probably all faculty have had to complete.

The policy did not originate in the Senate, and to my recollection actually has never been through the Senate. Among other things, it is inconsistent with our long-standing policy on appealing grades, which is not to do it unless there is a manifest error of some kind on the instructors’ part. Speaker Leaf suggested that he ask the Graduate Council to propose revisions. This did not happen, but appeals continue and the process continues to cause problems. Finally, I tried to see where the policy came from, thinking it might have been in response to a system requirement of some kind or perhaps in FERPA – something I might be able to discuss with the Office of General Counsel. It did not originate with System.

Evidently, this appeal process was an extension of this authority, although the process appeal is not made through the VPSA channels but through academic channels. I then thought that it originated with the Vice President for Student Affairs. In fact, however, she has said very clearly that it did not. She would never put an academic policy or process in place. She thinks the policy originated with Michael Coleman, as Dean of Undergraduate Studies. This now seems to me the best explanation, and greatly simplifies the situation. It means that we can handle the revision of the policy entirely as an academic matter.

Speaker Leaf has suggested to the Graduate Dean that he propose an appeal process consistent with our policy on grades, and possibly include things like comprehensive examinations or orals. He is now discussing a draft with the Dean for Undergraduate Studies and associate deans. Eventually, it will come to the CEP and to the Senate. When we have it in place we will be able to remove the present policy entirely. In my view, we should not have such an omnibus option for a student to appeal anything in their record. Appeals should be narrowly and tightly tailored to specific kinds of judgments and involve just enough additional faculty to assure that such judgments are not arbitrary or capricious. They should not allow students to calculate that such an appeal involves little or no trouble or loss for them but a great deal of trouble and cost in time and effort for the faculty and administration.

4. We circulated the UTD Criminal Background Check Policy as a general template during the FAC meeting. It seemed satisfactory. Although the FAC did not take formal action on it, no one indicated problems that we have not recognized here, and the solutions in the policy were accepted when they were understood.

5. Everything else that has been under discussion is on the agenda.

5. **UT SYSTEM FACULTY ADVISORY COUNCIL REPORT**
The UT System Faculty Advisory Council met on March 24th and 25th, in Austin. Speaker Leaf and Secretary Cordell attended for UTD.

1. **Regental reform efforts.** The meeting was dominated by the concern with the shift in attitude of the Board of Regents, reflecting the Regents’ increased willingness to impose “reforms” on the UT System similar to those that have garnered unfavorable national attention for Texas A & M, include a fairly clear statement from the President of the American Association of Universities that they might put A & M’s membership in that association at risk. The ideas for reform originate with Governor Perry’s “breakthrough solutions,” which in turn originate with the long-standing and often-repeated recommendations of Texas Public Policy Foundation.

In the last six months, three of the Regents who the FAC had felt were especially understanding of what higher education involved have resigned. The first of these was Regent James Huffines, who resigned last July. Regent Huffines had been first appointed by Governor Perry in 2003 and was reappointed in 2009. Terms are 6 years. He had been elected Chair of the Board first in 2004 serving to 2007, then again in 2009 and served until March 3, 2010, staying on as member. His resignation statement in July expressed the hope that the Board would “continually be united in elevating the University above any type of a partisan agenda.” (Ralph K. M. Haurwitz, Associated Press, in Lubbock Avalanche-Journal online, 1 August 2011). Regent Janiece Longoria and Regent Colleen McHugh left in February, 2011. (An Austin-American Statesman article says their terms were up). Longoria had been chair of the Academic Affairs Committee; McHugh had been elected Chair of the Board on March 3, 2010, replacing Regent Huffines. Regents Longoria and McHugh were replaced by Alex Cranberg and Wallace Hall.

When Regent Huffines left the Board, Regent Steve Hicks was appointed to fill the remainder of his term as member, until 2015. Brenda Pejovich was then appointed to fill the remainder of the term of the position that Steve Hicks had left, which expired in January 2011. Regent Pejovich was subsequently reappointed.

The new Chairman of the Board, elected by the Regents on February 8, 2011, is Gene Powell.

On February 25, the Austin American Statesman reported that the UT System had just announced the formation of two “advisory task forces” to collect information and make recommendations. One is on Excellence and Productivity, headed by Brenda Pejovich. The two other Regents on the Task Force are Cranberg and Stillwell. The other Task Force is on Blended and Online Learning, headed by Wallace L Hall, Jr. Brenda Pejovich is a CPA and is on the Board of Directors of the Texas Public Policy Foundation. Before her appointment to the UT Board of Regents she had been appointed to the Coordinating Board. Wallace Hall is involved with economic development projects related to the Trinity River levees and wetlands in the Dallas area and is a trustee of St. Marks School, in Dallas. Alex Cranberg is a UT graduate. He was a resident of Colorado at the time he was appointed but is now a resident of Texas. He is a petroleum engineer, an underwriter of the Horace Mann Scholarship Challenge in Denver, and an advocate of vouchers in higher education.

Around March 3, a widely quoted communication by Chair Powell to the Board compared education to cars. The gist was that UT gives a Cadillac education; in hard times, a Chevy Bel Air is good enough. On March 6 Powell qualified his remarks, saying they did not apply to UT Austin. On March 14, this and Powell’s other actions provoked a widely quoted open letter to Texas alumni and others from a prominent alumnus, Gordon Appleman, saying in part that UT Austin was in fact a “prime target” of the reforms and the Boards actions put the UT institutions “at risk of serious, long-term, perhaps irreversible degradation in academic stature” (Texas Tribune, March 16, 2011).
To assist the task forces Chairman Powell hired Rick O’Donnell. O’Donnell has written papers on higher education for the Texas Public Policy Foundation arguing that research adds no value to the university; it would be better left to private business. He also has argued against accreditation by accrediting bodies; he favors the legislature. O’Donnell’s title was “special assistant” to the Board. Although located in the office of the Chancellor, he reported directly to the Powell. His salary is $200,000 a year. O’Donnell holds a BA degree from Colorado College. Before coming to Texas, in 2007, O’Donnell ran in 2002 and 2006 for the House of Representatives from Colorado and served in several positions under Governor Bill Owens, including the Department of Regulatory Agencies and director of the Commission on Higher Education. In the latter capacity he supervised introduction of a system of vouchers allowing students in grades K through 12 to attend non-public schools at public expense. Cranberg was a strong supporter of his electoral campaign. In Texas, O’Donnell served as President of the Acton Foundation for Entrepreneurial Excellence (AFEE) from 2002 to 2007. The AFEE owns the curriculum of the Acton School of Business. This is a one year program that makes a point of having only actual businesspeople as teachers. It was founded at UT Austin by Jeff Sandefer and others, but Sandefer left UT in 2002 when they started hiring more academically qualified faculty. The program is now being offered in Austin through Hardin-Simmons University. They take in 50 students and charge $49,500 per year tuition. If the students pay for the first semester and earn As and Bs, a loan arrangement can be made for second semester. While O’Donnell was President of AFEE he was also senior research fellow at the TPPF. Sandefer is a Board member of the TPPF. He is also an associate of Alex Cranberg, through the oil business.

The FAC program for the weekend began with a meeting with Regent Hall and Regent Pejovich, along with Chancellor Cigarroa, VC Prior, and Dr. Pedro Reyes (Liaison to the Board). Chancellor Cigarroa began with a statement to the effect that he was pleased by the Board’s focus on quality, and saw this as a great opportunity. Regents Hall and Pejovich then also gave short statements, to the effect that they were just trying to collect information, had not reached any conclusions, and would welcome our suggestions. Mr. O’Donnell sat on the side of the room and was not introduced. The discussion was civil and constructive. There were about three major themes. First, members asked in many different ways what Hall and Pejovich thought the committees could accomplish: what was their idea of quality, accountability, or efficiency? Responses were along the lines of “we are here to listen and welcome your input.” Second, members tried to probe what Pejovich and Hall thought of research, and to suggest its centrality. Responses were generally statements of agreement and understanding. Third, there were concerns with the very short deadline for submitting information—initially one month. Although no one explicitly said so, the obvious inference was that the information was not going to be looked at carefully and the committees, or the Board, had already reached their conclusions. Part of the response to this was that the deadline had been extended. Another part was an expression of concern, especially by Regent Hall, that there should not be leaks to press, or speculation to the press, about the committees’ conclusions before the committees had officially stated them.

There were good reasons for Regent Hall’s concern, which the members of the FAC were aware of. The Texas Tribune (online), the Austin-American Statesman, and the Houston Chronicle have had very good coverage of what has been happening on the Board. On March 14, the Tribune carried an article by Reeve Hamilton titled “Special Advisor to UT System Sparks Concern” that described O’Donnell’s appointment, his salary, and his views on research and related them to the “reforms” that had been introduced at Governor Perry’s evident initiative at Texas A & M—and the response from the AAU. It also quoted Senator Judith Zaferini saying she was “shocked and dismayed” by O’Donnell’s salary and that it hurt the Board’s credibility. She also commented adversely on the fact that O’Donnell reported to Chairman Powell rather than to the Chancellor, and with respect what the committees might recommend, she said that if it
reflected an “anti-intellectual, anti-academic mind-set” it would give the impression to Dr. Berdahl, President of the AAU, that his concerns in regard to A & M were not isolated to one institution.

In another article in the Texas Tribune, published on March 16th, Hamilton described the interconnections between Perry, Cranberg, Sandefer, O’Donnell, and the TPPF. According to Hamilton, Sandefer was also the principal author of Perry’s “breakthrough solutions.”

On Monday, March 21, O’Donnell was the subject of a similar article in the Houston Chronicle titled “New UT adviser raising concerns in Austin: Lawmakers say Rick O'Donnell's views on research clash with state's goals.” The focus of the article, and of the concern of the legislators, was O’Donnell’s public statements (in addition to his papers) to the effect that universities should not be doing research. The main legislative spokesmen in opposition, according to the article, were Representative Dan Branch and Senator Zafferini, both of whom were authors of the Tier 1 initiative.

On March 24th, the President of the UT Alumni Association, the Texas Exes, wrote a “call to action” to all the members of the association describing the committees and warning that the “mission and core values” of the University were under threat. We (the FAC) understand that the response included a number of concerned and wealthy alumni communicating with several of the regents and plainly saying that they would not support the university if this happened. Numbers of dollars mentioned were in the millions.

While the discussion was going on with Pejovich and Hall during the FAC meeting, the Austin American Statesmen published another story that include the news that O’Donnell’s appointment would not be continued after August, 2011, and that he was reassigned from the office of the Chancellor to a position as “special assistant for research,” reporting to Scott Kelley, Executive Vice Chancellor for Business Affairs. The next day, Friday, Chairman Powell responded to the letter to the Texas Exes, saying they would not do what Texas A & M has done, that the exercise should not be misinterpreted as an attack on research.

The upshot of the discussion on the task forces was that we agreed to make an “electronic loose leaf binder” for each of them to try to show them what we do now to assure quality and efficiency, and try to convey more of a sense than they evidently have of why we do this in the way we do.

Later in the meeting, the FAC developed a list of the major documents that this binder will contain. We will try to get them from all the campuses. Vicki Carlisle and I will receive and compile them. We will forward them to Pedro Reyes, and he will make them available to the Regents on the System website.

2. Salaries and titles at health campuses. Another item that may have some importance far in the future concerns the health campuses. About five years ago, the UT system developed a template for “practice plans” for the health campuses. Although mainly for the income-producing, business sides, of the campus operations, they have implications for the academic sides because they sought to introduce some system-wide consistency in terms used in contracts, titles, and the difference between a “base salary” that the campus would be responsible for as against what faculty were expected to make from grants. When we initially discussed this with Vice-Chancellor Shine, we all agreed that the effort might eventually lead to consideration of something like a system-wide salary policy and scale, like that of the University of California. Now the practice plans are in place, and V C Shine reported that they have had several audits. So we asked him if he could look over the results and see what this tells about the possibility. He has agreed to do so.

3. Legislative report: The report was entertaining and frightening as usual. The state budget is still unsettled but the appropriation bill was going to the floor very soon. The concealed handgun bill looks like it will pass. Those in favor see it as a second amendment issue. Those opposed see it as a campus autonomy and safety issue, but the Higher Education Committees were not involved in reviewing it. The “would you
allow it in the legislature?” argument does not work because many proponents carry weapons already. The budget deficit looks like about 27 billion, but the Rainy Day fund will be used in part. So far, redistricting has not emerged as a preoccupation. Neither was voter id—which took up so much floor time in the last session that the gun bill was killed by a kind of procedural smothering. Dan Branch is chair of the House Higher Education Committee.

4. We circulated the UTD Criminal Background Check Policy as a general template. It seemed satisfactory. No one indicated problems that we have not recognized here, and the solutions in the policy were accepted when they were understood.

5. Resolutions

Finally, the FAC passed two resolutions:

1. Resolution for Representative Branch and Senator Zaffirini

   We, the members of the UT System Faculty Advisory Council, appreciate your public expression of support for the values of higher education and the creation of more research universities as reported recently in the Houston Chronicle (March 21). Research is essential to the teaching mission of every campus. Education, especially higher education, is not just a matter of transmittal of knowledge; it is an introduction to discovery, creation and critical thinking.

2. Resolution on UT Brownsville:

   Background: UT Brownsville, for the past 20 years, has been sharing their campus with a community college, Texas Southmost College. The community college has its own board of trustees. The University has the faculty. The community college has some of the buildings. In the last few months, the community college board has voted to separate from UTB. If they separate, UTB will have faculty who have been teaching non-academic, vocational/technical, courses but will not be able to offer such courses. The faculty lack the qualifications to teach academic courses. Yet in the current (joint) arrangement they are “tenured”—although they never would have been tenured on an academic campus. They do not want to work for the community college, and apparently the community college board does not want to hire them. Yet they have nowhere else to go, and of course the community college really has few to no other people to hire. This is a very painful situation. The Senate leadership at the FAC asked for a resolution in support. In the view of the FAC, the situation attracts the Regent’s Rule on closing programs for financial exigency. The UTB Senate had approved procedures to implement the rule, using the template we developed last year, but the UTB administration has not adopted them. Accordingly, the FAC passed the following:

   We, the members of the UT System FAC, affirm the values of tenure. We strongly recommend the financial exigency revisions proposed by the UT Brownsville Academic Senate be followed for any program closure. Moreover, involvement of faculty as required by Regents’ Rules should be construed as involving the Faculty Governance organization.

6. STUDENT GOVERNMENT LIASION REPORT:

   David Cordell reported that Student Government is sending a letter to State Legislators stating that they do not support the concealed handgun legislation.

   Student Government has put together a flyer highlighting some of their accomplishments in the past year. One item that Dr. Cordell called attention to was Student Government’s help in preparing a proposal to President Daniel to reform the academic dishonesty process.
7. REVISED STUDENT MISCONDUCT POLICY

Gene Fitch, Dean of Students, presented this information. Dr. Fitch stated when he was hired last August he was asked to get a group together to determine what their concerns are with the current academic dishonesty policy. Dr. Fitch put together a committee of faculty members and students and the results of their discussions are the revisions that are under consideration.

There are three substantive changes proposed. The first is getting students more involved in the process. The second change is the creation of a hearing panel composed of faculty and students to review cases rather than using a single individual to make a determination of academic misconduct. The individuals serving on the panel would come from a pool of faculty and students – probably around 12-15 individuals. The Senate would be responsible for deciding how the faculty members of the pool would be selected. For the first year, the student members of the pool would most likely be hand-picked and recruited to ensure that the program gets off to a good start. In subsequent years there would be an application and interview process for students wishing to be a part of the pool. This panel would be trained but would not only hear scholastic cases but other behavioral cases as well, such as theft, vandalism, sexual assault, etc. The third change allows faculty to have more involvement in the process, more specifically, who assigns the grade. Under the current policy, when a case is referred to Judicial Affairs for investigation and the student is ultimately found responsible, the Judicial Affairs office assigns the grade. Dean Fitch feels that this is an academic issue and the faculty should be determining what the grade should be. Under the new policy, when a faculty member sends a case to Judicial Affairs for review, they will also send what that student’s grade should be. This does raise the issue of consistency with grading. Dean Fitch emphasized that consistency in grading across campus is not important. However, what is important is that there is consistency within the class.

Dean Fitch assured the Senate that they will continue to have the ability to sit down with students and discuss the situation or accusations prior to sending it to Judicial Affairs or to say this seems like a misunderstanding and pull the case back and not send it forward. What the Committee does not want to happen is for the faculty and student to make what amounts to a “handshake agreement” with students who may have actually plagiarized because that presents problems in the future if the student fails to honor that agreement and the case ultimately is sent to Judicial Affairs.

Jessica Murphy asked if there was a provision in this policy that required faculty to report a student even if they felt the incident it was clearly an accident or a misunderstanding and there was no intent to plagiarize. Dean Fitch replied that this is not a requirement, and, in fact, he discourages doing this. Judicial Affairs should be brought in only when the faculty member feels that disciplinary action is warranted.

Speaker Leaf emphasized that there is a difference in making a judgment that the student has not completed the assignment and that there has been dishonesty. Dishonesty is something for which a person would be punished, rather than just graded down. That initial decision must be made by the faculty member.

Tim Redman expressed his concern that the notification period given to the students was too short and should be more generous. Dean Fitch responded that there is already an accommodation built into the code that allows for differences in business days vs. school days, etc.

Dean Fitch was asked if there are guidelines in the policy that address what constitutes plagiarism. Is it forgetting to put and end note after a paragraph, an entire page of material, etc. Dean Fitch replied that this is the professor’s discretion and that this is where the meeting with the student would be very helpful.
In response to a question from Simon Fass, Dean Fitch pointed out that the Judicial Affairs office will still be available for consultation when the faculty member would like their advice in determining what the final grade should be.

Tim Redman requested that Section 49.14 be amended as follows:

Item (b) change three (3) weekdays notice to seven (7) and Item (d) change ten (10) days written notice to fourteen (14).

Dean Fitch stated that these issues are part of the Code of Conduct that should not be changed by the Senate. Liz Salter expressed her opinion that extending the notification period may not be helpful because it was in the best interest of the student to have cases like this resolved as quickly as possible.

Tim Redman wanted to make an amendment to the motion to include the changes he requested. However, at this time there was no motion on the floor to approve the policy presented by Dean Fitch. Kurt Beron moved to approve the revised policy as presented. Liz Salter seconded the motion. Tim Redman moved to amend Section 49.14 (b) and (d) as stated earlier. The motion to amend failed due to the lack of a second. The original motion carried.

8. CERTIFICATION OF SENATE ELECTION RESULTS
Speaker Leaf explained that this is a new item resulting from the electronic voting that the Senate used in the election this year. The Election Committee raised the question of what to do with the electronic ballots now that voting is completed. The Academic Council suggests certifying the election results as reported. Once this is done the electronic ballots can be erased, as in governmental elections. Cy Cantrell moved to certify the election of those named, as previously announced. Richard Scotch seconded. The motion carried. The election is certified.

David Cordell reported that the Senior Lecturers elected were: Shawn Alborz, Dan Bochsler, Judd Bradbury, David Cordell, and Mark Thouin. Speaker Leaf pointed out that these names have been reviewed by the ad hoc Election Committee. Cy Cantrell moved to certify the results of the Senior Lecturer elections. Dan Bochsler seconded. The election is certified.

9B. RESOLUTION ON INTERPRETATION OF BYLAWS (Item taken out of order)
The purpose of this motion is to construe the bylaws on elections for the special case of the School of Interdisciplinary Studies, which has too few members of the Voting Faculty to expect that such faculty should always be available to represent them on the Senate. Richard Scotch moved to approve the following resolution:

*It is the sense of the Senate that the principle of assuring at least one person in the Senate from each school if at least one person runs and gets votes shall be interpreted for the School of Interdisciplinary studies as follows:

If there is no nominee for election to the Senate from among the voting faculty (tenure and tenure track) but there is one or more nominee from among the Senior Lecturers, and if none of the nominees from the School is among the Senators whom the Senior Lecturers elect, then the nominee from the school who receives the largest number of votes shall be deemed elected to the Senate in addition to those whom the Senior Lecturers elect.*

Cy Cantrell seconded the motion. The motion carried.
9A. APPOINTMENT OF DR. LIZ SALTER AS VOTING MEMBER OF THE SENATE
Speaker Leaf recommended to the Senate that they appoint Dr. Liz Salter as a voting member of the Senate from the School of Interdisciplinary Studies. Richard Scotch moved to approve this recommendation. Cy Cantrell seconded. The motion carried.

10. REVISION TO SENATE BYLAWS
Speaker Leaf stated that the electronic voting system used in the last Senate election as designed with the current bylaws in mind and the change being presented is a minor change in wording. The first change is in Section 1 and states that election procedures may be online or may utilize paper petitions and ballots.

The other part of the revision clarifies the answer to a question which has arisen several times in the past, specifically, whether the number of Senior Lecturers elected each year is 10% of those elected or 10% of the positions available. Since the elections are held simultaneously it can really only mean 10% of the positions available, but this has never been explicitly stated until now. Cy Cantrell moved to approve the revision to the bylaws. Dan Bochsler seconded. The motion carried. This revision will now go to the HOP Committee.

11. RESULTS OF SENATE-ELECT CAUCUS
Speaker Leaf announced that the members of the Academic Council for the 2011-2012 year will be:

- Cy Cantrell
- Tim Redman
- R. Chandrasekaran
- Richard Scotch
- Dennis Miller
- Tres Thompson

12. APPROVAL OF CANDIDATES FOR GRADUATION
Secretary Cordell presented the names of candidates for graduate degrees. These students have applied for graduate degrees and have been reviewed by the Graduate Dean. The Graduate Dean certifies that all of these students will be eligible for the degrees indicated upon satisfactory completion of the current semester’s work. I request, therefore, that the Academic Senate certify these students to receive the degrees as indicated upon receipt of final grades and notification of completion of other requirements, provided that the grades received are consistent with the standards for credit prescribed by this University.

David Cordell moved to certify the list of graduate candidates for graduation. Kurt Beron seconded. The motion carried and the graduate degrees are certified.

Secretary Cordell presented the names of candidates for undergraduate degrees. These students have applied for graduation and have been reviewed by the Office of Records. The Office of Records declared that all of these students will be eligible for graduation upon the completion of the current semester’s work at the necessary levels. I request, therefore, that the Academic Senate certify these students to graduate upon receipt of final grades, and notification of completion of other requirements, provided that the grades are consistent with the standards for graduation prescribed by this University. I also request that the Academic Senate certify those students designated as eligible to graduate with honors upon completion of coursework and requirements consistent with the standards for honors at the levels offered by this University.

David Cordell moved to certify the list of undergraduate candidates for graduation. Liz Salter seconded. The motion carried and the undergraduate degrees are certified.

At this time Speaker Leaf asked Provost Wildenthal if he had any announcements. Dr. Wildenthal reported that the functions of the online learning that were once handled by the Office of Educational Enhancement have
been moved to the School of Management. This is under the direction of Darren Crone. Provost Wildenthal anticipates that we will be investing more time and resources into blended learning in the future.

13. SUMMER SCHEDULE FOR SENATE

Speaker Leaf asked the Senate when during the summer they wished to meet. Richard Scotch moved to schedule a July meeting. The Academic Council will determine whether meetings in June and/or August are necessary. The regular meeting schedule will resume in September. Cy Cantrell seconded the motion. The motion carried.

There being no further business, Speaker Leaf adjourned the meeting.

APPROVED: Murray J. Leaf
Speaker of the Academic Senate

DATE: May, 18, 2012
April 18, 2011

TO: Academic Senate Members

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

RE: Academic Senate Meeting

The Academic Senate will meet on Wednesday, April 20 at 2:00 p.m. in the TI Auditorium, ECS South 2.102.

The agenda packet, can be found on the Senate website at http://www.utdallas.edu/senate/documents/AgendaPacket_035.pdf

Please bring the agenda packet with you to this meeting. If you cannot attend, please notify me at x6751.

xc: David Daniel
    Hobson Wildenthal
    Andrew Blanchard
    Serenity King

John Wiorkowski
    Calvin Jamison
    Abby Kratz
    Inga Musselman
    Larry Redlinger
    Darrelene Rachavong
    Rochelle Peña

Chief Larry Zacharias
    Deans

SG President
    Andrew Blanchard
    Inga Musselman
    Chief Larry Zacharias
    Grace Bielawski

Deans
    Andrew Blanchard
    Inga Musselman
    Larry Redlinger

2010-2011 ACADEMIC SENATE

Bardhan, Indranil
Berat, Kurt
Bhatia, Dinesh
Borchers, Dan
Breen, Gail
Burr, John
Cantrell, Cyrus
Chandrasekaran, R.
Cordell, David**
Dess, Gregory
Dieckmann, Greg
Durbin, Kelly
Fass, Simon
Hagge, Tobias
Hoffman, John
Huynh, D.T.
Ishak-Boushaki, M.
Janakiraman, Ganesh
Keith, Linda
Kiasaleh, Kamran
Kisunzu, Phillip
Leaf, Murray*
Menon, Syam
Miller, Dennis
Murphy, Jessica
Murthi, B.P.S.
Natarajan, R.
Nielsen, Steven
Ntafos, Simeon
Prakash, Ravi
Richard, Orlando
Salter, Liz
Richard Scotch
Stern, Robert
Thompson, Lucien
Vidyasagar, M.
Xu, Yexiao
Xuan, Zhenyu
Zhang, Harold

2011-2012 ACADEMIC SENATE-ELECT

Alborz, Shawn
Alexander, Bobby
Assmann, Peter
Bambach, Charles
Beron, Kurt
Bhatia, Dinesh
Borchers, Dan
Bradbury, Judd
Breen, Gail
Burr, John
Cantrell, Cyrus
Chandrasekaran, R.
Cohen, Daniel
Cordell, David
Dess, Gregory
Dieckmann, Greg
Ferguson, John
Geissman, John
Gelb, Lev
Hall, Jeremy
Ishak-Boushaki, M.
Izen, Joseph
Janakiraman, G.
Keith, Linda
Kiasaleh, K.
Leaf, Murray
Majumdar, Sumit
Markov, Stanimir
Menon, Syam
Miller, Dennis
Mittal, Neeraj
Murphy, Jessica
Nielsen, Steven
Park, Peter
Prakash, Ravi
Rankin, Monica
Rebello, Michael
Redman, Tim
Reese, Venus
Salter, Liz
Scotch, Richard
Tamil, L.
Thompson, Lucien
Xuan, Zhenyu
Scotch, Richard
Tamil, L.
Thompson, Lucien
Thouin, Mark

*Speaker
**Secretary
AGENDA
ACADEMIC SENATE MEETING
April 20, 2011

1. CALL TO ORDER, ANNOUNCEMENTS & QUESTIONS  DR. WILDENTHAL
2. APPROVAL OF THE AGENDA  DR. LEAF
3. APPROVAL OF MINUTES  March 23, 2011 Meeting  DR. LEAF
4. SPEAKER’S REPORT  DR. LEAF
5. FAC REPORT  DR. LEAF
6. STUDENT GOVERNMENT LIAISON REPORT  DR. CORDELL
7. REVISION TO RULES FOR STUDENT MISCONDUCT  GENE FITCH
8. CERTIFICATION OF SENATE ELECTION RESULTS  DR. CORDELL
9. A. APPOINTMENT OF DR. LIZ SALTER AS VOTING MEMBER OF SENATE  DR. LEAF
   B. RESOLUTION ON INTERPRETATION OF BYLAWS  DR. LEAF
10. REVISION TO SENATE BYLAWS  DR. LEAF
11. RESULTS OF SENATE-ELECT CAUCUS  DR. LEAF
12. APPROVAL OF CANDIDATES FOR GRADUATION  DR. CORDELL
13. ADJOURNMENT  DR. WILDENTHAL
UNAPPROVED AND UNCORRECTED MINUTES

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

ACADEMIC SENATE MEETING
February 16, 2011

PRESENT:  Hobson Wildenthal, Kurt Beron, Dan Bochsler, John Burr, Cy Cantrell, David Cordell, Gregg Dieckmann, Simon Fass, Tobias Hagge, Murray Leaf, Dennis Miller, Simeon Ntafos, Ravi Prakash, Tim Redman, Liz Salter, Richard Scotch, Tres Thompson, Zhenyu Xuan

ABSENT: Indranil Bardhan, Dinesh Bhatia, Gail Breen, R. Chandrasekaran, Gregory Dess, Kelly Durbin, John Hoffman, D.T. Huynh, Mustapha Ishak-Boushaki, Linda Keith, Kamran Kiasaleh, Phillip Kisunzu, Syam Menon, Jessica Murphy, B.P.S. Murthi, Mathukumalli Vidyasagar, Yexiao Xu, Harold Zhang

VISITORS: Richard Huckaba, Abby Kratz, Sheila Amin Gutierrez de Pineres, Serenity King, Simon Kane, Chief Larry Zacharias, Lewis Chang, Rochelle Peña

1. CALL TO ORDER, ANNOUNCEMENTS AND QUESTIONS
In President Daniel’s absence, Provost Wildenthal called the meeting to order. He announced that President Daniel is in Austin, and that the administration has been preoccupied with issues coming out of Austin for the last several weeks. Richard Scotch asked Dr. Wildenthal if he knew what was going to happen with the announcement of summer courses and registration since that should be happening now. Dr. Wildenthal stated that he was not aware that summer registration had been held in abeyance. When asked, other senators said that they had been told that summer courses would go on as planned. Dr. Scotch stated that he had been told everything was on hold. Simon Kane of the Provost’s office announced that the Registrar would be releasing the summer CourseBook next week. Dean Pineres stated that summer and fall registration would open next week as well.

2. APPROVAL OF THE AGENDA
Cy Cantrell moved to approve the agenda as distributed. Tim Redman seconded. The motion carried.

3. APPROVAL OF MINUTES
Cy Cantrell moved to approve the minutes as distributed. Simon Fass seconded. The motion carried.

4. SPEAKER’S REPORT
The main concern in emails that Speaker Leaf has received from faculty since the last meeting of the Senate is with the several bills that have been filed in the Texas legislature to allow concealed handguns to be carried on campus. The Town Hall meeting addressing this issue was held earlier this month. If the bill is passed another Town Hall forum will be held. So far, it appears that the bill will be passed. It has passed the House and is in the Senate Conference Committee.
The charge for the Intellectual Property Advisory Committee that was approved last fall has been approved by OGC. Initially they objected to our requirement that if there were a disagreement with the RUO of the committee the chair of the committee would refer the disagreement to the Speaker. They did not object to the parallel requirement that the RUO would refer the matter to the President. Speaker Leaf explained the system to OGC, which is that both parties refer the matter and attempt a resolution in the Senate or Academic Council. OGC asked that a line of explanation be added. That has been done, and Speaker Leaf felt that there was no need to bring the policy back to the Senate for approval for this addition since it is only making explicit what was already understood. The revised policy has been approved and placed on the Provost’s website.

Tim Redman asked if the presence of the Dallas International School on campus would allow us to ban handguns on the entire campus. Speaker Leaf said that this was discussed in the latest Safety and Security Council meeting and it is Chief Zacharias’ view that the presence of the International School on campus would not allow us to bar handguns from the entire campus; the law says they cannot be carried on the premises of a high school, and premises are construed very narrowly.

Simon Fass asked if the Administration of the International School is aware of how the legislation might impact them. Speaker Leaf does not know but will speak to them regarding this issue.

5. FAC REPORT
Speaker Leaf reported that the Faculty Advisory Council will meet March 24-25. Up until three weeks ago the main topic of concern was the Criminal Background Check Policy that Speaker Leaf has been working on with Priscilla Lozano, in OGC. He believes that this has now been sorted out. This item is on the agenda for today’s meeting.

Recently, there have been some fairly significant changes on the Board of Regents. Regent Huffines resigned last July. He knew what higher education was, knew the requirements and was very supportive. When he resigned, his resignation letter included a sort of codicil, “Therefore, while always respectful of the political process, the Regents hopefully will continue to be united in elevating the University above any type of political agenda.”

Regent Hicks was appointed to fill the remainder of Regent Huffines’ term, which will be until 2015. At about the same time, Governor Perry appointed Brenda Pejovich to serve the remainder of Regent Hicks’ term, which was until February 1, 2011. Her term has now been extended. Regent Pejovich is a member of the Board of Directors of the Texas Public Policy Foundation.

On February 22, the Austin American-Statesman reported that Governor Perry appointed Alex Cranberg as another member of the Board of Regents. Cranberg was a Colorado resident at the time but has since been confirmed as a Texas resident. He was a major political donor in Colorado and a strong advocate of vouchers.

In the first week March, the Regents hired a close associate of Cranberg’s, Rick O’Donnell, as special adviser to the Chancellor. O’Donnell has a B.A. from Colorado College. He had moved to Austin following an unsuccessful run for Congress in 2005. Cranberg had been a major support of O’Donnell’s campaign. O’Donnell has written papers on higher education policy for the Texas Public Policy Foundation.
On March 21, Mr. O'Donnell was the subject of an article in the *Houston Chronicle* titled “New UT adviser raising concerns in Austin—Lawmakers say O'Donnell's views on research clash with state's goals. UT System says adviser won't make policy.” The main focus of the article and the concern of the Legislators was that the effect of O'Donnell’s position would be to change the fundamental mission of UT Austin and the UT System, and abandon UT’s standing as a major research university. According to the article the main Legislators in opposition to Mr. O'Donnell’s hiring were Representative Dan Branch and Senator Judith Zaffirini, who have been strong supporters of higher education and authored the Tier 1 bill.

As of now, it appears that the Regents will be trying to implement the ideas of the Texas Public Policy Foundation in three main ways:

1) They will try to implement an evaluation of faculty productivity like that of Texas A&M. They have already asked System to provide workload and productivity data on all faculty in the System.

2) They will look at post-tenure reviews.

3) Direct communication between Regents and the UT System Faculty Advisory Council, which had improved greatly, has slipped to where it was five or six years ago. The interest in dialogue has dried up.

Regent Pejovich will attend the FAC meeting along with another new Regent, Wallace Hall. In preparation for the meeting, Regents Hall and Pejovich have asked for the bios and vitaes of all members of the FAC.

**REPORT ON THE TEXAS COUNCIL OF FACULTY SENATES MEETING FEBRUARY 25-26, 2011**

David Gardner, Deputy Commissioner of Higher Education on the Coordinating Board, spoke on the Board’s activities generally. One of the topics was the Board’s interest in “incentive funding” based on students completing courses in addition to the present system of funding based on census day enrollments. He recognizes the perverse incentives this might provide in regard to academic standards, but thinks that faculty will go ahead and grade the same way anyway—and also that inflation has been happening already, country-wide, without any relation to funding. We spent a substantial amount of time talking about college readiness. The Board seems to be trying to tackle this with more specification of learning outcomes. It has a committee working on it, both as between high school and college and between community colleges and four-year colleges and universities. There was considerable skepticism on the value of this. I asked if the Board recognized the problem with community college faculty preparedness that we have long been aware of here at UTD: they are not tenured, often hired at the last minute on a course by course basis, and vary enormously in both knowledge and teaching ability. He was aware and gave his own description of the problem. I think he said that they have raised this with community colleges, but apparently not in a very persistent way.

6. **STUDENT GOVERNMENT LIAISON REPORT**

David Cordell reported that the new Student Union expansion fees approved last month have been shelved due to budget cuts. Student Government does not take a stand on the concealed carry legislation. Student Government has been discussing parking issues. In a two week period last month over 3,000 citations were issued for no parking permits displayed. Responding, Chief Zacharias reported that the push in enforcement was in response to the number of complaints received by the Parking and Transportation Committee about people not being able
to find parking in lots where they had purchased permits and noticing all the cars parked there with no permits at all. The number of parking enforcers has been greatly increased so there are now enough staff to go to every lot twice a day. Chief Zacharias said that his department is also checking cars with handicapped placards. Every placard has a state registration number on it. They will be checking these registration numbers to ensure that the handicapped placard is registered to the person to whom the parking permit is registered.

7. CEP PROPOSALS

A. REVISION TO CUE BYLAWS (ITEM TAKEN OUT OF ORDER)
Cy Cantrell asked Dean Pineres if she had comments regarding these revisions. She stated that the CUE evaluated their bylaws and discovered that there were some areas that needed correction. The Committee took the Graduate Council bylaws and modified them to represent the work of the CUE. Dean Pineres noted that the revisions had been sent from CUE to the HOP Committee and from HOP to the Senate. There was no discussion.

Cy Cantrell moved to approve the revisions. Dan Bochsler seconded. The question of how this changes the role of the CUE was raised. Speaker Leaf explained that the Graduate Council and the CUE are closely parallel in their composition, their relations to their respective deans, and their place in the process of creating and approving the catalog. But up to now only the Graduate Council bylaws have described this organization and function explicitly. This revision is based on the Graduate Council bylaws, and will provide a parallel and consistent description for the CUE. The motion was approved.

B. UNDERGRADUATE CATALOG REVISIONS (MINOR IN HEALTHCARE ADMINISTRATION/MINOR IN ENVIRONMENTAL STUDIES)
Cy Cantrell first presented the information on the minor in Healthcare Administration. This information is from the School of Management general catalog description. This is a brief modification. The courses already exist and no new faculty will be required. Dr. Cantrell moved to approve this minor. Simon Fass seconded. The motion was approved.

The minor in Environmental Studies is in the School of Interdisciplinary Studies. This is a packaging of courses from various other areas as well as IS. Liz Salter reported that this minor was presented to her by several undergraduate students on behalf of Student Government. They had taken a poll that indicated there was a large percentage of students on campus that were very interested in environmental studies. They felt that by housing the minor in IS they could then combine whatever courses they felt relevant to environmental studies. Cy Cantrell moved to approve the minor. Liz Salter seconded. There was no further discussion and the motion carried.

C. GRADUATE CATALOG REVISIONS
Cy Cantrell presented this information. The changes are primarily in the areas of course descriptions and faculty lists. The course descriptions for biomedical engineering have been significantly modified. The mechanical engineering course descriptions were renumbered. These now reflect the wishes of the department and the requirements of the Coordinating Board. Cy Cantrell made an omnibus motion for approval of changes in the Graduate Catalog. Richard Scotch seconded. The motion carried.

D. ONLINE COURSE EVALUATIONS
Cy Cantrell presented this proposal. Since 1999 we have been using the University of Washington Scantron student course evaluation form. These forms must be sent off to the University of Washington to be read. This costs approximately $40,000 each year. It is the suggestion of the CEP that we go to an online course evaluation form. The first benefit would be in cost savings, but an online form would allow us to get the assessment information that we need. The current form does not offer outcomes-based assessment.

When the current form was adopted in 1998 we did not have the requirement from accrediting organizations for outcomes-based assessment that we currently have. Outcomes assessment has become a driving force behind much of our assessment and evaluation.

The Committee on Educational Policy recommends that the Speaker, with the advice and consent of the Senate and the Provost, appoint an ad hoc committee to develop an online, in-house questionnaire for student course evaluations. The goals for development of the questionnaire should be to reduce costs to the University, assure continuity in summary information collected, provide data for assessment of course learning outcomes, and enable customization to accommodate class content and format. The ad hoc committee should include representatives of the student body, the faculty, and the administration.

We do have the capability to verify that a student completing the evaluation is actually registered in the course. There is no way to verify that the student has actually attended any of the classes, however.

Dr. Cantrell said that Dr. Mette Posamentier, in the Assessment Office in ECS, has had very good success with online alumni surveys and senior exit surveys. The rate of return has been much higher, especially with the alumni surveys.

Cy Cantrell moved to establish the ad hoc committee. Tres Thompson seconded the motion. Dan Bochsler stated that all of the distance learning classes are now using online evaluations. He thinks that it is an excellent idea. As chair of the Distance Learning Committee he is happy to his or the Committee’s efforts to look at that either directly or as part of the ad hoc committee. Simon Fass raised the issue of anonymity. Dr. Cantrell stated that they have been able to have completely anonymous alumni surveys in ECS. Speaker Leaf reported that this issue was discussed in the recent Texas Council of Faculty Senates and Faculty Advisory Council meetings. Several campuses are beginning to use online evaluations, but they report a much lower response rate than with paper evaluations. Richard Scotch expressed his concern that the response rate would be much lower.

Simon Kane pointed out that for two semesters we have run our own in-house evaluation system for all online courses in SOM. It addresses all of the points addressed here. At this point it is voluntary and more classes are being added all the time. Simon stated that they were initially concerned about the response rate as well. The response rate for all classes was over 50%. Our system uses a series of emails to remind students to complete the evaluation.

Speaker Leaf said that since the motion names the Speaker as the person responsible for this, he will take the Distance Learning Committee as the core of the committee, add additional people who are interested in volunteering and have them make preliminary recommendations. He feels that it would be best to phase this in school by school and compare the results to the paper evaluations.

Liz Salter suggested that there should be some students on the ad hoc committee as well.
There was no further discussion and the motion carried.

8. **UPDATE ON WEB-BASED ELECTION**

David Cordell reported that the election closed on March 4. There were 40 nominees in the tenure/tenure-track group. This is significantly more nominations than were received last year, when the nomination period had to be reopened in order to enough members. There were also 11 people who received only one petition. At the close of the nomination period the forty nominees from the tenure/tenure-track group were deemed to be elected.

There were five seats available for the Senior Lecturer/Clinical faculty group. Ten nominations were received. The voting for these positions is going on now and will close Friday at 5:00 p.m. Dr. Cordell has received very few complaints about the electronic system. He praised Simon Kane for work on the system and his willingness to make changes when it was discovered something was not working correctly. He was very pleased with how the system worked.

Dr. Cordell asked Simon Kane to address the issue of security and what would happen to the ballots once the election is completed. Simon said that all of the data is kept on a separate server. While the election is going on Simon is the only person with access to the data. At the end of the election cycle he will personally erase the data. Dr. Cordell asked for suggestions for changes next year.

Dan Bochsler expressed his appreciation for everyone going to the effort to set this up. David Cordell emphasized that it was Simon Kane was the person who was key to everything by developing the software system and getting it running for us. Dr. Cordell also expressed appreciation to Provost Wildenthal for allowing Simon to work with the Senate on this issue. Speaker Leaf asked if Dr. Cordell would like to make this in the form of a motion for the Senate to formally thank Simon Kane for his efforts and help with the electronic voting system. Dr. Cordell made the motion. Cy Cantrell seconded the motion. The motion carried. The Senators present also gave Mr. Kane a round of applause.

The Academic Senate of the University of Texas at Dallas hereby formally thanks Mr. Simon Kane for his effort and care in developing the system of online nomination and balloting for its election process.

Speaker Leaf stated that if there is no objection, what he would like to do is take the Senate’s assent as instructions to develop wording to change the Senate bylaws to move to the electronic process. He will present those changes at the next Senate meeting.

10. **CONCEALED HANDGUN RESOLUTIONS**

Speaker Leaf read the following resolutions:

**FAC RESOLUTION OF 2011**

*(with the same wording as UT Austin Faculty Council resolution, passed unanimously on 2/16/2009)*

The Faculty Council at the University of Texas at Austin believes carrying firearms on the University campus by anyone other than law enforcement officers is detrimental to the safety of the students, faculty, and staff.
HAND GUN RESOLUTION PASSED THE TEXAS COUNCIL OF FACULTY SENATES ON
MARCH 7, 2009 and reaffirmed at the meeting of 24 February, 2011
(all votes were in favor except two abstaining; none opposed):

WHEREAS, allowing concealed firearms on university campus threatens our ability to create and
maintain a safe, open learning environment for students, faculty and staff,

Be it resolved that the members of Texas Council of Faculty Senates oppose any
legislation or initiatives that will overturn the present prohibitions on carrying concealed
weapons on university campuses.

Speaker Leaf explained that the reason for the wording in the UT Austin version is the
prohibition against lobbying so it is just an expression of feeling. This was developed by the
UT Austin law school.

Tim Redman moved to pass both resolutions with suitable adjustments in wording for U T
Dallas. Dennis Miller seconded the motion. There was no discussion and the motion carried.
Speaker Leaf will send them to the other campuses and to the legislators.

The resolutions with their wording for U T Dallas therefore are:

The Academic Senate of the University of Texas at Dallas believes carrying firearms on the
University campus by anyone other than law enforcement officers is detrimental to the safety of
the students, faculty, and staff.

And:

WHEREAS, allowing concealed firearms on university campus threatens our ability to create
and maintain a safe, open learning environment for students, faculty and staff,

Be it resolved that the Faculty Senate of the University of Texas at Dallas opposes any
legislation or initiatives that will overturn the present prohibitions on carrying concealed
weapons on university campuses.

11A CRIMINAL BACKGROUND CHECK POLICY

Speaker Leaf stated that this is essentially what the Senate has already approved. Tim Redman
brought to the Speaker’s attention proposed changes that he had asked Dr. Leaf to make to the
wording of Item 3.3 at the Academic Council meeting that are not in the material presented
today. As it is the wording implies that everyone is subject to a criminal background check,
which seems inconsistent with the first Section defining those subject to checks by interpreting
what is meant by “access to a computer terminal.” Speaker Leaf said that he had conveyed the
agreed upon wording to Priscilla Lozano at OGC and she argued that the present wording was
not inconsistent with the first section. Everyone gets a background check. The first section
pertains to the law authorizing the use of the Department of Safety Secure Site for positions
deemed “security sensitive.” Positions that meet the criteria for being security-sensitive will be
checked through the state’s secure site while all others will be checked on public sites.

Richard Scotch moved to approve. Dan Bochsler seconded. The motion carried. Speaker Leaf
stated that this form will also be used as the System template.

B. CRIMINAL BACKGROUND CHECK FORM

Speaker Leaf stated that this information has not been presented to the Senate before. It is
based on a System template, but the template has been modified to fit our policy. The System
template would require all previous addresses for an employee since they were seventeen-
years-old. This form asks for addresses for the past seven years, which makes it consistent with the policy.

The second question on the form is whether there have been criminal convictions or deferred adjudications. The template asked for this information since the applicant was 17. OGC agrees that we can ask for just the last seven years, consistent with our policy. But this kind of self-reporting is not in our policy. Our policy only requires self-reporting for current convictions. This form comes from Human Resources Management. Speaker Leaf suggested that this entire block could be removed as redundant and as posing a possible inconsistency with the strategy behind the self-reporting requirement. The self-reporting requirement in the policy is linked to the notion that one can be disciplined or fired for not self-reporting when you are convicted while actually employed or under consideration for employment. It is unclear whether the penalties associated with failure to report in the present policy would apply also to failures (or errors) in self-reporting on this form. Provost Wildenthal asked what would happen if one had a conviction in the past, while employed, but had been unaware of the Regent’s self-reporting requirement. By completing this section of the form maybe it would absolve you from getting caught for not self-reporting your convictions. Now, no one could claim that they did not know they had to report a conviction.

Speaker Leaf agreed that this section could remain if no one has any objections. Provost Wildenthal stated that the form should be clarified to mention whether the search will be on the state, national or international level. Cy Cantrell asked that the wording on the form be clarified to state that this does not apply to juveniles.

Cy Cantrell moved to approve the form as amended. Richard Scotch seconded.

Abby Kratz asked a question regarding the section on deferred adjudication. Would this include traffic tickets? Speaker Leaf stated that the policy clearly excludes misdemeanors. He agreed to include the wording from the policy “excluding minor violations punishable only by fine.”

Dr. Cantrell asked to withdraw his motion with the approval of Richard Scotch and bring the form to the Academic Council for review. Dr. Scotch approved. Speaker Leaf asked if we could approve the form pending approval by the Academic Council. If the Council agreed that the amended form embodied the changes required by the Senate we could send it to OGC. If not it would come back to the Senate for further discussion. Both Cy Cantrell and Richard Scotch agreed to this.

The form was approved as amended to be consistent with our current policy pending concurrence by the Academic Council. The motion carried.

Cy Cantrell moved to adjourn. Tim Redman seconded the motion. The meeting was adjourned.
1. CBC Policy. The HOP committee has met and we have advised the Office of the General Council that we have approved the CBC policy. The HOP committee will make some editorial changes, matters of punctuation and formatting to be consistent with the standard formatting the Provost’s office is trying to develop for all charges.

Since I had not heard from the Council in response to the revised form, the HOP Committee is holding that until I can say the Council or Senate has approved it, as we agreed at the last Senate meeting.

2. Student Appeals. Last Fall, Dean Cunningham raised questions about the policy for to appeal grades or any thing else on their transcript that they think is an error or otherwise wish to contest. The process has four steps, beginning with the instructor and ending with the Undergraduate and Graduate Deans. There is a training module on this that probably all faculty have had to complete.

The policy did not originate in the Senate, and to my recollection actually has never been through the Senate. Among other things, the policy is inconsistent with our long standing policy on appealing grades, which is not to do it unless there is a manifest error of some kind on the instructors’ part. I suggested that he ask the Graduate Council to propose revisions. This has not happened, but the problematic character of the process continues. Finally, I tried to see where the policy came from, thinking it might have been in response to a system requirement of some kind related to a Regents’ Rule requiring due process or perhaps in FERPA. It did not originate with System. Apparently, it originated with the Vice President For Student Affairs.

The Vice President for Student Affairs has no role in the curriculum or academic policies, but under Regent’s Rules the concern with student discipline does not distinguish academic discipline (and academic dishonesty) from other kinds of disciplinary responsibilities. Evidently, this appeal process was an extension of this authority, although the process appeal is not made through the VPSA channels but through academic channels.

I have suggested to the Graduate Dean that he propose an appeal process consistent with our policy on grades, and we take grade appeals and all other academic appeals out of the present Student Affairs policy. The Council may consider whether the appeal might also apply to things like failing comprehensives or orals, but my own view is that we already have enough safeguards in this in the several schools. Appeals of this sort should be clearly distinguished from disciplinary appeals. Whether the Graduate and Undergraduate Deans should be involved in appeals for non-academic disciplinary or other matters can be worked out between the Deans and the Vice President for Student Affairs.

3. Criminal Background Check Form. The HOP committee accepted the form as revised pending Academic Council agreement that the revisions are what the Senate required. The Council met after the HOP committee. The Council agreed that they were what the Senate required and that the form did not need to come back for Senate additional approval—but also suggested some minor expansions of wording (to reference our policy at the start of the second paragraph). Accordingly, we did not put it on the agenda. It is back with the HOP committee.
4. We circulated the UTD Criminal Background Check Policy as a general template. It seemed satisfactory. No one indicated problems that we have not recognized here, and the solutions in the policy were accepted when they were understood.

5. Everything else that has been under discussion is on the agenda.

UT System Faculty Advisory Council Report.

The U T System Faculty Advisory Council met on March 24th and 25th, in Austin. Speaker Leaf and Secretary Cordell attended for UTD.

1. Regental reform efforts. The meeting was dominated by the concern with the shift in attitude of the Board of Regents, reflecting the Regents’ increased willingness to impose “reforms” on the UT System similar to those that have garnered unfavorable national attention for Texas A & M, include a fairly clear statement from the President of the American Association of Universities that they might put A & M’s membership in that association at risk. The ideas for reform originate with Governor Perry’s “breakthrough solutions,” which in turn originate with the long-standing and often-repeated recommendations of Texas Public Policy Foundation.

In the last six months, three of the Regents who the FAC had felt were especially understanding of what higher education involved have resigned. The first of these was Regent James Huffines, who resigned last July. Regent Huffines had been first appointed by Governor Perry in 2003 and was reappointed in 2009. Terms are 6 years. He had been elected Chair of the Board first in 2004 serving to 2007, then again in 2009 and served until March 3, 2010, staying on as member. His resignation statement in July expressed the hope that the Board would “continually be united in elevating the University above any type of a partisan agenda.” (Ralph K. M. Haurwitz, Associated Press, in Lubbock Avalanche-Journal online, 1 August 2010). Regent Janiece Longoria and Regent Colleen McHugh left in February, 2011. (An Austin-American Statesman article says their terms were up). Longoria had been chair of he Academic Affairs Committee; McHugh had been elected Chair of the Board on March 3, 2010, replacing Regent Huffines. Regents Longoria and McHugh were replaced by Alex Cranberg and Wallace Hall.

When Regent Huffines left the Board, Regent Steve Hicks was appointed to fill the remainder of his term as member, until 2015. Brenda Pejovich was then appointed to fill the remainder of the term of the position that Steve Hicks had left, which expired in January 2011. Regent Pejovich was subsequently reappointed.

The new Chairman of the Board, elected by the Regents on February 8, 2011, is Gene Powell.

On February 25, the Austin American Statesman reported that the U T System had just announced the formation of two “advisory task forces” to collect information and make recommendations. One is on Excellence and Productivity, headed by Brenda Pejovich. The two other Regents on the Task Force are Cranberg and Stillwell. The other Task Force is on Blended and Online Learning, headed by Wallace L Hall, Jr. Brenda Pejovich is a CPA and is on the Board of Directors of the Texas Public Policy Foundation. Before her appointment to the UT Board of Regents she had been appointed to the Coordinating Board. Wallace Hall is involved with economic development projects related to the Trinity River levies and wetlands in the Dallas area and is a trustee of St. Marks School, in Dallas. Alex Cranberg is a UT graduate. He was a resident of Colorado at the time he was appointed but is now a resident of Texas. He is a petroleum engineer, an underwriter of the Horace Mann Scholarship Challenge in Denver, and an advocate of vouchers in higher education.
Around March 3, a widely quoted communication by Chair Powell to the Board compared education to cars. The gist was that UT gives a Cadillac education; in hard times, a Chevy Bel Aire is good enough. On March 6 Powell qualified his remarks, saying they did not apply to UT Austin. On March 14, this and Powell’s other actions provoked a widely quoted open letter to Texas alumni and others from a prominent alumnus, Gordon Appleman, saying in part that UT Austin was in fact a “prime target” of the reforms and the Board’s actions put the UT institutions “at risk of serious, long-term, perhaps irreversible degradation in academic stature” (Texas Tribune, March 16, 2011).

To assist the task forces Chairman Powell hired Rick O’Donnell. O’Donnell has written papers on higher education for the Texas Public Policy Foundation arguing that research adds no value to the university; it would be better left to private business. He also has argued against accreditation by accrediting bodies; he favors the legislature. O’Donnell’s title was “special assistant” to the Board. Although located in the office of the Chancellor, he reported directly to the Powell. His salary is $200,000 a year. O’Donnell holds a BA degree from Colorado College. Before coming to Texas, in 2007, O’Donnell ran in 2002 and 2006 for the House of Representatives from Colorado and served in several positions under Governor Bill Owens, including the Department of Regulatory Agencies and director of the Commission on Higher Education. In the latter capacity he supervised introduction of a system of vouchers allowing students in grades K through 12 to attend non-public schools at public expense. Cranberg was a strong supporter of his electoral campaign. In Texas, O’Donnell served as President of the Acton Foundation for Entrepreneurial Excellence (AFEE) from 2002 to 2007. The AFEE owns the curriculum of the Acton School of Business. This is a one year program that makes a point of having only actual businesspeople as teachers. It was founded at UT Austin by Jeff Sanderfer and others, but Sanderfer left UT in 2002 when they started hiring more academically qualified faculty. The program is now being offered in Austin through Hardin-Simmons University. They take in 50 students and charge $49,500 a year tuition. If the students pay for the first semester and earn As and Bs, a loan arrangement can be made for second semester. While O’Donnell was President of AFEE he was also senior research fellow at the TPPF. Sanderfer is a Board member of the TPPF. He is also an associate of Alex Cranberg, through the oil business.

The FAC program for the weekend began with a meeting with Regent Hall and Regent Pejovich, along with Chancellor Cigarroa, VC Prior, and Dr. Pedro Reyes (Liaison to the Board). Chancellor Cigarroa began with a statement to the effect that he was pleased by the Board’s focus on quality, and saw this as a great opportunity. Regents Hall and Pejovich then also gave short statements, to the effect that they were just trying to collect information, had not reached any conclusions, and would welcome our suggestions. Mr. O’Donnell sat on the side of the room and was not introduced. The discussion was civil and constructive. There were about three major themes. First, members asked in many different ways what Hall and Pejovich thought the committees could accomplish: what was their idea of quality, accountability, or efficiency? Responses were along the lines of “we are here to listen and welcome your input.” Second, members tried to probe what Pejovich and Hall thought of research, and to suggest its centrality. Responses were generally statements of agreement and understanding. Third, there were concerned with the very short deadline for submitting information—initially one month. Although no one explicitly said so, the obvious inference was that the information was not going to be looked at carefully and the Committees, or the Board, had already reached their conclusions. Part of the response to this was that the deadline had been extended. Another part was an expression of concern, especially by Regent Hall, that there should not be leaks to press, or speculation to the press, about the committees’ conclusions before the committees had officially stated them.
There were good reasons for Regent Hall’s concern, which the members of the FAC were aware of. The Texas Tribune (online), the Austin-American Statesman, and the Houston Chronicle have had very good coverage of what has been happening on the Board. On March 14, the Tribune carried an article by Reeve Hamilton titled “Special Advisor to UT System Sparks Concern” that described O’Donnell’s appointment, his salary, and his views on research and related them to the “reforms” that had been introduced at Governor Perry’s evident initiative at Texas A & M—and the response from the AAU. It also quoted Senator Judith Zaferini saying she was “shocked and dismayed” by O’Donnell’s salary and that it hurt the Board’s credibility. She also commented adversely on the fact that O’Donnell reported to Chairman Powell rather than to the Chancellor, and with respect what the committees might recommend, she said that if it reflected an “anti-intellectual, anti-academic mind-set” it would give the impression to Dr. Berdahl, President of the AAU, that his concerns in regard to A & M were not isolated to one institution.

In another article in the Texas Tribune, published on March 16th, Hamilton described the interconnections between Perry, Cranberg, Sanderfer, O’Donnell, and the TPPF. According to Hamilton, Sanderfer was also the principal author of Perry’s “breakthrough solutions.”

On Monday, March 21, O’Donnell was the subject of a similar article in the Houston Chronicle titled “New UT adviser raising concerns in Austin: Lawmakers say Rick O'Donnell's views on research clash with state's goals.” The focus of the article, and of the concern of the legislators, was O’Donnell’s public statements (in addition to his papers) to the effect that universities should not be doing research. The main legislative spokesmen in opposition, according to the article, were Representative Dan Branch and Senator Zafferini, both of whom were authors of the Tier 1 initiative.

On March 24th, the President of the UT Alumni Association, the Texas Exes, wrote a “call to action” to all the members of the association describing the committees and warning that the “mission and core values” of the University were under threat. We (the FAC) understand that the response included a number of concerned and wealthy alumni communicating with several of the regents and plainly saying that they would not support the university if this happened. Numbers of dollars mentioned were in the millions.

While the discussion was going on with Pejovich and Hall during the FAC meeting, the Austin American Statesman published another story that include the news that O’Donnell’s appointment would not be continued after August, 2011, and that he was reassigned from the office of the Chancellor to a position as “special assistant for research,” reporting to Scott Kelley, Executive Vice Chancellor for Business Affairs. The next day, Friday, Chairman Powell responded to the letter to the Texas Exes, saying they would not do what Texas A & M has done, that the exercise should not be misinterpreted as an attack on research.

The upshot of the discussion on the task forces was that we agreed to make an “electronic loose leaf binder” for each of them to try to show them what we do now to assure quality and efficiency, and try to convey more of a sense than they evidently have of why we do this in the way we do.

Later in the meeting, the FAC developed a list of the major documents that this binder will contain. We will try to get them from all the campuses. Vicki Carlisle and I will receive and compile them. We will forward them to Pedro Reyes, and he will make them available to the Regents on the System website.
2. Salaries and titles at health campuses. Another item that may have some importance far in the future concerns the health campuses. About five years ago, the UT system developed a template for “practice plans” for the health campuses. Although mainly for the income-producing, business sides, of the campus operations, they have implications for the academic sides because they sought to introduce some system wide consistency in terms used in contracts, titles, and the difference between a “base salary” that the campus would be responsible for as against what faculty were expected to make from grants. When we initially discussed this with Vice-Chancellor Shine, we all agreed that the effort might eventually lead to consideration of something like a system wide salary policy and scale, like that of the University of California. Now the practice plans are in place, and V C Shine reported that they have had several audits. So we asked him if he could look over the results and see what this tells about the possibility. He has agreed to do so.

3. Legislative report: The report was entertaining and frightening as usual. The state budget is still unsettled but the appropriation bill was going to the floor very soon. The concealed handgun bill looks like it will pass. Those in favor see it as a second amendment issue. Those opposed see it as a campus autonomy and safety issue, but the Higher Education Committees were not involved in reviewing it. The “would you allow it in the legislature?” argument does not work because many proponents carry weapons already. The budget deficit looks like about 27 billion, but the Rainy Day fund will be used in part. So far, redistricting has not emerged as a preoccupation. Neither was voter id—which took up so much floor time in the last session that the gun bill was killed by a kind of procedural smothering. Dan Branch is chair of the House Higher Education Committee.

4. We circulated the UTD Criminal Background Check Policy as a general template. It seemed satisfactory. No one indicated problems that we have not recognized here, and the solutions in the policy were accepted when they were understood.

5. Resolutions.

Finally, the FAC passed two resolutions:

1. Resolution for Representative Branch and Senator Zaffirini

   We, the members of the UT System Faculty Advisory Council, appreciate your public expression of support for the values of higher education and the creation of more research universities as reported recently in the Houston Chronicle (March 21). Research is essential to the teaching mission of every campus. Education, especially higher education, is not just a matter of transmittal of knowledge; it is an introduction to discovery, creation and critical thinking.

2. Resolution on UT Brownsville:

   Background: U T Brownsville, for the past 20 years, has been sharing their campus with a community college, Texas Southmost College. The community college has its own board of trustees. The University has the faculty. The community college has some of the buildings. In the last few months, the community college board has voted to separate from UTB. If they separate, UTB will have faculty who have been teaching non-academic, vocational/technical, courses but will not be able to offer such courses. The faculty lack the qualifications to teach academic courses. Yet in the current (joint)
arrangement they are “tenured”—although they never would have been tenured on an academic campus. They do not want to work for the community college, and apparently the community college board does not want to hire them. Yet they have nowhere else to go, and of course the community college really has few to no other people to hire. This is a very painful situation. The Senate leadership at the FAC asked for a resolution in support. In the view of the FAC, the situation attracts the Regent’s Rule on closing programs for financial exigency. The UTB Senate had approved procedures to implement the rule, using the template we developed last year, but the UTB administration has not adopted them. Accordingly, the FAC passed the following:

We, the members of the UT System FAC, affirm the values of tenure. We strongly recommend the financial exigency revisions proposed by the UT Brownsville Academic Senate be followed for any program closure. Moreover, involvement of faculty as required by Regents’ Rules should be construed as involving the Faculty Governance organization.
Subchapter B. ADMINISTRATION OF DISCIPLINE

SECTION 49.06 FACULTY ROLE IN SCHOLASTIC Academic VIOLATIONS

(a) Judgments of academic dishonesty are distinguished from academic judgments concerning whether a student has or has not completed an assignment as required. The former involve considerations of misconduct and punishment sanctioning and are the responsibility of the dean of students.

Under authority delegated by the dean, a faculty member who has reason to suspect that a student has engaged in scholastic academic dishonesty may:

(a) Conduct a conference with the student in compliance with the following procedures:

1. The student will be informed that he/she is believed to have committed an act or acts of academic dishonesty in violation of University rules;
2. The student will be presented with any information in the knowledge or possession of the instructor which tends to support the allegation(s) of academic misconduct dishonesty;
3. The student will be given an opportunity to present information on his/her behalf; and
4. After meeting with the student, the faculty member may choose not to refer the allegation if he/she determines that the allegations are not supported by the evidence; or
5. After meeting with the student, the faculty member may refer the allegations to the dean of students along with a referral form and all supporting documentation of the alleged violation. Under separate cover, the faculty member should forward the appropriate grade to be assessed if a student is found to be responsible for academic dishonesty;
6. The faculty member may consult with the dean of students in determining the recommended grade;
7. The faculty member must not impose any independent sanctions upon the student in lieu of a referral to Judicial Affairs;
8. The faculty member may not impose a sanction of suspension or expulsion, but may make this recommendation in the referral documentation or,

(b) Choose not to meet with the student and must forward the appropriate documentation to Judicial Affairs. The instructor should attempt to inform the student of the allegation and notify the student that the information has been forwarded to the Office of Judicial Affairs for investigation.
(1) if the cheating was directly witnessed by the faculty member or if the faculty member has clear documentary evidence, the case should be referred directly to the dean with the reasons and/or evidence for the charge and a recommendation for punishment. The dean shall proceed under Subchapter C; or

(2) if the cheating was not directly witnessed by the faculty member or if, in the case of plagiarism, the documentary evidence is ambiguous, the faculty member may meet with the student(s) involved and discuss the alleged violation and the evidence that supports the charge. After conferring with the student, the faculty member may refer the allegations to the dean with a recommendation for a penalty, or choose not to refer the allegations to the dean if the faculty member determines that they are not supported by the evidence.

(b) Upon receipt of the evidence and recommendation referral form and supporting material/documentation from the faculty member, the dean shall proceed under Subchapter C. If the student is found in violation of university rules, the dean will review the student’s prior disciplinary record and assess a penalty sanctions that is appropriate to the circumstances. The dean will then affirm the grade as submitted by the faculty and share this information with the student. In a course in which a failing grade has been assessed for scholastic academic dishonesty, the student will not be allowed to withdraw as a way of preventing the grade from being entered on their record. The dean will inform the student and the faculty member of the decision.

In the event a student disputes the facts and/or allegations of academic dishonesty, and at the discretion of the Office of Judicial Affairs, a hearing before the Discipline Committee may be arranged. If the student is found responsible for the allegation(s) of academic dishonesty, sanction(s) as determined by the Office of Judicial Affairs will be imposed. In addition, the grade, as provided by the faculty member, will be assessed. Should the student be absolved of the allegations of academic dishonesty by the Discipline Committee, the faculty member will reassess the student’s grade based on this finding.

Subchapter F. STUDENT STANDARDS OF CONDUCT

Section 49.36 Scholastic Dishonesty Academic dishonesty

(a) The university expects all students to maintain a high level of responsibility with respect to academic honesty. Because the value of an academic degree depends on the absolute integrity of the work done by the student for that degree, it is imperative that a student maintain a high standard of individual honor in his or her scholastic work.

(b) The dean may initiate disciplinary proceedings under Subchapter C against a student accused of scholastic dishonesty academic dishonesty upon complaint by a faculty member or a student.

(c) The student, pending a hearing, remains responsible for all academic exercises and syllabus requirements.
(d) The student may remain in class if the student’s presence in the class does not interfere with the professor’s ability to teach the class or the ability of other class members to learn. (See Section 49.07, page V-49-4 for information regarding the removal of a student from class).

SECTION 49.12 APPOINTMENT OF HEARING OFFICERS PANEL

In those cases in which the accused student respondent disputes the facts and/or allegations upon which the charges are based, such charges shall be heard and determined by a fair and impartial hearing officer panel comprised of UTD faculty and students. The president shall appoint the hearing officer.

SECTION 49.13 HEARINGS

(a) Hearings shall be conducted in accordance with the procedures contained in this chapter which assure both the university and the accused student respondent the following rights:

1. both parties will exchange lists of witnesses, a summary of witness testimony statements, and copies of documents to be introduced presented at the hearing at least five (5) days prior to hearing.

2. each party shall have the right to appear, present testimony of witnesses and documentary evidence, cross examine question witnesses and be assisted by an advisor of his/her choice. The advisor may be an attorney. If the accused student’s respondent’s advisor is an attorney, the dean's advisor may be an attorney from the Office of General Counsel of the System. If the student chooses an advisor who is an attorney, the student must give written notice of the name and address of the attorney to the dean at least three (3) week days before the time set for commencement of the hearing. An advisor may confer with and/or advise the dean or accused student respondent, but shall not be permitted to question witnesses, introduce evidence, make objections, or present arguments to the hearing officer panel.

3. The dean may recommend a penalty sanction to be assessed by the hearing officer panel. The recommendation may be based upon past practice of the university for violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the dean. The accused student shall be entitled to respond to the recommended sanction(s) of the dean.

4. The hearing will be video recorded. If either party desires to appeal the decision of the hearing officer panel, the official record will consist of the recording of the hearing, the documents received in evidence and the decision of the hearing officer panel. At the request of the president, the recording of the hearing will be transcribed and both parties will be furnished a copy of the transcript.

(b) Such hearings shall be closed to all persons other than the student charged respondent, the dean, an advisor for each of them, the hearing officer panel members, witnesses while they are presenting evidence, and the hearing advisor person designated to record the hearing.
SECTION 49.14 NOTICES

(a) The dean shall prepare notices as appropriate to the student charged.
(b) Any student may be summoned by a written request notice from the dean for a meeting for purposes of the investigation and/or to discuss the allegations. The written request notice shall specify a place and time for the meeting, and a time at least three (3) weekdays after the date of the written request. If the request notice is sent regular mail, at least three (3) weekdays notice must be given, or at least two (2) weekdays after the date of the request notice if the request is sent by e-mail or hand delivered. The written request notice may be mailed to the address appearing in the records of the registrar, e-mailed to the student at the student’s UTD e-mail address on record with UT Dallas, or may be hand delivered to the student.
(c) If a student fails to respond to a summons, the written notice without good cause, as determined by the dean, the dean may withdraw bar or cancel the student’s enrollment or otherwise alter the status of the student until the student complies with the summons notice, or the dean may proceed to implement hearing procedures.
(d) Except in those cases where immediate interim disciplinary action has been taken, the dean shall initiate hearing procedures against a student charged by providing the student at least ten (10) days written notice of the date, time, and place of the hearing and names of those individuals who may participate on the panel and the name of the hearing officer. The notice letter shall provide a statement of the charge(s) accusation(s) and a summary statement of the evidence supporting such charge(s) the accusation(s).
(e) The notice of hearing shall be delivered in person to the student or mailed to the student at the address appearing in the registrar’s records. A notice sent by mail will be considered to have been received on the third day after the mailing, excluding any intervening Sunday. The date for a hearing may be postponed by the hearing officer for good cause or by agreement of the student and dean.
(f) A summons or a written notice sent to the address listed in the registrar’s records shall constitute full and adequate notice. The failure of a student to provide the registrar with a current address, or forwarding address, the refusal to accept delivery of the letter, or failure to read mail or e-mail shall not be a good cause for failure to respond to the summons or notice.
(g) If a student fails without good cause, as determined by the dean, to comply with a hearing notice sent under Subsection (d), the hearing will proceed as scheduled and the student will be notified of the decision of the hearing officer in accordance with Section 49.17(c)(5) and (6).

SECTION 49.15 CHALLENGES TO THE HEARING OFFICER PANEL

(a) The accused student may challenge the impartiality of the hearing officer panel. The challenge must be in writing, stating the reasons for the challenge, and be submitted to the hearing officer panel through the Office of the Dean at least three (3) days prior to the hearing.
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(b) The hearing officer panel member, in consultation with the dean of students or designee, shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the hearing officer disqualifies himself or herself, a substitute will be chosen by the president.

SECTION 49.16 PROCEDURE

The hearing officer panel shall proceed, generally, as follows during the hearing:
(a) the dean hearing panel reads the charge(s);
(b) the hearing officer panel informs the accused student respondent of his or her rights in accordance with Section 49.13;
(c) the dean presents the university's case opening statements;
(d) the accused student respondent presents his or her defense opening statements;
(e) the dean and the student present rebuttal evidence and argument witnesses and/or statements;
(f) the hearing panel will have the opportunity to question all parties and witnesses involved;
(f g) the hearing officer deliberates in private to decide the issue of guilt or innocence and assess an appropriate penalty or penalties in the event of a finding of guilt. All parties will be excused and the hearing panel will determine whether or not if the student is responsible.
(h) if the student is found responsible, the panel will determine sanctions.

SECTION 49.17 CONDUCT OF HEARINGS

(a) The hearing officer panel must rule upon objections that are made to the admissibility of evidence offered at the hearing. No evidence other than that admitted at the hearing shall be considered by the hearing officer panel. In ruling upon the admissibility of evidence, the following criteria will be considered:
(1) in order to be admissible, documents and testimony of witnesses must be relevant to the issues to be decided by the hearing officer panel. Generally, evidence is relevant if it tends to prove or disprove the facts at issue. There must be some logical connection between the evidence offered and the facts that are in dispute. Upon objection, evidence that is not relevant should be excluded.
(2) testimony of witnesses should be based upon the personal knowledge or observation of the witness. If such testimony is based upon what the witness has read or has been told by someone, it is hearsay and the hearing officer should give it little or no consideration in deciding the issues. Hearsay does not rebut or contradict the testimony of a witness with direct knowledge of the subject nor will hearsay be sufficient to prove or disprove a matter at issue.
(3) evidence that is merely cumulative of evidence already in the record should be excluded by the hearing officer panel upon objection or upon a determination by the hearing officer panel that it is merely repetitive. The hearing officer panel has the discretion to determine when further evidence on an issue becomes repetitive.
(b) Upon a hearing of the charges, the dean has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of credible evidence.
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(c) The hearing officer panel shall:
(1) make all rulings decisions on matters relating to the conduct of the hearing including
matters regarding admission of evidence and testimony of witnesses;
(2) have the right to question witnesses and parties;
(3) have the right to the advice and assistance of legal counsel from the Office of General
Counsel of the System;
(4) have the right to the advice and assistance of the hearing advisor;
(5) maintain an orderly hearing and permit no person to be subjected to abusive treatment
and may eject or exclude anyone who refuses to be orderly;
(6) upon a finding of responsibility, assess a penalty or penalties the relevant sanction(s); when
an accused student is found responsible for the illegal use, possession, or sale of a drug or
narcotic on campus, the assessment of a minimum penalty, as stated in Subsections 49.25 (a)
(7) and (10), is required;
(7) in instances involving academic dishonesty, the dean will refer to the faculty member’s
grade assessment;
(7.8) in cases involving a crime of violence, notify the alleged victim of the decision. The alleged
victim, upon receipt of information regarding the decision, shall be bound to keep in confidence
such information.
(8.9) render and send to the dean and the accused student a written decision that
contains findings of fact and a conclusion as to whether the accused student is responsible for
the violations as charged;

(d) Consolidated Hearings
(1) where more than one student is charged with conduct arising out of a single occurrence, or
out of connected multiple occurrences, a single hearing may be held for all of the students. See
charged. Such students may request that their case be consolidated with others, or separated
from others.
(2) the hearing officer dean shall make determinations regarding consolidation. All cases
affected shall be rescheduled for hearing.
SECTION 49.03 DEFINITIONS

(a) In this chapter, unless the context requires a different meaning,

(1) "class day" means a day on which classes or reading periods before semester or summer session final examinations are regularly scheduled or on which semester or summer session final examinations are given;

(2) "weekday" means Monday through Friday, excluding any day that is an official holiday of the university, or when regularly scheduled classes are suspended due to emergent situations;

(3) "day" means a calendar day;

(4) "dean" means the Dean of Students or a delegate of the Dean;

(5) "vice president" means the Vice President for Student Affairs;

(6) "president" means the President of The University of Texas at Dallas;

(7) "student" means a person enrolled or formerly enrolled at the university or a person accepted for admission or readmission to the university;

(8) “faculty” means any tenured or non-tenured, full or part-time instructor whose responsibility includes teaching

(9) "university" means The University of Texas at Dallas;

(10) "System" means The University of Texas System;

(11) "university rule" means a rule, a regulation or instruction contained in the university's Handbook of Operating Procedures or other official publication or document;

(12) "Regent's Rule" means a rule or regulation contained in the Rules and Regulations of the Board of Regents, The University of Texas System;

(13) "hearing officer" means the individual or individuals selected in accordance with procedures adopted by the university pursuant to the recommendation of the Chief Student Affairs Officer to hear disciplinary charges, make findings of fact, and, upon a finding of guilt, impose an appropriate sanction(s);

(14) "campus" consists of all real property, buildings, or facilities owned or controlled by UT Dallas.

(15) “complainant” is defined as the University of Texas at Dallas or the person making a referral to the Judicial Affairs Office.

(16) “respondent” is defined as the student or group alleged in an official complaint filed with the Judicial Affairs Office.

(17) “sanction” is defined as the response to a violation of university rules, policies or procedures.
**ITEM 9B**

**RESOLUTION ON INTERPRETATION OF BYLAWS**

It is the sense of the Senate that the principle of assuring at least one person in the Senate from each school if at least one person runs and gets votes shall be interpreted for the School of Interdisciplinary studies as follows:

If there is no nominee for election to the Senate from among the voting faculty (tenure and tenure track) but there is one or more nominee from among the Senior Lecturers, and if none of the nominees from the School is among the Senators who the Senior Lecturers elect, then the nominee from the school who receives the largest number of votes shall be deemed elected to the Senate in addition to those who the Senior Lecturers elect.
Preamble

The Academic Senate is a representative body, formed from the General Faculty of The University of Texas at Dallas, in which faculty develop their concerns and proposals in exercising their major roles in faculty governance. The Academic Senate is aided in its work by the Academic Council, a smaller body formed from the Academic Senate which meets regularly with the President and Executive Vice President and Provost (Provost) and by the Faculty Committees. As the regular primary faculty governance body, the Academic Senate is expected to coordinate faculty exercise of faculty governance responsibilities in the interests of academic excellence at The University of Texas at Dallas.

Authority

These Bylaws supplement Chapter 21 "Faculty Governance" in Title III, "Academic Affairs" of the Handbook of Operating Procedures of The University of Texas at Dallas. Nothing in these Bylaws shall be construed to conflict with the Handbook of Operating Procedures, the Rules and Regulations of the Board of Regents of The University of Texas System, or state law.

Organization

1. Election, Vacancies, and Appointment of Academic Senate
   1. The election procedures, including an election calendar, shall be distributed no later than February 1. *Election procedures may be online or may utilize paper petitions and ballots.* The election procedures, beginning with the nomination of members of the Senate and ending with election of a Speaker of the Faculty-Elect and Secretary of the Faculty-Elect, shall begin no later than March 15 and end no later than the last day of final examinations in the Spring semester. At least two weeks will be allowed for return completion of Academic Senate nominating petitions, and one week for ballots in the Academic Senate election.
   2. The Secretary of the Faculty shall be in charge of the election, although he or she may designate other faculty and staff members to assist.
   3. Any two voting members of the General Faculty, as defined in Title III, Chapter 21, Section I.B.1, may nominate by petition to membership in the Senate any one voting member of the General Faculty, except that no one may sign more than two petitions
4. Nominating petitions are collected by the Office of Academic Governance. The Secretary of the Faculty will ascertain the willingness of each nominee to serve if elected. The names of those who do not wish to serve will not be placed on the ballot.

5. Ballots, including all those nominated who are willing to serve, are to be distributed to the voting members of the General Faculty by the Secretary of the Faculty by the date designated in the election calendar. Ballots cast by voting members of different Schools will be colored differently or otherwise kept separate.

6. Each eligible voter will indicate with a "1" his or her first choice for a representative, with a "2" as second choice, with a "3" as third choice, and so on for as many choices as desired. Ballots are to be returned in accordance with the election procedures. Ballots shall be secret.

7. Ballots from each of the Schools in the University shall first be counted separately by the Plurality System (as defined in III.A.17 below), ignoring all choices for any candidates from other Schools, to determine the candidate from the School, if any, most favored by the voting members of the General Faculty of that School.

8. All ballots will be combined and counted by the Plurality System ignoring choices for the candidate already elected from each School, to select the remaining candidates to be elected.

9. The Secretary of the Faculty and an ad hoc election committee appointed by the Academic Senate shall implement procedures that will ensure the identity of the voter casting a specific ballot is secret and the counting of the ballots is accurate.

10. The Secretary of the Faculty shall notify successful candidates of their election and of the date of the Senate-Elect Caucus.

11. If, by the date designated for the closing of nominations, the number of valid nominations does not exceed the minimum membership of the Academic Senate, as computed per Sec. II.B.1 of Chapter 21 of the Handbook of Operating Procedures, all candidates shall be declared to be elected.

12. If a member of the Academic Senate resigns his or her seat or leaves The University of Texas at Dallas for a period expected to exceed four months, that seat shall be filled by the most favored unelected candidate in the last election.

13. Once the original nomination list is exhausted, the Academic Senate shall fill vacancies by majority vote of all members of the Academic Senate.

14. In the event a sitting member of the Academic Senate is appointed to the position of Dean, the member shall offer to resign from the Senate. If the resignation is accepted, the Academic Senate shall fill the vacancy in accordance with Sections 12 and 13 above.

15. If a member of the Academic Senate misses two consecutive Senate meetings, the Senator will be contacted by the Secretary of the Faculty to ascertain whether he or she still wishes to serve. If not, the Senator will be immediately replaced by the procedures of Sections 12 and 13 above. If a member of the Academic Senate misses three meetings during September-May, at the third meeting the Academic Senate may, by a majority vote of those present, declare the seat vacant. The seat will then be filled by the procedures of Section 12 and 13 above.
16. All members elected or appointed to the Academic Senate under Section III.A.1.-18. of these Bylaws, and only those members, shall be voting members of the Academic Senate.

17. Except as specified in III.A.18, for the purpose of elections held under these Bylaws, a Plurality System as described below will be used: The results are tallied for each candidate by indicating the number of first-place votes received by the candidate, the number of second-place votes received by the candidate, etc. The candidates are then ranked by first-place votes with the most preferred candidate having the most first-place votes, etc. In the case of two or more candidates receiving the same number of first-place votes, the second-place votes of these candidates will determine their rank order. If necessary, third-, fourth-, etc. place votes will be used to determine the rank order of candidates having the same number of first-place votes. In the unlikely event that the rank order of two or more candidates with the same number of first-place votes cannot be determined by the use of second-, and subsequent-place votes, the rank order will be determined by the use of a randomization device which gives each of the tied candidates the same chances of having any rank as any other of the tied candidates (i.e., a random permutation). If $M$ is the number of offices to be filled, the first $M$-ranked candidates shall be declared elected. Vacancies that may occur during the course of the year will be filled as provided in Sections 12 and 13 above.

18. A number of Senior Lecturers (full-time faculty who are not tenured or tenured-track) not to exceed 10% of the total number of Senators, may be elected to serve one-year terms as voting members of the Academic Senate. An additional number of voting members of the Senate shall be elected from among the full-time faculty who are not tenured or tenure-track (Senior Lecturers, Clinical Professors, etc.). This number shall not exceed 10% of the total number of Senate seats for which Voting Faculty are eligible. The term of office is one year. Each spring, concurrent with the election of the Academic Senate members, the Senior Lecturers shall elect representatives to serve on the Academic Senate. If a Senior Lecturer resigns his or her seat on the Academic Senate or a Senior Lecturer seat becomes vacant for other reasons, a replacement shall be appointed from a ranked list of those Senior Lecturers who were nominated and who received votes. In the case that there is an insufficient number of candidates who received votes, the Speaker shall convene a Senior Lecturer caucus to elect the necessary number of representatives to serve on the Academic Senate. Ballots for Senior Lecturers will be distributed to all Senior Lecturers without differentiation by school, and will be tallied without differentiation by school. For purposes of election to the Senate the term “Senior Lecturer” here means all those with the title of Senior Lecturer or Clinical Professor who are employed full-time and are subject to PM 08-III.22-96 GENERAL STANDARDS AND PROCEDURES FOR REVIEW OF NONTENURE-SYSTEM FACULTY. It does not include Research Professor, Visiting Assistant Professor, Visiting Associate Professor, Visiting Professor or other positions in which there is understood to be a fixed and limited term of employment without the possibility of renewal.
19. From a list of five students submitted to the President by the President of the Student Government Association, the President and the Academic Senate annually shall agree on two non-voting participants who may attend meetings of the Academic Senate, except when the Academic Senate is in executive session.

20. The Chair of the Staff Council shall be invited to attend the Academic Senate meetings as a non-voting participant.

2. Officers
   1. Roster and Duties
      1. Speaker of the Faculty: The Speaker of the Faculty is the principal elected officer of the General Faculty, of the Academic Senate, and the Academic Council. The Speaker shall:
         1. preside as described in the Handbook of Operating Procedures, Title III, Chapter 21;
         2. chair the Executive Committee, if any, of the Academic Senate in its coordination of the work of the General Faculty, Academic Senate, Academic Council, and Concurrent Committees in order to improve the academic welfare and standing of The University of Texas at Dallas;
         3. assist in formulating faculty views as motions to be placed before the Academic Council or Senate for discussion and resolution; and
         4. together with the Secretary of the Faculty, review drafts of the minutes and authorize their circulation for formal approval.
      2. Secretary of the Faculty: The Secretary of the Faculty shall:
         1. serve as Secretary for meetings of the General Faculty, the Academic Senate, and the Academic Council;
         2. see that minutes are kept, made available to any faculty member, and filed in the Office of the President and, through that office, with the Executive Vice Chancellor for Academic Affairs of The University of Texas System, and with the Library of The University of Texas at Dallas;
         3. together with the Speaker of the Faculty, review drafts of the minutes and authorize their circulation for formal approval;
         4. provide a report on Academic Senate and Academic Council activities to the General Faculty each semester of the long term;
         5. sign the official copy of the approved minutes of the Academic Council and Academic Senate for transmittal to the Executive Vice Chancellor for Academic Affairs of The University of Texas System; and
         6. maintain a list of all recommendations that the Academic Senate and/or Academic Council has made to the administration so that the President may be requested to comment on these items at the beginning of each meeting.
      3. Other Offices: The Academic Senate may, through its Resolution of Operating Procedures, create, provide for election or appointment, and provide duties for other offices of the Academic Senate and the Academic Council.
2. Election of Officers
   1. The Academic Senate-Elect shall, in a caucus announced to and open to the voting members of the General Faculty and presided over by the Speaker of the Faculty, and under Robert's Rules of Order (current edition) elect its Speaker by a majority vote. The individual elected shall be known as the Speaker-Elect of the Faculty until June 1.
   2. The Academic Senate-Elect shall, in a caucus announced to and open to the voting members of the General Faculty and presided over by the Speaker-Elect of the Faculty, and under Robert's Rules of Order (current edition) elect its Secretary of the Faculty, who shall be known as the Secretary-Elect of the Faculty until June 1.
   3. Until the election of the Secretary-Elect of the Faculty, the Secretary of the Faculty shall perform the routine functions of Secretary for the Academic Senate-Elect.

3. Academic Council
   1. Relation to Academic Senate: The Academic Senate should, through its Resolution of Operating Procedures, specify at least the following:
      1. the powers delegated to the Academic Council;
      2. the extent to which the Academic Council is to function as an executive committee for the Academic Senate;
      3. the extent to which the Academic Council is to function as an agenda committee for the Academic Senate;
      4. the communications required between the Academic Council and the Academic Senate, and between the Academic Council, Academic Senate and the Voting Faculty, including the appropriate form for the Minutes of the Academic Council and the Academic Senate.
   2. Election, Removal, and Vacancies
      1. After the election of the Speaker-Elect and Secretary-Elect of the Faculty, the Academic Senate-Elect shall, in a caucus announced to and open to the voting members of the General Faculty and presided over by the Speaker-Elect of the Faculty, and under Robert's Rules of Order (current edition), elect the remaining members of the Academic Council using the plurality system as described in III.A.17. Members in addition to six may be appointed by the Speaker with approval of the Council. Election shall be by simple plurality vote, with each member of the Senate voting for a number of candidates up to the number of positions to be filled.
      2. These members, along with the Speaker-Elect of the Faculty and the Secretary-Elect of the Faculty, shall be known as the Academic Council-Elect until June 1.
      3. The Academic Senate, in a caucus session, may accept resignations of members of the Academic Council, remove any members of the Academic Council except the Speaker of the Faculty or the Secretary of the Faculty, and vote on replacements to the Academic Council.
      4. When a member of the Academic Council must be absent from a meeting, the member may designate, through the Secretary of the Faculty, a Senator
to represent him or her at that meeting as a member of the Academic Council.

5. The President of the Student Government Association shall be a non-voting participant in the Academic Council during the Council's non-executive sessions.

Procedures

1. The Academic Senate shall be governed by Robert's Rules of Order (current edition) unless procedures described in the Handbook of Operating Procedures, Title III, Chapter 21 "Faculty Governance" or these Bylaws make exception to Robert's Rules of Order.

2. Actions of the Academic Senate
   1. Actions During the Summer
      1. At the first meeting of the Academic Senate, which shall be called by the Speaker-Elect of the Faculty to take place as soon after June 1 as practical, the Academic Senate shall prepare a calendar of regular meetings for the Academic Council and for the Academic Senate and shall set the date of the annual General Faculty meeting. The calendar shall be published as early in the academic year as possible.
      2. As soon as possible after June 1, the Academic Senate shall appoint the Committee on Committees so that it may begin composing slates of nominees for the University, Concurrent, and Academic Senate committees for which it is charged. The membership of the Committee on Committees shall be approved by a majority vote.

2. Submissions of Items for Debate
   1. The Agenda Packet for the Academic Senate will normally be sent to the Senate one week prior to a meeting of the Academic Senate.
   2. The Agenda Committee for the Academic Senate will normally meet five days prior to the submission of the Agenda Packet to the Academic Senate.
   3. Items for debate that are not on the Academic Senate Agenda will normally be deferred to a later Academic Senate meeting, unless two-thirds of the members present vote to consider the items.
   4. The Agenda Committee for the Academic Senate will attempt to bring all items submitted to it to the Academic Senate, although it may recommend that particular items be sent to committee and/or to the Academic Council prior to Academic Senate debate. Any memorandum submitted by any General Faculty member of the University to the Academic Senate or to the Speaker of the Faculty that requests action by the Academic Senate or Academic Council must be reported to the Academic Senate by the Agenda Committee of the Academic Senate.

3. Debate and Passage
   1. If the President and Provost are not available to chair meetings of the Senate at which legislation is enacted, the Speaker shall chair. In the absence of the Speaker, the Secretary shall chair. In the absence of the
Secretary, the meeting may be chaired by any member of the Senate designated by the Speaker.

2. The chair of a meeting of the Academic Senate may participate in the debate but shall exercise particular care to preside in a manner which is fair to all points of view in the debate.

3. The President and/or the Speaker of the Faculty may invite to meetings of the Academic Senate those persons believed to be necessary to assist the Academic Senate in the conduct of its business.

4. Except when the Academic Senate is in executive session, meetings of the Academic Senate are open to the General Faculty, who may request the privilege of participation in the debate.

5. A simple majority of the voting membership of the Senate constitutes a quorum. If a quorum is not present, business that would otherwise have been conducted may be discussed, but votes shall not be taken.

6. Members of the Academic Senate who anticipate making lengthy or complicated amendments to legislation should bring sufficient written copies to distribute to the entire Academic Senate.

7. Passage of legislation or resolutions shall require a simple majority of those voting members present. Votes shall be recorded by hand count: ayes, nays, abstain. Role call votes shall be taken if three or more members request.

8. The Secretary of the Faculty is responsible for sending copies of motions passed to the parties addressed.

3. Actions of the Academic Council
   1. Submission of Items for Debate
      1. The Agenda Committee for the Academic Council meets at least five days before each Academic Council meeting. Items to be included on an agenda must be submitted prior to that time.
      2. Items for the Agenda of the Academic Council will normally originate with the President and with the Academic Senate, its Executive Committee, or the Speaker of the Faculty.

   2. Transmissions from Academic Council to Academic Senate
      The Academic Council shall formulate its recommendations to the Academic Senate and transmit them to the Agenda Committee of the Academic Senate. It shall generally transmit all items submitted to it to the Agenda Committee of the Academic Senate.

4. Records and Communications
   1. Actions required by motions of the Academic Senate or Academic Council, as described in the minutes, will be conveyed to those concerned, or will be taken by the Academic Governance Secretary only after approval of the minutes for circulation, but without waiting for the formal approval of the minutes at the subsequent meeting of the Academic Senate or Academic Council.
   2. The general policy on composition and contents of records including minutes is the same for both the Academic Council and Academic Senate, and is as follows:
1. Consistent with Robert's Rules of Order, the approved minutes constitute the only official record of the actions of the Academic Council and Academic Senate;

2. The minutes are intended to allow members of the General Faculty to follow the debates and actions within their representative bodies, the Academic Senate, and within the Academic Council;

3. The Secretary of the Faculty or the Academic Governance Secretary may make recordings of the Academic Council and Academic Senate meetings. Tapes of meetings shall not, however, be considered official documents, and will be kept only until the minutes of the meeting recorded are officially approved;

4. Unapproved minutes of Academic Council and Academic Senate meetings shall be distributed to the Academic Senate expeditiously, if possible within one week after the meeting;

5. Minutes are numbered serially each year, including special meetings;

6. Attendance for minutes includes both those present and absent of the voting membership, ex officio members, and student observers. Invited guests are also listed;

7. Minutes of the Academic Council and Academic Senate are distributed to all members of the Academic Senate, and made available at the authorized locations for Regents' Rules and Regulations, and are also sent to the Executive Vice Chancellor for Academic Affairs of The University of Texas System; and

8. The minutes of the last meetings of the Academic Senate and Academic Council will be approved by the incoming Academic Senate or Academic Council, respectively.

3. The Academic Senate shall establish procedures, in its Resolution of Operating Procedures, to disseminate information about its debates and actions to the General Faculty effectively and expeditiously.

5. Resolution of Operating Procedures: The Academic Senate may, by adoption or revision of its Resolution of Operating Procedures, modify the following portions of its procedures without having to amend these Bylaws:

   1. delegation of duties and powers to the Academic Council;
   2. designation and powers of the Agenda Committee;
   3. designation and powers of the Executive Committee, if any; and
   4. instructions to the Secretary of the Faculty regarding the character of action or discussion minutes to be taken.

6. Amendment of Bylaws

   1. These Bylaws may be amended by a majority vote of the Senate members, provided that the proposed amendment passes, without an intervening negative vote, at two meetings of the Academic Senate separated by at least two weeks.
   2. The Secretary of the Faculty shall transmit a copy of the amended Bylaws to the President for review and approval and submission to the Executive Vice Chancellor for Academic Affairs and approval for inclusion in the U. T. Dallas Handbook of Operating Procedures.
3. The amended Bylaws shall become effective immediately on approval for inclusion in the Handbook of Operating Procedures.

Policy History

- Issued: September 10, 1979
- Revised: February 28, 1980
- Revised: December 14, 1982
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Policy Links

Permalink for this policy: http://go.utdallas.edu/utdpp1007

Link to PDF version: http://provost.utdallas.edu/policy/pdf/utdpp1007

Link to printable version: http://provost.utdallas.edu/policy/print/utdpp1007