

## Report of HOP Committee to Faculty Senate

November 4, 2010

By Mel Laracey, chair

This report addresses the ten HOP revisions that are scheduled for consideration by the Faculty Senate at its November meeting. The HOP Committee reviewed all of them, and has the following comments.

**2.24. Third Year Review.** Proposed 2.24 changes existing 2.24 in only one way: it deletes the specification in III (C)(1) that the third year review be conducted "at the outset of the fall semester." The Provost wants to conduct the review toward the end of the third year instead. This seems unobjectionable, and may even be advantageous to some junior faculty.

**5.03. UTSA Student Publications.** This provision, as submitted to the Committee, requires all student organizations, before distributing any publication on campus, to submit the publication to two administrative offices for review (Vice President Student Affairs and Director of the University Center), and, as worded, raised the possibility that authorization to distribute the publication on campus could be denied. When the Committee raised these points, it was informed, by George Norton and Kevin Price, that this had never been the intent and that an incorrect version of the provision had been circulated. A few days ago, we were advised that "a revised draft has been developed that will soon be distributed to stakeholders." Consequently, no Senate action on this provision is necessary now.

**5.07. Use of University Centers.** This says that permission must be obtained to use University property, and that the University can charge outside organizations for the use. It seems unobjectionable.

**5.17. Student Fitness for Practice.** This provision sets up standards and procedures for the certification, where required, that a student meets applicable professional standards for entry into activities such as internships and teaching placements. It seems unobjectionable.

**5.20. Fee Waivers for Students.** This provision provides for the waiver of student fees in appropriate situations, such as study abroad, where "it is not practical for the student to utilize facilities or services covered by mandatory or incidental fees." It seems unobjectionable.

**8.02. Property Accounting Responsibilities.** This policy establishes administrative procedures and responsibilities at the department level for ensuring compliance with "state regulations, laws and system policies regarding university owned equipment." It is intended to implement the general requirement that university equipment "should not be used for personal gain or in competition with private enterprise." It seems unobjectionable.

**8.03. Remodeling and/or Alterations to University Facilities.** This provision essentially states that approval must be obtained for any alteration to university facilities, even if "minor." It seems unobjectionable.

**8.04. Keys and UTSA Card Access to University Facilities.** This provision covers, in great detail, the policies and procedures regarding key or card access to university facilities. It seems unobjectionable.

**9.44. Retaliation.** This provision establishes a procedure for, and time limits on, the handling of employee complaints of retaliation for the “good faith reporting of an allegation concerning the violation of a law, rule, policy, or procedure, or of inadequate institutional response thereto,” and for retaliation for cooperating with an investigation into such matters. This is on the whole a commendable provision, giving employees who feel wronged a possible institutional remedy.

However, concern was raised about why the provision only allowed 30 days for the filing of such complaints, when a state law on this subject contemplates a 90 day period at least. The answer to this initial question was that it was an “institutionally imposed timeframe” that “follows a model policy from OGC,” and that furthermore the 30 day timeframe is the same as allowed for sex discrimination complaints at UTSA.

Looking into this further, the Committee found that the HOP for UT Austin allows 90 days for all discrimination complaints, including sex discrimination claims. The UT Austin HOP, Part 4, Standards of Conduct, sections (B) (1) and (2), provides as follows:

A written complaint must be filed within ninety (90) calendar days of the occurrence of the alleged violation. In the case of a currently enrolled student, if the last day for filing a complaint falls prior to the end of the academic semester in which the alleged violation occurred, then the complaint may be filed within thirty (30) calendar days after the end of that semester.

Upon learning this, the Committee took the position that the time period in this UTSA provision should also be 90 days. The Committee also indicated that the proposal needed to be re-written for the sake of clarity. We have not received a reply from Sonia Martinez, the administration contact for this proposal. That UT Austin generally allows 90 days for employees to file complaints also indicates that other UTSA HOP provisions which specify shorter time periods for the filing of complaints should be revised.

**10.02. Misconduct in Research or in Other Scholarly Activities.** This provision would replace existing HOP 2.28. It establishes a detailed procedure for dealing with accusations of scholarly misconduct. It is seventeen pages long, and provides (on page 10) that “if necessary to aid in the construction or implementation of this HOP policy 10.02 . . . principles or guidelines found in” a number of other sources can be applied in a proceeding. One of these sources is the “UTSA Misconduct Proceeding Manual,” which is not available because it is not finished. The other sources listed are: Public Health Service Policy on Scientific Misconduct 42 CFR Part 93; Office of Research Integrity, Handling Misconduct: <http://ori.dhhs.gov/Misconduct/>; Office of Research Integrity, ORI Model Policy and Procedures for Responding to Allegations of Scientific Misconduct: [http://ori.dhhs.gov/policies/ori\\_policies.shtml](http://ori.dhhs.gov/policies/ori_policies.shtml); and *On Being a Scientist: A Guide to Responsible Conduct in Research*, National Academy of Sciences, National Academy of Engineering, and Institute of Medicine, Third Edition, 2009. We have also been advised by Marianne Woods, the contact for this proposal, that the policy is “almost identical” to procedures at a number of other universities, and that the “content is the same as was passed by UTSA’s academic senate several years ago.”

This is a very important provision. Due to its complex and still unfinished character, the HOP Committee, through the Senate President, advised Marianne Woods that it would not be able to complete its review of the provision by the November Senate meeting. We have scheduled a meeting with her on November 12 to discuss this matter.