

DOCUMENTS OF THE GENERAL FACULTY

Following are the minutes of the regular Faculty Council meeting of February 21, 2005.

Sue Alexander Greninger, Secretary
The General Faculty

**MINUTES OF THE REGULAR FACULTY COUNCIL MEETING OF
February 21, 2005**

The fifth regular meeting of the Faculty Council for the academic year 2004-2005 was held in the Main Building, Room 212, Monday, February 21, 2005, at 2:15 P.M.

ATTENDANCE.

Present: Jacqueline L. Angel, Efraim P. Armendariz, Matthew J. Bailey, Teresa Graham Brett, Patrick L. Brockett, Cynthia J. Buckley, Douglas C. Burger, Janet M. Davis, John D. Dollard, Sheldon Ekland-Olson, James L. Erskine, Lester L. Faigley, Richard R. Flores, Jeanne H. Freeland-Graves, Thomas J. Garza, John C. (Jack) Gilbert, William P. Glade, Linda L. Golden, Michael H. Granof, Sue A. Greninger, Marvin L. Hackert, John J. Hasenbein, Susan S. Heinzelman, James L. Hill, Martha F. Hilley, James O. Jirsa, Robert C. Koons, Desiderio Kovar, Nancy P. Kwallek, Dominic L. Lasorsa, Desmond F. Lawler, Noah S. Lowenstein, Glenn Y. Masada, Dean P. Neikirk, Edward W. (Ted) Odell, Patricia C. Ohlendorf, Alba A. Ortiz, Irene Owens, Bruce P. Palka, Anthony J. Petrosino, Linda E. Reichl, Elizabeth Richmond-Garza, Janet Staiger, Michael B. Stoff, Pauline T. Strong, Daniel A. Updegrave, Angela Valenzuela, N. Bruce Walker, Paul B. Woodruff.

Absent: Lawrence D. Abraham (excused), Ricardo C. Ainslie, Dean J. Almy, Peter R. Antoniewicz, Patricia C. Avant (excused), Gerard H. Béhague (excused), Hans C. Boas, Pascale R. Bos (excused), Brent Chaney, Patricia L. Clubb, Miles L. Crismon (excused), James W. Deitrick, Andrew P. Dillon, Larry R. Faulkner (excused), Kenneth Flamm (excused), Maria Franklin, Robert Freeman, Wolfgang Frey (excused), Alan W. Friedman (excused), George W. Gau, Philip A. Guerrero, Donald A. Hale, Roderick P. Hart, Thomas M. Hatfield, Fred M. Heath, Kevin P. Hegarty, Neville Hoad, Archie L. Holmes (excused), Bobby R. Inman, Joni L. Jones (excused), Manuel J. Justiz (excused), Martin W. Kevorkian (excused), Robert D. King (excused), Richard W. Lariviere, Steven W. Leslie, William S. Livingston, Daniell J. MacDonald, Erik D. Malmberg (excused), Rachel C. McGinity, Kate Nanney, Paul A. Navratil (excused), Thomas G. Palaima (excused), Marcus G. Pandy (excused), Theodore E. Pfeifer, William C. Powers, Mary Ann R. Rankin, Victoria Rodriguez, John J. Ruszkiewicz (excused), Juan M. Sanchez, Dolores Sands, M. Michael Sharlot, David W. Springer (excused), Patrick N. Staha, Frederick R. Steiner, Ben G. Streetman, James W. Vick, Gwendolyn Webb-Johnson, Alexandria K. Wettlaufer, Barbara W. White, Karin G. Wilkins (excused).

Voting Members:	42 present,	34 absent,	76 total.
Non-Voting Members:	7 present,	26 absent,	33 total.
Total Members:	49 present,	60 absent,	109 total.

I. REPORT OF THE SECRETARY.

The written report appears in D 3712-3714. There were no questions or comments.

II. APPROVAL OF MINUTES.

The minutes of the regular Faculty Council meeting of January 24, 2005, (D 3723-3733) were approved by voice vote.

III. COMMUNICATION WITH THE PRESIDENT.

A. Comments by the President — None.

B. Question to the President.

Question from Janet Staiger (professor, radio-television-film). In recent grievances at The University of Texas, concerns have developed over the procedures used by administrators to determine facts. Specifically, when administrators hear about possible problems in classrooms and teaching, they will interview students in the course. These students have reported back to their faculty that they are often unsure what is the problem that seems to be driving the questions from the administrator, and they fear and resent that what they are saying is understood in ways other than they intend it. It appears, for instance, administrators ask leading or vague questions. Students also have expressed violations of their personal relationship between themselves and the faculty. Moreover, administrators have been providing the administrators' version of interviews for disciplinary purposes, but they do not ask the students to approve the written summaries. Finally, of course, faculty members have no opportunity to ask their questions of the students (and, in fact, have been told that they cannot contact the students about the matter), and faculty members also have to deal with increased tension in a classroom from the point that administrators start to do interviews.

While it is very important for administrators to follow up on possible problems at the University, it is also important (1) that students do not have their privacy violated by asking them questions that they may not wish to answer because they are not sure what might be the implications of any answers but also are afraid not to respond when asked by an administrator, (2) that the faculty member has his/her rights to due process protected, and (3) that the information that is secured from student interviews is accurate and fair. That at least is my view.

What is your view? What would you propose to protect all parties' interests? Perhaps a neutral interviewer with a tape recording? A signed statement from a student after the student is given a reasonable indication about what is being investigated as well as that the student does not have to respond to any questions?

Because President Larry Faulkner was out-of-town at a funeral, he had asked Executive Vice President and Provost Sheldon Ekland-Olson to respond to the above questions. He said he wanted to go on record as saying he was in favor of the pursuit of truth in a fair and just manner. In preparing to answer the questions posed by Professor Staiger, the provost said he had reviewed student complaints about faculty members and that they could be categorized as follows: "sexual harassment, racial slurs, drunk when coming to class, abusive behavior in class, time spent on irrelevant material, routinely canceling class, habitually late and terribly disorganized, engaged in political diatribe, and sexually inappropriate assignments." After saying that such complaints do not occur very often, the provost said that complaints are pursued differently by the administration depending upon their type but in accordance to the specific procedures outlined in the *Handbook of Operating Procedures* and other places. He said the administration should pay careful attention to students' rights, let students know they do not have to respond to questions unless they want to, and make sure that any utilized statements are appropriately documented and signed off on by all

involved parties. He then said he had heard more student complaints about the administration being biased toward faculty members and not taking student complaints seriously than he had regarding the situations listed in the preamble to Professor Staiger's questions. Saying he was uncertain what the question meant when referring to administrators, he thought the administrators that would normally be involved were department chairs, who were faculty members on temporary assignment as chairs.

In answer to the first question regarding his viewpoint on issues raised by Professor Staiger, Provost Eklund-Olson said he believed student privacy should be acknowledged, faculty members and their rights to due process should be protected, and information from students should be accurate and fair. He said he assumed President Faulkner would agree with this viewpoint although the president had not had the opportunity to respond to the questions in writing before the Council meeting. To the second question regarding proposals to protect all parties' interests, the provost responded as follows: "The procedures are in place and I think in very large measure, given the wide range of circumstances that I outlined, that they are followed. If they're not followed, we the collective, should be held to account." He said he did not think it sounded like a good idea to provide a neutral interviewer with a tape recorder because he felt that fairly straightforward procedures already existed. He said he thought a signed statement from a student after the student had been given an indication of what was being investigated should suffice as long as students were informed that they did not have to respond to any of the questions. Provost Eklund-Olson said, however, that the process needed to take into account the type of accusation being made and the need to protect students from various forms of retribution. He concluded by saying he perceived that the administration was doing a reasonably good job and should continue to protect rights of privacy and due process.

Professor Staiger said she knew where the University policies regarding sexual harassment existed, but she did not know where the guidelines about student questioning and the other issues raised in her questions regarding department chairs existed. Saying she was also concerned about protecting students as well as faculty rights, she asked the provost where the policies for how an administrator is to deal with student complaints of various kinds were located. Provost Eklund-Olson said he would look up the citations and provide them to Professor Staiger.

Professor Matthew Bailey (Spanish and Portuguese) then asked if Chair Reichl would recognize his departmental chair, Professor Leo Bernucci, who wanted to address the Council regarding the matter under discussion. Chair Reichl said that since there had not been prior notification that she would allow Professor Bernucci five minutes to make his statement at the end of the meeting after all legislative matters had been handled.

IV. REPORT OF THE CHAIR.

- A. Report regarding ad hoc committee to study issues related to the change in ownership of Course Instructor Surveys.

Chair Reichl reported that she had established an ad hoc committee, as proposed by the Committee of Council on Academic Freedom and Responsibility and endorsed by the Faculty Council at the January 2005 meeting, to study issues related to the change in ownership of Course Instructor Surveys. The committee members are Marvin Hackert (chemistry and biochemistry), who will serve as chair, Michael Granof (accounting), Michael Sharlot (law), Janet Staiger (radio-television-film), and Marilla Svinicki (educational psychology). Saying all of the members were well suited for service on the committee, Chair Reichl went on to say that there was "some urgency because the current form of the Course Instructor Surveys can create problems for faculty members." When she said she was hopeful that the committee would present its report to the Council later this semester, she reported that Professor Hackert had nodded in agreement. Professor Hackert asked that anyone who had comments or concerns about the issue to send them to him or to Sue Greninger at the Faculty Council office.

V. REPORT OF THE CHAIR ELECT.

- A. Report on the joint meeting of the UT Faculty Council and Texas A&M Faculty Senate, Monday, March 28, 2005.

Chair elect Alba Ortiz (special education) called attention to the handout distributed to Council members that included the meeting agenda and invited everyone to participate in the joint meeting. After thanking the members who had already responded that they would attend, Professor Ortiz encouraged those who had not yet responded to complete and turn in the bottom section of the handout before leaving the meeting or to notify staff at the Faculty Council office by telephone (471-5934), email, or FAX of their plans to attend.

VI. UNFINISHED BUSINESS.

- A. Background report on the charge and composition of currently existing campus-wide committees devoted to information technology issues — Dan Updegrove (vice president for information technology services).

Vice President Updegrove said Informational Technology (IT) was a complex issue because the portfolio of his central organization, Information Technology Services (ITS), was broad but not comprehensive. He said there were probably as many personnel delivering IT services outside of ITS as there were within it because every college or school and some departments and institutes have their own IT personnel, and many of these external IT entities have advisory groups of one type or another.

He said he was aware of the following IT advisory groups on campus:

1. Information Technology Advisory Council (ITAC). This group, chartered by the provost and currently chaired by Professor Neal Armstrong (vice provost for faculty affairs), is comprised of seven faculty members and seven students. This council has provided advice for the past ten years regarding requests for projects to be funded by the campus-wide IT fee and has played an integrative role by getting the colleges and school focused on similar issues and projects, such as classroom technology standards.
2. Information Technology Coordinating Council (ITCC). This group, chartered by Vice President Updegrove is comprised of faculty, students, and staff. This council has advised ITS on delivery of services, policies, pricing, etc.
3. E-University Steering Council (EUSC). This group, chartered by President Faulkner, is currently chaired by Professor Bryan Roberts (government and associate dean in liberal arts). This council has been useful in bringing together representatives of initiatives and projects to implement the president's vision of making UT Austin the best administered university and finding creative ways to overcome the scale of the University by making it more flexible and personalized.
4. Numerous college, school, and departmental advisory groups.
5. Various task forces on special projects.

Vice President Updegrove said he welcomed active engagement with the Faculty Council on information technology policy and governance and thought that greater engagement than had occurred in the past would "ensure that the whole is greater than the sum of the parts." He then addressed four specific questions that had been raised in the recommendation that a new standing committee be established. First, he said that he was delighted to report that the request for increased data storage on the universal email system had already been met by raising the quota allocated from 10MB to 100MB. Second, he said that he was certain that the UT Web was not set up in the best possible manner. He said the system was complex with approximately two million separate web pages on over five hundred web servers. To address this problem, he had recently

licensed a Web content management software product that he thought would provide more leverage and reduce the number of personnel currently involved in Web management. Third, with regard to whether Blackboard was the best possible or only product UT Austin should continue to use for course management support, Vice President Updegrave reported that Blackboard was one of the two leading products available. He said the previous experience on campus with Web CT had generally not proved preferable to Blackboard. The Division of Instructional Innovation and Assessment (DIIA) and Information Technology Services (ITS) have subscribed UT to a new open source product, Sakai, being jointly developed by Massachusetts Institute of Technology, University of Michigan, University of Indiana, and Stanford University. UT Austin is paying \$10,000 annually along with about fifty other educational institutions as partners with the Sakai project to determine whether the product under development will be an improvement over Blackboard. Fourth, in response to the question as to whether there were better information security methods that UT Austin could adopt, Vice President Updegrave said this was a complex issue that would take about three hours to address. He concluded by saying that he and his unit were “keenly interested in staying on the leading edge of security.”

- B. Committee on Committees recommendation to create an Information Technology Standing Committee of the General Faculty (D 3715-3716) — David Bogard (professor, mechanical engineering and past chair) on behalf of Larry Abraham (professor, curriculum and instruction and committee chair).

Professor Bogard moved that a new standing committee of the faculty be established as C-13 Information Technology Committee with the following function and composition:

FUNCTION: To recommend to the president, and to the vice president for information technology, and to the Faculty Council changes in policies regarding information technology; to consult with and advise the vice president for information technology about policies and procedures pertaining to information technology at the University.

COMPOSITION: Eight members of the General Faculty, four staff members, and four students. Staff members shall be appointed to two-year rotating terms by the president, from a panel of names submitted by the Staff Council. One student member shall be appointed to a one-year term by the president in the fall from a panel of names submitted by each of the student government and the student senate, and two members shall be appointed to one-year terms by the president from a panel of names submitted by the graduate student assembly. In addition, every year the chair of the Faculty Council shall appoint two members of the Faculty Council for one-year terms as members of the committee. The committee shall elect its own chair and vice chair, who shall be members of the General Faculty. The vice president for information technology shall serve as an ex officio member without vote. A representative from each of the following shall be selected by the president to serve as an administrative adviser without vote: the division of innovative instruction and assessment, the college and school technology coordinators, financial affairs, department chairs.

When Professor John Dollard (mathematics and associate dean of graduate studies) asked how the proposed new committee would relate to the other committees described by Vice President Updegrave, Professor Bogard said that the new committee would be a standing committee and the only one that would report to the Faculty Council. Professor Bogard said the committee’s interactions with other committees would evolve and develop over time. There being no further questions or comments, Chair Reichl called for the vote. The motion unanimously passed.

- C. Revised Recommendation from the Committee on Committees to amend the Faculty Council rule governing eligibility for reappointment to Standing Committees (D 3717-3718) — David Bogard (professor, mechanical engineering and past committee chair) on behalf of Larry Abraham (professor, curriculum and instruction and committee chair).

Professor Bogard moved that the wording of Chapter 1, Section III, B, 2 of the Faculty Council Rules and Regulations regarding the terms of service of faculty members on committees be changed as follows:

FROM: “Members are eligible for reappointment once and may serve a maximum of four consecutive years; after serving four consecutive years, faculty members must be off a committee for at least one year before becoming eligible to serve again on that committee.”

TO: “Faculty members are eligible for immediate reappointment to a new term of service unless they have just served four or more consecutive years, in which case they must be off the committee for at least one year before serving on that committee again.”

Professor Bogard said the change was needed to clarify that faculty members would be limited to four consecutive years of service on a specific committee regardless of how they were appointed and would have to stand out for a year before becoming eligible again for service on that specific committee unless term limits were otherwise stated in the charge of the committee. Professor Hackert asked if the recommended change applied to committee appointments made by the administration in addition to the terms of elected committee members and those appointed by the Faculty Council. Professor Bogard replied that the Committee on Committees provides recommendations to the president on appointments to various committees and these appointments had a limit of two consecutive appointments of two years each resulting in a total of four years. Because Faculty Council appointments were made for only one year, these appointees were limited to terms of service of only two or three years. The Committee on Committees was recommending that term limits be four consecutive years, regardless of how a person got appointed to a committee.

When Professor Jack Gilbert (chemistry and biochemistry) asked if the terms of staff appointees would be limited to four consecutive years, Professor Bogard clarified that wording in the original motion as well as the revised one referred only to faculty members. Chair Reichl reported that the provost’s office had originally asked for clarification on this matter due to confusion resulting from the one-year appointments of Faculty Council members. When Professors Gilbert and Staiger suggested that the staff term limit issue might be given further consideration, Professor Bogard said the Committee on Committees would see if it were within its purview to recommend changes in the limits for staff and student committee members. There being no further questions and comments, Chair Reichl called for the vote. The motion passed with two Council members opposing its passage.

- D. Revised proposal for revision of *The Handbook of Operating Procedures* 3.18 regarding discovery and the rights of parties when a formal hearing is to be held (D 3719-3720) — Sue Heinzelman (associate professor, English and Grievance Committee chair).

Professor Heinzelman moved that Section 3.18, Section V, B, 6a of *The Handbook of Operating Procedures* pertaining to discovery in Faculty Grievance Procedures be amended as follows:

FROM: When a hearing is to be held, the grievant shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration shall assist in securing the cooperation of witnesses and make available any necessary documents and other evidence within its control. Both the grievant and the administration may obtain discovery of documents and other real evidence for purposes of inspection and copying. Such discovery may be obtained regarding any matter not privileged that is relevant to the issues before the panel. Unless the party of whom the discovery is requested seeks an order of the panel to limit the discovery, discovery will be facilitated through the cooperation and agreement of the parties.

TO: When a hearing is to be held, the grievant shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration shall assist in securing the cooperation of witnesses and make available any necessary documents and other evidence within its control. Grievants may obtain through Open Records discovery of documents and other real evidence for purposes of inspection and copying. Such discovery may be obtained regarding any matter not privileged that is relevant to the issues before the panel. Unless the party of whom the discovery is requested seeks an order of the hearing panel to limit the discovery, discovery will be facilitated through the cooperation and agreement of the parties. Grievants may make their request for documents or the records through Open Records.

Grievance cases can nearly always be addressed with information from University records that does not exceed several hundred pages. The University will support retrieval of information within normal bounds without cost. In the event that an extraordinary request is made for very large amounts of information, the chair of the Faculty Grievance Committee, in consultation with the provost, will review the request and define appropriate terms for cost-free retrieval. If grievants wish to go beyond those terms, they may do so at prescribed costs under the State's open-records law.

When Professor Gilbert asked what the definition of "several hundred" was, Provost Ekland-Olson said the number had been consciously left open-ended because a specific number might not be the right one for a particular case. He said the proposed wording allowed reasonable individuals to look at a situation and to say if the number of pages requested were reasonable. There being no further questions or comments, Chair Reichl called for the vote. The motion unanimously passed.

- E. Proposal for language to be added to *The Handbook of Operating Procedures* 3.18 addressing provost's role in grievance procedures (D 3721-3722) — Sue Heinzelman (associate professor, English and Grievance Committee chair).

Professor Heinzelman moved that Section 3.18 of *The Handbook of Operating Procedures* be amended in following three ways.

The first amendment was that the following insertion be made under Section V. Formal Hearing Procedures describing the role of the provost in the grievance process.

V. Formal Hearing Procedures

- a. The provost will request the cooperation of all faculty and administrators in the grievance process and the Grievance Committee chair and the provost shall work together to ensure the attendance at hearings of those against whom grievances are filed. Should they refuse or otherwise not cooperate with the procedures, that situation shall be reported to the hearing panel and the provost's office shall provide a representative to observe the proceedings.
- b. To ensure that hearing panel recommendations are implemented in a timely fashion, the provost shall report to the Grievance Committee at the end of each semester (or sooner if appropriate) on actions taken to implement panel recommendations.

The second amendment proposed by Professor Heinzelman was that language approved by the president in response to the Ortiz Report (D 582-585, 1999-2000) be added to Section III, A in order to clarify the role of the immediate past chair by adding a new last sentence to the Section as follows:

III. Faculty Grievance Committee and Hearing Panel

- A. The Faculty Grievance Committee (hereinafter Committee) consists of 16 full-time voting members of the faculty, serving two-year overlapping terms. Ten (10) members are elected at-large by the General Faculty, and 6 members are appointed by the president

through the regular procedures of the Committee on Committees. Each spring five members are elected at-large under the Hare System, and three members are appointed by the president. Appointments to the Committee are made with the goal of insuring appropriate representation of the various elements and interests comprised in the General Faculty. The total Committee membership shall not include more than four faculty members from any school or college. The Committee selects its own chair and chair elect, who assists the chair while learning the job and then serves one year as chair. Only members who have had at least one year's experience on the Committee are eligible for election as chair elect. If not otherwise continuing, the chair elect serves an extended term in order to assume the position of chair. The immediate past chair of the committee serves for one additional year as an ex-officio member without vote to assist the new chair and to complete ongoing grievance cases.

The third amendment proposed by Professor Heinzelman was that wording in Section IV, C (4) be clarified to distinguish the subcommittee's role from that of the hearing panel as follows:

IV. Grievance Procedure

C. Initiation and Processing of Complaints

4. The grievant may appeal the decision or recommendation of the dean to the Committee. The appeal must be in writing and submitted to the chairperson of the Committee within 10 working days after the exhaustion of step 3. The Committee must determine whether the grievant's complaint, construing all allegations in the light most favorable to the grievant, states a claim upon which relief may be granted. This determination must be made by a subcommittee of three members of the Committee. No member of this subcommittee shall have been involved in any way in the grievance. A finding of failure to state a claim upon which relief may be granted by no fewer than two members of this subcommittee will result in dismissal of the complaint. Such a dismissal will be transmitted in writing and conclude the faculty grievance procedure. If the complaint is not dismissed at this stage, then the Committee may attempt to resolve the grievance through informal means. If it is unable to do so within 10 working days after receipt of the appeal, the Committee shall so notify the grievant in writing.

When Chair Reichl asked if there were any questions or comments, Professor Staiger offered a friendly amendment to insert the phrase, "If not otherwise continuing," at the beginning of the last sentence of Section III, A. She said this wording was needed to clarify that the immediate past chair might still be a voting member of the Faculty Grievance Committee if his or her term had not yet expired. The friendly amendment was accepted and the wording of the motion was changed to add "If not otherwise continuing," at the beginning of the last sentence.

There being no further questions, Chair Reichl summarized the proposed changes and called for the vote. The motion unanimously passed.

- F. (Withdrawn) Revision of the recommendation for change in *The Handbook of Operating Procedures* concerning disciplining of a faculty member (D 3734-3736) — Sue Heinzelman (associate professor, English and Grievance Committee chair).

Professor Heinzelman reported that the proposal regarding disciplining of a faculty member had been withdrawn but would come up for a vote at the March meeting. Chair Reichl said the piece of legislation to be discussed at the next meeting should get the grievance process back up and running.

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

VIII. NEW BUSINESS — None.**IX. ANNOUNCEMENTS AND COMMENTS.**

- A. Chair Reichl asked Professor Bailey to state the name of the non-member who had requested to address the Council and the purpose of his comments. Professor Bailey said his department chair, Professor Leo Bernucci, wanted to speak specifically to the question regarding grievances. Chair Reichl then recognized Professor Bernucci, who said he thought the present practice of allowing students to be interviewed by administrators was a good one and should not be changed. He said that he had found it useful to learn more about complaints made by one or two students by asking other willing students appropriately neutral, fair questions. He said the following step was to hear the instructor's version of the situation. Professor Bernucci said the process was in the best interests of the university and the department because chairs are responsible for making sure that no classroom abuse occurs and that ethical and professional rules are not broken. Chair Reichl thanked Professor Bernucci for his comments.
- B. Chair Reichl then recommended that Council members read the announcements listed on the agenda, and she called attention to the nomination phase of the General Faculty elections that is scheduled from March 1 through March 11 by saying it was important that everyone participate.
1. Nomination phase of the electronic elections of the General Faculty to the Faculty Council – March 1 through March 11.
 2. Joint meeting of UT Faculty Council with Texas A&M Faculty Senate – March 28, 2005, UT Alumni Center.
 3. Final election phase of the General Faculty to the Faculty Council – March 29 through April 8.
 4. Tentative move date for the Office of the General Faculty and Faculty Council from FAC 22 to WMB 2.102 – April 11 through April 15.

X. QUESTIONS TO THE CHAIR — None.**XI. ADJOURNMENT.**

Motions were heard from several Council members for adjournment. Chair Reichl adjourned the meeting at 3:05 p.m.