APPROVED AND CORRECTED MINUTES

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

ACADEMIC SENATE MEETING
May 20, 2009

PRESENT: Sheila Amin Gutierrez de Piñeres, Mark Anderson, Kurt Beron, Gail Breen, R. Chandrasekaran, David Cordell, Kelly Durbin, John Hoffinan, Jennifer Holmes, Karen Huxtable-Jester, Mustapha Ishak-Boushaki, Surya Janakiraman, Robert Kieschnick, Murray Leaf, Paul Mac Alevy, Simeon Ntafos, Ravi Prakash, Michael Rebello, Elizabeth Salter, Richard Scotch, Robert Stern, Mary Urquhart

ABSENT: Titu Andrecsucu, James Bartlett, Dinesh Bhatia, Denise Boots, John Burr, Cyrus Cantrell, Gregg Dieckmann, Santosh D’Mello, Jay Dowling, Juan Gonzalez, Shayla Holub, Joe Izen, Marilyn Kaplan, Kamran Kiasaleh, Nanda Kumar, Adrienne McLean, Syam Menon, Dennis Miller, B.P.S. Murthi, Steven Nielsen, Tim Redman, Mark Rosen, Young Ryu, Chelliah Sriskandarajah, Lucien Thompson, S. Venkatesan

VISITORS: Hobson Wildenthal, Andrew Blanchard, Calvin Jamison Serenity King, Michael Coleman, Theresa M. Towner, Abby Kratz, Tonja Wissinger, Diana Kao, Chris Parr

1. CALL TO ORDER, ANNOUNCEMENTS AND QUESTIONS

Dr. Wildenthal called the meeting to order. Dr. Daniel arrived shortly thereafter.

Dr. Daniel thanked the outgoing Academic Senate members for the service and welcomed the incoming members. He welcomes input from faculty governance.

Dr. Daniel asked if there were any questions or comments. He reported that the budget has almost been resolved; it looks positive thus far. This translates into the expansion of the faculty as the dollars can be made available to strengthen our programs. Next biennium may be more of a problem.

There was a question regarding the search for a new police chief. Dr. Jamison spoke regarding the search and that the job specifications have been completed. Mike Tacker, of The UT System, is our interim police chief.
2. APPROVAL OF THE AGENDA

Dr. Salter made the motion to approve the agenda as circulated. Dr. Holmes seconded the motion. The motion carried.

3. APPROVAL OF MINUTES

Dr. Piñeres moved to approve the minutes of the April 15, 2009 meeting as circulated. Dr. Urquhart seconded the motion. The minutes were approved.

4. SPEAKER’S REPORT

1. Staff Appreciation Day. Staff Council and the Business Affairs Office will be sponsoring a 3 day Staff Appreciation event on July 20, 21, and 22, 2009.

   The list of events is as follows:
   July 20, 10 a.m.: Dr. JoyLynn Reed will give a presentation on Health and Wellness
   11 a.m.: Health and Wellness fair
   July 21, 2 p.m.: Terry Cartwright will give a presentation on Customer Service
   3 p.m.: Customer Service fair
   July 22, 10:30 a.m.: Dr. Jamison will give a Welcome/Thank you speech
   10:45 a.m. Sue Taylor will give a presentation on “Dare to Face Success”
   11:30 a.m.: Lunch (all are invited, staff and faculty) with prizes, music and much more

   Tricia Losavio, President of Staff Council, is asking for the Faculty support in allowing their staff to attend all of the events. If this is not possible due to the staff’s responsibilities they ask that you allow them to attend at least one event.

2. I have drafted a policy on closing programs and cutting faculty because of financial exigency and forwarded it to the Committee on Faculty Standing and Conduct to develop. The policy is intended to parallel our policy on program retrenchment for academic reasons as closely as makes sense. The basic definition of exigency is: “Financial exigency is an imminent financial crisis that threatens the survival of the institution as a whole and that cannot be alleviated by less drastic means.” The draft is meant to construe Regents Rules 310003, which outlines the process, so as to comport with the recommendations of the Faculty Advisory Council resolutions of December 4, 2008, in response to events at UTMB and with the AAUP Recommended Institutional Regulations on Academic Freedom and Tenure. With the agreement of the Committee on Faculty Standing and Conduct, I also submitted the draft to the UT System Faculty Advisory Council at its meeting this past May 14 and 15. They made some amendments and agreed to adopt the amended version as a model for all the campuses.

3. According to Marilyn’s notes from the Caucus meeting, toward the end several people voiced concerns regarding the summer schedule. There was not enough time between Spring and Summer and between Summer and Fall terms. We discussed this in Council,
where the underlying issue appeared to be the length of the summer term. Do we want to discuss this, and if so do we first want a committee to develop a definite proposal?

John Wiorkowski, Chair of the Calendar Committee, was recognized and explained that the current schedule was so constrained that no more time was available. The only possibility was to reduce the number of weeks by increasing the number of hours per day of instruction. Since this was already in the agenda, the Senate agreed to continue the discussion at that point.

4. Abby Kratz has begun the process of generalizing the application for travel in the Archer program to cover all academic travel, and to provide feedback to faculty regarding students applying for travel who might pose a danger to themselves or others.

5. The faculty regent bill has now failed to get through the first funnel to the house floor. In the process, a substitute bill was accepted on April 29 that was almost the same as what I originally drafted for the FAC. But there were two differences: first, the governor is not bound to appoint someone nominated by the Chancellor. Second, the definition of “faculty” no longer excludes individuals holding administrative appointments of dean or above. These changes were made in the House Jurisprudence Committee. The FAC opposed the changes, and the chair and I both wrote to Representative Pierson’s legislative liaison explaining why. We think they understood and would have pursued amendments on the floor. If the bill were not amended, we would have opposed it. Seeing what has happened in this session, we do not intend to try to reintroduce it again the next session. Instead, we will begin talking to our Regents about an alternative: to have FAC officers sit regularly with the BOR and its committees, rather than to be part of the audience at BOR meetings as is now the case.

6. The House version of the Concealed Carry bill also did not get past the first hurdle. It was buried even more deeply in the Calendar Committee’s list for approval than the faculty regent bill. As I have said, however, this does not mean that it is entirely dead. The Senate version, SB 1164, is still alive and if it passes the House version could come back to life. Yesterday, on the Senate floor, the Senate agreed to several amendments proposed by Senator Wentworth. One group would allow parents to request that a student be assigned to a dormitory in which concealed handguns were not permitted. The other would allow campuses to establish rules prohibiting license holders from carrying guns “if the institution receives notice from the Texas Higher Education Coordinating Board under Section 61.0904(b), Education Code, concerning an increase in gun-related violence on higher education campuses.” A third amendment asked for a “study of gun-related violence on higher education campuses.” Evidently, Senator Wentworth recognizes that other Senators think the bill might rest on rather doubtful premises. These amendments might gut the major problem with the bill—prohibiting campuses from barring guns if they want to—but it would be still better not to have it at all.

7. The Academic Council has appointed the Committee on Committees. All those whose terms were expiring were reappointed: Cy Cantrell (ECS), Marie Chevrier (EPPS), and Juan Gonzales (NS&M). They have agreed to serve.
8. Marilyn Kaplan has offered to continue as Senate liaison to Student Government. Dr. Leaf asked if the Senate agreed. The Senate agreed.

9. Summer Senate meetings. The Senate agreed not to meet in June or July, unless a pressing matter came up and the Academic Council considered a meeting necessary.

Upon the request of Speaker Leaf, the Senate authorized an email ballot to approve candidates for degrees in the Fall Commencement if it would not be possible to approve these candidates at the August meeting.

5. FACULTY ADVISORY COUNCIL

Speaker Leaf reported:

The FAC met Thursday and Friday, May 14 and 15. I attended with David Cordell. Marilyn has gone to Europe. The main action item was approval of the Model Exigency Policy as noted, but there were a number of interesting and important conversations. I’ll just give the gist, and answer questions if you have them.

1. Raymund Paredes, chair of the Coordinating Board (CB). Topic was mainly CB policy on PhD programs. Discussion was partly stimulated by the fact that the CB has just turned a proposal for a PhD in Psychology at UTSA. The discussion was especially forthright. Mr. Paredes main theme was that we had too many PhD granting institutions, and not enough high quality PhD programs. We cannot get “tier 1” institutions by legislative declaration; they have to be funded. Right now we have too little funding and adding PhD programs will simply make funding even thinner. As benchmarks, he has selected a very sensible handful of other institutions: Nebraska, Kansas, Missouri, and Arizona. And his point was that all of them are funded at substantially higher levels than the current seven “emerging research campuses.” He has been making the case to the legislature very plainly. The second topic was his insistence that there be a “market” for the graduates. We discussed this at length. The conception of a market need not be simple-minded. It is up to us to say what it is and make the case. The third topic was the idea that PhD programs have to be built on campuses with a strong undergraduate base. This has obvious unhappy implications for campuses which at the moment have what amounts to open admissions, but no one seriously argued with the idea.

2. Barry McBee, VC for governmental relations reported on the legislature. Financially, we look ok for this biennium but there is worry about the next, assuming that the federal stimulus program will not continue. It looks like some kind of bill on tuition will pass but it will not be a rollback and will continue to be in fairly good shape. His remarks on the gun bill and faculty regent are incorporated above.

3. Barry Burgdorf, General Council. The FAC mainly focused on recourse in the case that administrators or the regents did not follow regents’ rules. The answer is that regents’ rules are administrative law. Use what recourse is provided.
4. We had dinner with Chancellor Cigarroa at Bauer House. Nice digs and he impressed everyone as a very good person.

5. Francie Frederick, General Council to the Regents. Discussion mainly focused on the new regents and the possibility of a FAC representative as an alternative to the faculty regent. There are three: James R. Huffines, William Powell, and Robert L. Stillwell. Regent Huffines is a reappointment, and has also been reappointed Board chair. Regent Stillwell has ties to the Texas Public Policy Foundation. We will invite Regent Stillwell to the FAC. We will pursue the idea of the FAC chair as a representative with the Board.

6. Conversation with David Prior and Pedro Reyes. This covered many topics. Most of the time was devoted to the governor’s “seven breakthrough solutions.” Dr. Prior has generally been taking the approach of explaining to the governor’s office what we already do along the lines the “solutions” are demanding, and asking for objections. So far there have been no objections, and some of the demands have been modified. We will not adopt the proposal for “incentives” based on student evaluations, otherwise known as payment by applause meter.

7. Finally, we discussed briefly the wiki I have started: Texas Faculty Hi Ed Wiki. Please Google it and consider making contributions.

6. SUMMER SCHEDULE

The discussion of the summer schedule concerned the short length of time between the end of one semester and the beginning of the next. Dr. Wiorkowski discussed the academic calendar and the regulations of the Texas Higher Education Coordinating Board. It was decided through these discussions that the schedule should remain as it is.

7. SENATE RESOLUTION ON FIREARMS

The proposed resolution was discussed. Dr. Leaf explained that the wording came from UT Austin and reflected the advice of scholars from their law school to avoid conflict with the state prohibition on lobbying by state employees. A correction to the university name and additional wording were proposed and accepted as by Dr. Leaf as the maker. Dr Holmes seconded the motion and also accepted the amendments. The amended resolution was.

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

The resolution was approved by the Academic Senate unanimously.
8. PROPOSED UNIVERSITY TESTING CENTER

Dr. Piñeres described the proposed University Testing Center. There were discussions regarding the budget for the center, the concept, and the use of the center. Dr. Leaf asked the Senate if they wished to endorse the proposal. The consensus was that they wished to do so. Dr. Leaf will charge the Committee on Academic Integrity to work with the administration on developing the proposal further.

Dr. Piñeres moved to endorse the proposal in principle. Dr. Kieschnick seconded the motion. The motion carried.

9. APPOINT SENIOR LECTURER FROM THE SCHOOL OF INTERDISCIPLINARY STUDIES TO THE ACADEMIC SENATE

Dr. Leaf explained the problem we have this year with Senate representation, which was originally raised by Dr. Salter. The Academic Senate does not have a representative from the School of Interdisciplinary Studies. We try to have at least one person from each school. For this reason, the rules provide that as the first step in the tallying process if at least one person is nominated from a school, the person from that school with the highest number of votes will be elected, regardless of their standing in the totals of votes all together. However, this rule pertains only to the tenure-system candidates. The non-tenure-system faculty (Senior Lecturers, etc.) all run as a single group and are voted on only by non-tenure-system faculty, without division by school. This is in part because only four positions are presently allowed and there are seven schools, and in part because there are no many different kinds of appointments in this group. There was a representative from the School of Interdisciplinary Studies who ran in the Senior Lecturer election this spring, but as it happens she came out fifth in order of ranking in the votes received. So she was not among the four elected. If she had been, Interdisciplinary Studies would have been represented and there would be no problem.

Senate rules also allow the Senate to appoint faculty to the Senate to fill vacancies left by Senators who leave or resign, but do not provide for a situation in which we have vacancies but no one has left or resigned.

Since there is only one tenure-system faculty member in the School of Interdisciplinary Studies apart from the Dean, the present situation is understandable. No one can be thought to have taken their faculty responsibilities lightly. But it would be extremely complicated to try to amend the bylaws to provide a remedy in advance for all the different ways this kind of situation might arise. Instead, Dr. Leaf recommended that we adopt a policy of acting in the spirit of our basic concern with effective representation and make appointments of this sort on an ad hoc basis as needed.

Accordingly Dr. Leaf asked for a motion to appoint the candidate next in order of voting priority in the Senior Lecturer election in order to provide the School of Interdisciplinary
Studies representation on the Academic Senate, since the regular election did not provide such representation.

There was further discussion on making the appointment, which included suggestions for amending the bylaws. Dr. Leaf agreed to find wording for the bylaws to expand the provision to assure at least one tenure-system representative for each school to include the possibility of a non-tenure-system representative.

Dr. Scotch made the motion to approve the appointment of the candidate. Dr. Holmes seconded the motion. The motion carried.

Dr. Salter introduced Dr. Tonja Wissinger, Senior Lecturer, School of Interdisciplinary Studies, as the person thus appointed.

10. CEP

10. A. Dr. Teresa Towner introduced the Doctoral Degree Proposal for the Doctor of Philosophy in Science/Mathematics Education.

Dr. Towner made the motion to approve the Doctoral Degree Proposal. Dr. Holmes seconded the motion.

Dr. Urquhart discussed the degree program and answered questioned regarding the requirements.

Dr. Leaf asked if there was further discussion. There being none, Dr. Leaf called for a vote. Dr. Towner made the motion. Jennifer Holmes seconded. The motion passed.

10. B. Dr. Coleman discussed the changes to Undergraduate Catalog. The section of the 2009 Undergraduate catalog supplement passed by CEP at their last meeting contained information on the academic disciplines and degrees offered. There were four substantive changes which had previously been approved by CEP and the Academic Senate. They are listed below along with the link to their place within the catalog. The question here is only to approve final copy.

Degree in Actuarial Science
http://www.utdallas.edu/student/catalog/undergrad09/nsm/as.html

Degree in Emerging Media and Communication
http://www.utdallas.edu/student/catalog/undergrad09/ah/emac.html

Degree in Geospatial Information Sciences
http://www.utdallas.edu/student/catalog/undergrad09/epps/gis.html

Minor in Health Care Studies
http://www.utdallas.edu/student/catalog/undergrad09/is/is.html#bs
Other changes were administrative or editorial and were approved by the faculty within the academic unit where the changes were proposed.

Dr. Leaf asked for a motion to approve the Undergraduate Catalog. Richard Scotch made the motion. Sheila Pineres seconded. The motion passed.

11. HEARING TRIBUNAL SELECTION

Dr. Leaf discussed the list of twenty Hearing Tribunal members circulated in the agenda. The Regent’s Rules require that the Senate elect the panel by secret ballot. The Council is therefore offering this list as its nominees. It is the largely the same list as last year. The page with the list has spaces for additional names, and for Senators to indicate their vote. Dr. Leaf called for further nominations. Dr. R. Chandrasekaran was nominated and placed on the ballot. The ballots were distributed and the current Academic Senate was instructed to vote for twenty members for the Hearing Tribunal Pool by marking off (deselect) the one nominee(s) they did not favor. The ballots were collected and will be tabulated by the Academic Governance Secretary. The results will be reported in the minutes of the June Academic Senate meeting.

12. SENSE OF THE SENATE ON INTERPRETATION OF THE BYLAWS

Dr. Leaf presented two sense of the senate resolutions on the interpretation of two questions that were raised regarding the Senate bylaws in the last round of elections, namely whether a person appointed as Associate Provost for less than half time was or was not an administrative appointment at the level of “Dean or higher,” and whether the allocation of seats for non-tenure-system representamen on the basis of ten percent of the number of senators meant ten percent of the number of Senate positions or of the number of Senators actually elected. The resolutions were as follow:

Sense of the Senate Resolution Regarding the Interpretation of Eligibility for Senate Election in the Handbook of Operating Procedure, Title III. 21. B.

1. It is the sense of the Senate that Title III.21.B.1., “that faculty members having administrative appointments at the level of Dean or higher are not eligible to serve on the Academic Senate” does not include tenured faculty serving as Associate Provosts for specific functions on less than half time appointments, provided that such faculty retain their normal faculty duties and responsibilities apart from serving in this capacity. In this interpretation, the Senate considers that the relevant interpretation of “Dean or higher” means that the person is either a Dean or someone superior to a Dean in the line of administrative officials responsible for faculty merit evaluation, recommendations regarding pay, and work assignments.

The purpose of the rule is threefold. First, it is to assure that the Senate is not encumbered in its ability to serve as free and open deliberative assembly. To this end, no member should have to fear that disagreements with another member might result in
retaliation in their conditions of work, nor should anyone be in a position to promise rewards in conditions of work in return for agreement. Second, it is to assure that academic policies are made by faculty who will be directly affected by them and will also be most directly responsible for carrying them out. And third, it is to assure that the Senate and Administration will be able to serve as checks on each other to assure that the operations of both remain transparent and in accordance with agreed-upon rules, policies, and procedures. We consider that maintaining eligibility for Associate Provosts who have earned their faculty rank through the peer review process, continue to be subject to that process, and retain their faculty duties as described is consistent with all these aims, and with the general spirit of participatory governance that we have tried to foster.

In addition, we support the Provost’s initiative in making such appointments to improve liaison with the faculty and faculty governance system, and consider that maintaining eligibility for such appointees is consistent with such support.

2. It is the sense of the Senate that the allocation of Senate positions to Senior Lecturers on the basis of “the total number of Senators” in Title III, 21, B. 3, should always be construed to mean the number of Senate positions to be filled by tenure-system faculty, not the number of tenure system faculty actually elected in any given year. This is implicit in the requirement that the elections for Senior Lecturer positions and tenure-system positions should be carried on concurrently.

In discussion, Dr. Leaf was asked why we do not amend the bylaws. Dr. Leaf’s view was that in the case of the first resolution, this was an experimental situation that may be modified. It would be needlessly complicated to try to incorporate these considerations in the bylaws at this time when the situation itself might be dynamic. If we amend the bylaws it must go to OGC for approval. A sense of the senate resolution remains only in our minutes. It is appropriate for the Senate to decide how to interpret its own rules. With respect to the second resolution, Dr. Leaf considered that the interpretation was actually implicit in the fact that the bylaws have both the tenure system elections and the non-tenure-system elections running concurrently. So an amendment to underline this would be in a strict sense redundant. This is just additional clarification.

Robert Kieschnick moved to approve resolution number 1. Mark Anderson seconded. The motion carried.

Elizabeth Salter moved to approve the second resolution. Adrienne McLean seconded. The motion carried.

13. ADJOURNMENT

Dr. Daniel asked for a motion to adjourn. The meeting was adjourned.

APPROVED:  
Murray J. Leaf, Speaker of the Senate  
DATE: 28 Jan 2010