

December 8, 2011

Faculty Senate HOP Committee

Report on Review of Proposed HOP Revisions:

2.45 External Faculty Fellowships and Supplemental Salary Funding

4.30 Criminal Background Check (CBC)

2.45 External Faculty Fellowships and Supplemental Salary Funding

Relevant to faculty? Yes.

Major point(s) supporting:

1. Such fellowships are extremely prestigious, are supportive of faculty efforts in national/international competitions related to our Tier 1 aspirations, and reflect importantly on universities with such faculty.
2. This policy provides a basis to improve recruiting/retention success, and increased research activity, all without additional in-house funding. It also provides an avenue to participate in grants during the academic year without having to buy course releases that can leave departments stressed to cover courses. Thus, Supplemental Salary Funding is an important tool promoting Tier 1 status.
3. External fellowships that are less than our salaries and benefits can create considerable financial stress. It would be unfortunate if faculty had to turn down prestigious awards such as the Ford or NEH because of this.

Major point(s) of concern:

THEME ONE: NO JUSTIFICATION OF POLICY

1. The policy does not contain a formal explanation or justification for its creation.
 - a. What is the economic logic to these restrictions?
 - b. How does this policy fit with the Federal and/or State laws for faculty salaries and other support (e.g., insurance, etc.)?
 - c. (Adjunct) replacement(s) for the faculty member's courses would almost always be much less than what the faculty member would have

been paid. Indeed, it would seem that the university likely makes money when a faculty member receives such an award.

THEME TWO: CONFLICT WITH UTSA VISION – TIER ONE STATUS

1. Such awards, typically NEH, ACLS, Mellon and Ford funded are extremely competitive and the hallmark of faculty doing Tier One research. UTSA would do itself a disservice if even a single faculty member were put in a position to have to turn down such an award because they would be unable to live on a stipend that is below their annual salary, and without customary employee benefits.
 - a. The proposed policy would have disproportionate and negative outcome for faculty in a number of fields since fellowship awards for which they are eligible do not typically cover F&A or one's entire salary.
2. Other Texas and U.S. universities continue to make these kinds of investments and are likely to both attract the most productive scholars and produce the most impressive research records. It would appear that such a policy would hinder the recruitment and hiring of highly-competitive faculty.

THEME THREE: CLARITY OF SSF SUPPORT – ELIGIBILITY, TIMING, ETC.

1. The policy Scope states that such funding considerations are only available for faculty having served 2 consecutive years in their position.
 - a. Such fellowships are most important during the first 2 years of the tenure clock and are the most important for accomplishing the kinds of research agendas that UTSA is setting for tenure standards. In such a scenario it might mean a faculty member would not be a strong tenure candidate because they had to decline an award that would have permitted time off to prepare requisite publications.
 - b. This policy discourages fellowship pursuit in the case of position or department/college restructuring.
 - c. This policy discourages fellowship continuation in the case of new hires with such an award.
2. As written, this policy appears to support fellowships that are only one semester long. Some, like the NEH Research Fellowship, can be for two semesters or even a calendar year. Perhaps this apparent limitation is unintentional. If not, it would not seem consistent with UTSA's goal of reaching Tier 1 status.
3. The policy limits faculty to just one such supplementation in five years. This is inconsistent with UTSA's Tier 1 goals. If someone can win more than one such nationally recognized research award in five years, wouldn't it be to the university's advantage to support that achievement and the faculty member's scholarly development? This requirement and the stipulation in paragraph C1 that receipt of SSF funds restarts the clock for faculty development leave eligibility at zero are disincentives to applying for external fellowships.
 - a. This limitation, if applied retroactively to cover fellowships won before the adoption of HOP 2.45, would mean that current awardees

- cold not apply again until 2016. If this limitation cannot be removed from the provision, then perhaps at least some language could be inserted which says that the "once in five years" limitation only applies to awards won after the adoption of the HOP provision.
- b. Was the 5-yr interval stipulated in paragraph-h A13 meant to (a) echo faculty development leave policy, (b) prevent anybody from receiving a disproportionate amount of the available SSF funds, and (c) ensure that all faculty remain active in teaching and service and avoid the creation of permanent researchers?
 - i. This policy should not dictate or conflict with workload of faculty. Rather, this policy must support workload of faculty.
 - c. Shouldn't the university be more flexible and let a faculty member's own research trajectory dictate when fellowships and leaves are most advantageous, rather than set an arbitrary 5 year interval?
4. SSF is designed to apply only during the period of the academic calendar (September - May), not to summer months. This seems reasonable, but the policy should spell out clearly that SSF is designed to cover the difference between what is received in fellowship funding during these nine months and earned in salary during these nine months, not the difference between what is received in fellowship funding during the year and what is earned in 9 months on salary. Without such a stipulation, the University may try to count summer funding received from fellowships when calculating the difference between fellowship funding and academic salary, making awards less attractive to the faculty member.
 5. There does not appear to be any guarantee that fringe benefits (primarily health insurance and retirement) will be maintained if faculty opt to accept external funding (see page 2 of the SSF Agreement Form). Forfeiture of either of these benefits may be a deal breaker for the faculty member, and the University should guarantee that they will continue at normal levels if the University indeed "encourages faculty participation in opportunities for advancement of research, teaching and service sponsored by external foundations and institutions" as is indicated in the policy statement.

THEME FOUR: CLARITY OF DETERMINATION PROCEDURES FOR SSF SUPPORT

6. The policy does not address the acceptance criteria by which the Provost office will determine supplemental funding for such a fellowship.
 - a. Will all requests be ranked/prioritized in some way or turned down altogether for unspecified reasons?
 - b. What would be the criteria for accepting or rejecting requests for gap salary funding?
 - c. It appears that the award must be competitive, but could there be cases where someone is invited to spend time at another institution, but this has not occurred through a competitive "grant type" of award process? Perhaps that would be (or is required to be) covered under Development leave?

- d. The Policy proposes to provide one semester of funding for awards that do not conform to the academic calendar but are "approximately the same as a full semester" (see section B). It seems more reasonable to me that SSF apply monthly to all funding that occurs during the 9 month academic calendar. For example: if a fellowship runs from Dec 1-August 30. The funding should apply to Dec-May, as these are months covered by the 9 month contract.
7. Section A 4 states in part: "Chairs and Deans are not bound to approve SSF simply because an award application is successful. In approving a request for SSF, however, they must certify that an award is national or international." In addition to providing little guidance on what "national or international" means, leaving the decisions to deny SSF until after external funding is obtained is unnecessary, and is likely to discourage applications. Applications for fellowships already follow a bureaucratic process, and the policy must spell out that such judgments about the merits of applications for purposes of SSF be made and guaranteed at the time of application, not following a successful application and award offer.

Minor point(s):

1. Page 1 Scope: add "appointment" to the following sentence: This policy applies to all faculty members holding a tenured or tenure-track APPOINTMENT who have served two consecutive years in their position.
2. Page 5 Section D (but check throughout): change Office of Sponsored Projects to Office of Grants, Contracts and Industrial Agreements and Office of Post Award Administration.

(12/8/11) Faculty Senate HOP Committee recommendation for HOP 2.45: Reject current version of proposal. Further, we recommend considerable revision focused on the clarity of the policy's intentions and procedures.

4.30 Criminal Background Check (CBC)

Relevant to faculty? Yes.

Background on policy:

1. This policy has undergone several revisions since the first solicitations for review by "representatives" of various Stakeholder groups (e.g., Faculty Senate, University Assembly, Human Resources, Legal Affairs, etc.). The

- policy was based heavily on a similar policy written for UT Dallas and is in line with UT System policies. It is the understanding of this committee that the current version was primarily written by the Human Resources department.
2. The current version of the policy is much less detailed compared the original versions.
 - a. While the detailed version was tedious and overly complex, the current version's procedural section seems to provide too little information for faculty to understand the scope of the procedure, the review of the findings/subsequent actions, and the options available to the faculty aside from the referral to the UTSA Grievance policy.
 - b. The recommendation of the committee is to include more appropriate "operating procedures" such that the actual procedures are disseminated to the Stakeholders.**
 3. The most significant change is the omission of the originally proposed mandatory fingerprints for employees. The fingerprint policy was strongly opposed by the reviewers "representing" the Faculty Senate (prior to the revised policy returning for official Faculty Senate HOP Committee review).

Major point(s) of concern:

1. The requirement that current employees MUST report in writing any changes (see 4. Self-Reporting) to their supervisor within 5 days or face possible disciplinary action. Furthermore, the representatives suggested that clarification of possible flexibility, including a list of administrators that might be able to grant an extension.
 - a. These policies were not changed for the current version.
 - b. Such a short reporting window seems severe considering what the faculty member might be dealing with in those 5 days.
 - c. We recommend that this time period and reporting scenario be revised to accommodate a more realistic and clear expectation.**
2. Unclear: the list/explanation of required individuals subject to CBC prior to coming onto campus or partaking in a university-related function.
 - a. Stakeholders are currently under the impression that CBC must be performed for any guest artist, lecturer, or consultant that we wish to invite to campus, if that guest works with students in any capacity.
 - b. This includes single-event services, for example a one hour public workshop for our students, during which several students, faculty, and guests would be in attendance.
 - c. These guests include internationally known scholars or artists, who typically agree to visit our campus and work with our students at a reduced fee if their touring schedules permit. It is an embarrassment

to have to request background checks from these individuals. These professionals are a valued asset to our students and measurably improve our students' experience at UTSA.

- d. They are gracious enough to donate some of their time to work with our students. Surely the CBC policy does not have as its intent that we subject these professional guests to a background check just so they can spend a few hours working with our students.
- e. **We strongly recommend that the CBC requirement be clarified to exclude guest artists, speakers, and consultants who will be having limited contact (i.e. one or two public presentations) with students.**

(12/8/11) Faculty Senate HOP Committee recommendation for HOP 4.30: Accept current version of proposal pending changes to the clarity of the policy's procedures.