

THE UNIVERSITY OF TEXAS AT SAN ANTONIO

DOCUMENTS AND PROCEEDINGS OF THE GENERAL FACULTY

SUMMARY MINUTES OF THE FACULTY SENATE MEETING OF December 11, 2008

The regular meeting of the Faculty Senate for the academic year 2008-2009 was held December 11, 2008 at 3:30 p.m. in the University Room (BB 2.06.04) with Dr. Mansour El-Kikhia, Chairman of the Faculty Senate, presiding.

I. Call to order and taking of attendance

Present: Diane Abdo, Ron Binks, Susan Bruenger, Aaron Cassill, William Cooke, Betty Travis, Joel Christensen, Kim Cuero, Sara DeTurk, Beth Durodoye, Mansour El-Kikhia, Juanita Firestone, John Frederick, Rhonda Gonzales, Robert Hard, Judith Haschenburger, Amy Jaspersen, Eugene John, Craig Jordan, Zlatko Koinov, John McCray, Sharon Nichols, Sandy Norman, Ben Olguin, Branco Ponomariov, Robert Renthall, Cherylon Robinson, Michael Ryan, Nestor Sanchez, Hatim Sharif, Alan Shoho, Howard Smith, Raydel Tullous, John Wald, Carola Wenk, Karen Williams

Absent: Marian Aitches (excused), Robert Ambrosino, Yoris Au (excused), Steve Bach (excused), Rena Bizios (excused), Mary Ellen Garcia (excused), Victor Heller (excused), Eduardo Jimenez, William McCrary (excused), Jolyn Mikow (excused), Darryl Ohlenbusch, Hazem Rashed-Ali (excused), John Simonis, Ted Skekel, Mary Zey

Guests: Ashley Diaz, Bernadette Andrea

Total members present: 35 Total members absent: 16

II. Approval of the November 13, 2008 minutes

The minutes were approved.

III. Reports

A. System Faculty Report- Dr. Mansour El-Kikhia

Dr. El-Kikhia reported on the System Faculty meeting:

1. Dr. Shine, the Interim Chancellor and the Executive Vice Chancellor of Health Affairs spoke at the meeting. He said that 3, 800 employees were laid off at UTMB-Galveston, including 127 faculty members.

2. The McBee Budget is reported to have a surplus of \$10.7 billion to \$12 billion. Three billion dollars are directed to tax relief finance deficit and \$6.8 billion to the “Rainy Day” fund.

B. University Assembly Report- Sandy Norman

Dr. Norman briefly reported the following information concerning the recent University Assembly meeting.

1. President Romo discussed different options for student housing in the future. He also discussed the new diners on campus, as well as the UC addition to UTSA’s campus.
2. Dr. Frederick discussed the implementation plan and reported that finalization of the plan is in the process. He reported that HOP recommendations are under review and modifications will be distributed to the Faculty Senate for approval.

C. Faculty Senate HOP Committee

Dr. Cherylon Robinson spoke about the grievance process, including panel members. The HOP report was presented and approved (Attachment A).

IV. Unfinished Business

None.

V. New Business

A. Dr. David Johnson- Statistics regarding grievances

Dr. Johnson reported that he did not have definite statistics regarding grievances, but the numbers can vary throughout the year. For example, in 2004-2005 academic year, no grievances were reported.

This year alone, Dr. Johnson said, there have been approximately 14 grievances, and five have met with a hearing panel.

B. Proposed Resolutions

Dr. Amy Jasperson discussed Regents Rule 31003 and its interpretation. The following two resolutions were presented and approved by the Faculty Senate:

RESOLUTION NO. 1

It is the view of the University of Texas Faculty Advisory Council that Regents Rule 31003, abandonment of academic positions or programs, must be interpreted in the light of Rule 40101 which gives faculty the “major role” in regard to “general academic policies and welfare” and related matters (2. section 3) and in the light of the further provisions that assign these faculty responsibilities to the faculty governance organization.

Specifically, to assure transparency and maintain confidence in the commitment of the U. T. System and Regents to the preservation of tenure, academic freedom, and participatory governance, key concepts of Section 31003 should be interpreted as follows:

I. Clarifications of Regents Rules:

- *In section 3.1-- Committee evaluating programs and positions. We suggest that the faculty appointments be made from recommendations submitted to the president by the faculty governance body. The faculty should constitute at least 50 percent of the committee.*
- *In section 3.2 – Evaluation of programs. The committee will provide a written report of its analysis of programs.*
- *In section 3.3 -- Evaluation of specific positions to be eliminated. The committee will provide a written report explaining individual positions to be eliminated in relation to its assessment of programs.*
- *In section 3.5 – Recommendation. Reasons given for termination, if acted upon, should be provided in the written notice of termination.*
- *In section 3.7 and 3.8 --Appeals. The Regents’ Rules state that the president should appoint a hearing committee for appeals. This committee should have all faculty membership. If campus policies do not establish an alternative procedure for this purpose, we suggest that the faculty appointments be made from recommendations submitted to the president by the faculty governance body.*

II. In specific reference to section 3, Elimination Due to Financial Exigency, we recommend the following:

- *No faculty position should be terminated unless a clear case is made that all other remedies have been considered.*
- *Every campus shall have a stated policy on termination for exigency that has been approved by the faculty governance organization (placed in the HOP). If there is no such policy, or if the policy does not include the following points, the following should apply:*
- *Exigency should be clearly explained in financial and budgetary terms (cost and benefits).*
- *Terminations should be explained in relation to the campus exigency.*
- *Faculty involvement in decisions should be substantial.*

- *The appropriate faculty governance body, as determined by the Faculty Senate/Council, should be involved in decisions.*
- *The Committee making the recommendations should be independent of administrators making recommendations for termination. For example, if Chairs make recommendations, these recommendations should be reviewed by a unit-wide committee with no less than half of its membership being faculty.*
- *The president shall choose faculty committee members from a list provided by the faculty governance body.*
- *There should be due process.*
- *The written termination notice to the individual should specify the reasons for termination of that individual in relation to the stated exigency.*
- *Membership of the recommendation committee should be publicly known.*
- *This entire process should be transparent.*
- *Faculty positions should not be terminated when the exigency could be remedied with managerial or budgetary changes.*
- *The process should give discernable preference to faculty with tenure.*

It is a basic principle of due process that the principles underlying a rule or standard be applicable in the same way for all who are affected.

RESOLUTION NO. 2

The evaluations applied in the UTMB case appear to have been based on the interests of the departments rather than the interests of the campus as a whole. The fact that a high proportion of tenured faculty selected for termination at UTMB are members of the Academic Senate and the U T System Faculty Advisory Council, including the Chair-Elect of the Faculty Advisory Council, suggests that a low value is placed on governance service. The mission of the University requires effective faculty governance, and faculty participation in a wide range of committees under the governance purview. It is essential for effective faculty governance that the several units on a campus make their faculty available to participate in such bodies for the good of the entire campus, and not restrict their evaluation of faculty to the benefits they produce for the individual unit/department alone. Failure to recognize this principle should be regarded as inconsistent with Regent's Rules' recognition of the importance of participatory management involving both faculty and administration.

Dr. Jasperson also presented the following two resolutions which were approved by the Faculty Senate:

RESOLUTION NO. 3

The University of Texas System Faculty Advisory Council strongly opposes any change in law which would expand the ability to carry firearms on campus by any personnel other than law enforcement officers.

RESOLUTION NO. 4

Be it resolved that the Faculty Senate unanimously supports providing UTSA retirees with continued access to and use of the university's library and internet system.

VI. Provost Report – Dr. John Frederick

Dr. Frederick discussed the Strategic plan and emphasized the importance of the Core values.

VII. Open Forum

IX. Adjournment

There being no further business, a motion to adjourn was made, seconded, and unanimously accepted at 5:30 pm.