

DOCUMENTS OF THE GENERAL FACULTY

Following are the minutes of the regular Faculty Council meeting of March 17, 2003.

John R. Durbin, Secretary
The General Faculty

MINUTES OF THE REGULAR FACULTY COUNCIL MEETING OF

March 17, 2003

The fifth regular meeting of the Faculty Council for the academic year 2002-2003 was held in Room 212 of the Main Building on Monday, March 17, 2003, at 2:15 P.M.

ATTENDANCE.

Present: Lawrence D. Abraham, Urton L. Anderson, Glen S. Baum, Gerard H. Béhague, David G. Bogard, Daniel A. Bonevac, Jennifer S. Brodbelt, Joanna M. Brooks, Michael J. Churgin, Alan K. Cline, Melba M. Crawford, Ann Cvetkovich, Donald G. Davis, John R. Durbin, Sheldon Ekland-Olson, Larry R. Faulkner, Linda Ferreira-Buckley, Kenneth Flamm, Alan W. Friedman, James D. Garrison, John C. (Jack) Gilbert, Michael H. Granof, Sue A. Greninger, Lita A. Guerra, Marvin L. Hackert, Julie Hallmark, Barbara J. Harlow, Michael P. Harney, Kurt O. Heinzelman, James L. Hill, Sharon D. Horner, Raymond Bert "Rusty" Ince III, Julie R. Irwin, Judith A. Jellison, Anastasia "Stacey" Kounelias, Elliott W. Kruppa, William S. Livingston, Arthur B. Markman, Dean P. Neikirk, Melvin E. L. Oakes, Edward W. (Ted) Odell, Patricia C. Ohlendorf, Melissa L. Olive, Bruce P. Palka, Theodore E. Pfeifer, Elmira Popova, William C. Powers, Diane L. Schallert, M. Michael Sharlot, Mark C. Smith, Janet Staiger, Salomon A. Stavchansky, Sharon L. Strover, Sarah Elizabeth Tierney, Janice S. Todd, James W. Vick.

Absent: Kamran S. Aghaie, Phyllis R. Akmal, Brigitte L. Bauer(excused), Harold W. Billings, Daniela Bini, Teresa Graham Brett, Neal M. Burns, Johnny S. Butler, Patricia L. Clubb, Joshua Dever, Andrew P. Dillon, Edwin Dorn, John D. Downing, Robert Freeman, Charles N. Friedman(excused), George W. Gau(excused), Carl T. Haas, Donald A. Hale, Thomas M. Hatfield, Kevin P. Hegarty, Archie L. Holmes(excused), Manuel J. Justiz(excused), Martin W. Kevorkian(excused), Katherine Ann King, Richard W. Lariviere, Steven W. Leslie, Amarante L. Lucero, Eric C. Opiela, Anna Coons Pyeatt, Esther L. Raizen, Mary Ann R. Rankin, Johnnie D. Ray, Linda E. Reichl, Victoria Rodriguez, Charles R. Rossman(excused), David J. Saltman(excused), Juan M. Sanchez, Dolores Sands, Mark R. V. Southern, David B. Spence(excused), David W. Springer, Frederick R. Steiner, Ben G. Streetman, Daniel A. Updegrove, N. Bruce Walker(excused), Ellen A. Wartella, John M. Weinstock, Mary F. Wheeler, Barbara W. White, Darlene C. Wiley, James R. Yates, Michael P. Young.

Voting Members:	47 present,	27 absent,	74 total.
Non-Voting Members:	9 present,	25 absent,	34 total.
Total Members:	56 present,	52 absent,	108 total.

I. REPORT OF THE SECRETARY.

There were no questions about the written report (D 2494-2498).

II. APPROVAL OF MINUTES.

- A. Minutes of the regular Faculty Council meeting of January 27, 2003 (D 2499-2501) were approved by voice vote.

III. COMMUNICATION WITH THE PRESIDENT.

- A. Comments by the President.

President Faulkner began by commenting on a recent security breach of the University's information system, in which 55,000 social security numbers were taken. He said the theft was discovered by the University's own information technology security people, who had a good idea of who was responsible before the federal authorities were able to act. Each person whose social security number had been taken was being contacted about the theft. He said most of the University's administrative databases were protected by a common firewall, but the recent theft occurred because of an application left outside the firewall for the convenience of other UT System components; this weakness had now been corrected. He also said that UT Austin, as well as other universities throughout the country, was trying, to the extent possible, to eliminate the use of social security numbers for identification.

The president also commented on the current budget process and the cuts that would be required because of the state's financial shortfall. Cuts would have to be made for the current fiscal year and for at least the next several years. He said that his goal was to try to preserve the best things the University represents and the quality that had been built up over a long period of time.

- B. Question to the President

Before the meeting, seven members of the faculty submitted a question to the president stating that they were "concerned that no substantive, faculty-initiated legislation has been approved and enacted during the past six years." (Appendix A to these minutes.) President Faulkner began his response with a review of those items. He then listed other items that had been approved over that period, many of which he considered substantive. He said he thought faculty governance was in a reasonably strong state here, and that he had not noticed people shrinking from making their positions known.

Professor Janet Staiger (radio-television-film), one of those who had submitted the question, stressed that the question concerned what she and others considered "substantive, faculty-initiated legislation." She said she realized that some of the items had not been approved because of action by the UT System rather than the UT Austin administration. She added that another concern was that members of the administration sometimes did not raise questions about legislation when it was before the Council, but only after it had been acted on by the Council. She objected, specifically, to a remark made by Executive Vice Provost Steve Monti, in which he said he had not expressed opposition to an item on the Council floor because he knew he would have an opportunity to do so later. The president responded that the administration's style had been to let the process be open without much administrative discussion in Council meetings. That might slow things down, and perhaps the procedure should be considered, he said. He added, however, that if legislation is substantive then it is probably not going to "breeze" through.

Professor Alan Cline (computer sciences) said that when the Faculty Council was created from the University Council and the Faculty Senate, the hope by some was that there would be open discussion involving members of the administration in Faculty Council meetings. He asked for the president's comments on that idea. President Faulkner said it had been his understanding that after the Council approves an item it was his option to approve or to disapprove or to recommend change. In either of the last two cases the Council would be given a chance to respond. He felt the Faculty Council was a place for the faculty's voice to be heard, and he believed that was essentially for the good of the institution. If the Council believed a different procedure would be preferable, then it should be discussed.

Professor Alan Friedman (English) said he thought it essential that the Council be given an opportunity to respond when items were disapproved, and even be given the opportunity to re-endorse items it had originally approved. The president said he agreed. The secretary said he believed one weakness was a failure, in some cases, of insufficient debate in the Council by faculty members themselves; this could leave it to the administration to raise questions that should have been raised by the faculty. He also said that attendance by deans at Faculty Council meetings had been very low, and, although he thought the change to the Faculty Council was a good idea, the relative lack of input from deans was a defect in the current system. He said that attendance by deans might have decreased because they had voting privileges in the old University Council but not in the current Faculty Council.

IV. REPORT OF THE CHAIR.

Chair Michael Granof (accounting) invited nominations for the Civitatis Award and for the Men's and Women's Athletics Councils. He also commented, at some length, on the administration's handling of the legislation regarding a faculty member's right to an administrative hearing before disciplinary measures are imposed (D 2360-2362). On this issue, he supported the views expressed by those raising the question to the president in III.B of these minutes.

V. REPORT OF THE CHAIR ELECT.

Chair elect Marvin Hackert (chemistry and biochemistry) thanked members who had attended the joint meeting of the Faculty Council and the Texas A&M Faculty Senate on February 24. He said the attendance was good, even though it was slightly below the number who had replied that they would attend (48 from the Faculty Council, 18 from Texas A&M, and 10 representatives from the state legislature). He said a summary report of the results of the two breakout sessions had been sent to Provost Ekland-Olson. He expressed special thanks to Debbie Roberts and Jenny Morgan from the Office of the General Faculty for their help in making the meeting a success.

VI. UNFINISHED BUSINESS — None.

VII. REPORTS OF THE GENERAL FACULTY, COLLEGES AND SCHOOLS, AND COMMITTEES — None.

VIII. NEW BUSINESS.

A. Resolution in Support of "Flexible Tuition" (D 2487).

Chair Granof introduced this resolution. A number of students spoke in opposition. They included Sarah Tierney (computer sciences, student government), Molly Rogers (English), Forrest Wilder (English), and Austin van Zant (French), and at least one other student who was not identified on the audiotape of the meeting.

The secretary defended the resolution, saying that additional money must be found to preserve the quality of the institution, and it seemed reasonable for those who would benefit the most, the students, to help. Professor Kenneth Flamm (LBJ) suggested that students and their parents could also help by lobbying the legislature for an increase in appropriations for the University.

The motion was approved by voice vote.

- B. Report of the Committee to Nominate Faculty Members for Appointment to the University Co-op Board of Directors (D 2479).

The Council approved the list of three names submitted by the Executive Committee. [Secretary's note: The president later chose Professor Isabella Cunningham (advertising) to serve on the board.]

- C. Recommendation for Change in the Residency Requirements in *The UT Austin Undergraduate Catalog* (D 2480-2482).

Professor Robert Duke (music) introduced and discussed this item. Professor Salomon Stavchansky (pharmacy) questioned the exclusion of credit for online courses, saying that some online courses are quite good and some important courses might not be offered at the University. In reply, Professor Duke said the exclusion applied only to courses recorded as transfer credit, and not to online courses offered at the University; he said that was consistent with the spirit of the proposal.

Professor Jack Gilbert (chemistry and biochemistry) asked if there was a reason for setting such a low number, six hours, for advanced courses in one's major, in part 2.d of the proposal. Professor Duke replied that six hours was the current number (with the exception of some individual schools or colleges), and the committee had kept that. He added that he personally thought the number was too low and perhaps it should be reconsidered at some point.

Professor Larry Abraham (curriculum and instruction, kinesiology and health education) asked if the committee had considered students who would transfer in from other UT System institutions under the provisional admissions program. Professor Duke said the committee had considered this, and that very few of the students would be affected and the deans could handle those by making exceptions.

The recommendation was approved by voice vote.

- D. Proposal to Modify Instructional Responsibilities Policy (D 2483-2484).

This item was introduced and discussed by Professor Elizabeth Richmond-Garza (English), on behalf of the Faculty Welfare Committee. Professor Staiger asked what problems, if any, might be expected in having this proposal approved by the UT Austin administration and the UT System. Professor Richmond-Garza believed that possible objections had been addressed, and she expressed special thanks to Associate Vice President for Legal Affairs Susan Bradshaw for her help in dealing with those objections.

The recommendation was approved by voice vote.

- E. Final Report President's ad hoc Committee on Non-Tenure-Track Teaching Faculty (D 2488-2493).

Judith Langlois (psychology), chair of the ad hoc Committee on Non-Tenure-Track Teaching Faculty, introduced and discussed the report, and it was endorsed by voice vote.

IX. ANNOUNCEMENTS AND COMMENTS — None.

X. QUESTIONS TO THE CHAIR — None.

XI. ADJOURNMENT.

The meeting adjourned at 3:54 P.M.

Appendix A

QUESTION TO THE PRESIDENT
Faculty Council Meeting
March 17, 2003

March 3, 2003

Larry Faulkner, President
University of Texas at Austin
Austin, Texas

Dear President Faulkner:

Several faculty members are concerned that no substantive, faculty-initiated legislation has been approved and enacted during the past six years. See the following list:

**History and Status of UT-Austin
Substantive, Faculty-Initiated Legislation since Spring 1997**

1996-1997

1. Change in Procedure for Appointing Members of the Pool of Faculty Grievance Officers to have faculty select all Members

- Approved by FC 5/5/97
- Not recommended by President & transmitted to Executive Vice Chancellor for Academic Affairs 6/28/97
- Not approved by Executive Vice Chancellor for Academic Affairs 7/29/97

1997-1998

2. Suspension of a Faculty Member with Pay: Revision of Regent's Rules to provide for consultation with Committee of Counsel of Academic Freedom and Responsibility prior to suspending a faculty member with pay prior to a hearing for termination

- Approved by Faculty Council, December 8, 1997
- Still at UT System

1998-1999

[Periodic Evaluation of Tenured Faculty approved this year, but it was not faculty-initiated]

3. Resolution Concerning Family Policy/Teaching Continuity and Restructured Faculty Workload

- Approved by Faculty Council, January 25, 1999; Revision discussed by Faculty Council November 20, 2000
- Rejected by UT System
- Referred by FC Chair in February 2002 to the Faculty Welfare Committee for new attempt at revisions to make it acceptable

4. Proposal to Create an Office of Faculty Ombudsperson

- Approved by Faculty Council, May 10, 1999
- Returned by Provost on November 20, 2000
- Revised, resubmitted, and approved by Faculty Council, February 18, 2002
- Approved by President; search recommendations were given to the Provost in November 2002, but their implementation is now being delayed by Provost because of current budget situation

1999-2000

5. Changes in Policies Concerning Grades Awarded with Credit by Examination

- Approved by Faculty Council November 15, 1999
- Returned by President and Provost to the Educational Policy Committee for revisions

6. Proposal to Create Uniform University-Wide Mid-Probationary Review Procedures

- Approved by Faculty Council, March 20, 2000
- Still in office of the Provost, being implemented in various ways by individual colleges, none of which include all the features in the original legislation

7. Report and Recommendations from the Faculty Grievance Committee, 1999-2000: Included recommendations about problems in the Grievance process including (a) the President approving the Hearings of which he is the final judge; (b) administrative interventions in the selection of members of Hearing Panels; (c) the need for legal counsel for the Grievance Committee; (d) increased legalization of the grievance process; and (e) the inability to grieve denial of tenure on procedural grounds unless the grievant can show violation of constitutional, federal or state laws.

- Posted May 3, 2000
- Most of the items (a, b, d, and e) are still being negotiated with the UT-Austin administration although possibly nearing resolution on item e

2000-2001

2001-2002

2002-2003

[Report of Task Force on Assembly and Expression recommended to President at his request]

8. Procedures for the University of Texas at Austin Administrative Investigations of Policy Violations Alleged Against Faculty Members

- Approved by the Faculty Council, November 18, 2002
- Currently in discussion with UT administration for revisions to what was passed

Would you please comment on this situation, what it says about faculty governance on this campus, and how faculty concerns expressed here might, in your view, be addressed?

Janet Staiger, Radio-Television-Film

Katherine Arens, Germanic Studies

Daniel Bonevac, Philosophy

Alan Cline, Computer Sciences

Alan Friedman, English

Julius Getman, Law

Susan Heinzelman, English

Martha Hilley, Music

Alba Ortiz, Special Education