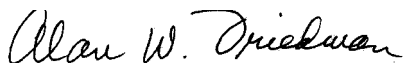


DOCUMENTS OF THE GENERAL FACULTY

Following are the minutes of the regular Faculty Council meeting of December 5, 2016.



Alan W. Friedman, Secretary of the General Faculty and Faculty Council
The University of Texas at Austin
Arthur J. Thaman and Wilhelmina Doré Thaman Professor of English and Comparative Literature

**MINUTES OF THE REGULAR FACULTY COUNCIL MEETING OF
DECEMBER 5, 2016**

The fourth regular meeting of the Faculty Council for the academic year 2016-17 was held in the Main Building, Room 212 on Monday, December 5, 2016, at 2:15 PM.

ATTENDANCE.

Present: Ronald J. Angel, Lucinda Jane Atkinson, Simon D. Atkinson, Blake R. Atwood, Darrell L. Bazzell, Christopher P. Brown, Barry Brummett, Allan H. Cole, Juan J. Colomina-Alminana, Elizabeth Cullingford, David J. Eaton, Alan W. Friedman, Laura I. Gonzalez, Andrea C. Gore, Lauren E. Gulbas, Marvin L. Hackert, Martha F. Hilley, Steven D. Hoelscher, Brent L. Iverson, Vishwanath R. Iyer, Jody L. Jensen, Christine L. Julien, Susan L. Kearns, Harrison Keller, Prabhudev C. Konana, John C. Lassiter, Blinda E. McClelland, Maurie D. McInnis, Julie A. Minich, Jennifer Moon, Richard A. Morrisett, Martha G. Newman, Patricia C. Ohlendorf, Na'ama Pat-El, Edward R. Pearsall, Soncia Reagins-Lilly, Pengyu Ren, Lorie Roy, Christen Smith, D. Max Snodderly, James W. Tunnell, Jason P. Urban, Lauren J. Webb.

Absent: Alexandra W. Albright (excused), Christina Bain (excused), David I Beaver, Chad J. Bennett (excused), Jay M. Bernhardt, Mark L. Bradshaw (excused), Carolyn M. Brown (excused), William "Wills" Kerby Brown (excused), Jorge Canizares, Cindy I. Carlson, Benjamin H. Carrington, Sergio M. Cavazos, Francesca L. Cicero (excused), Patricia L. Clubb, M. Lynn Crismon (excused), Ann Cvetkovich (excused), Elizabeth A. Danze, Janet M. Davis (excused), Douglas J. Dempster, Randy L. Diehl, Andrew P. Dillon, Jonathan B. Dingwell, Glenn P. Downing (excused), Bradley G. Englert, Angela M. Evans, Ward Farnsworth, Gregory L. Fenves (excused), Benny D. Freeman (excused), Philip M. Gavenda (excused), Christian S. Glakas, Linda L. Golden (excused), Terrance L. Green, Lorraine J. Haricombe (excused), Tracie C. Harrison, Jay C. Hartzell (excused), Kevin S. Helgren (excused), Maya L. Henry (excused), Linda A. Hicke, D. Eric Hirst, Coleman Hutchison (excused), Daniel T. Jaffe, S. Claiborne Johnston, Peniel E. Joseph (excused), Manuel Justiz, Jonathan Kaplan (excused), Binna Kim (excused), Jack C. Lee (excused), Sanford V. Levinson, Alexandra Loukas, Lauren A. Meyers (excused), Sharon Mosher, David A. Nielsen, Robert A. Olwell (excused), Dennis S. Passovoy (excused), Scott A. Rabenold, Austin B. Reynolds (excused), Jonathan L. Sessler (excused), Vincent S. (Shelby) Stanfield, Pauline T. Strong, Alexa M. Stuijbergen, Jessica R. Toste (excused), Gregory J. Vincent, Jennifer M. Wilks (excused), Sharon L. Wood, Cara Young (excused), Luis H. Zayas.

Voting Members:	35 present,	40 absent,	75 total.
Non-Voting Members:	8 present,	26 absent,	34 total.
Total Members:	43 present,	66 absent,	109 total.

I. REPORT OF THE SECRETARY (D 14909-14912).

Secretary Alan W. Friedman (Professor, English) noted that memorial resolution committees had been appointed for Professors Emeriti Douglass M. Rogers, Frenkel Ter Hofstede, Norman M. Martin, and Robert T. Harms, and that resolutions for Professors Emeriti Reuben McDaniel and Gerald W. Hoffmann had been received and would be posted soon. He announced that the Office of the General Faculty would be sending reminders to those committees with outstanding resolutions going back to 2013 through 2015, urging them to complete them as soon as possible. He said that the memorial resolutions are important ways of honoring our deceased colleagues, and he hoped that the reminders would spur action on getting the older resolutions completed.

II. APPROVAL OF MINUTES.

Secretary Friedman said the minutes for the November 14 Faculty Council meeting had been posted (D 14915-14932). He asked if there were any emendations or corrections. Hearing none, he assumed the minutes to be approved as submitted.

The Secretary reminded Faculty Council members that digests of the minutes for the Faculty Council meetings are being sent to members of the General Faculty. He said that he “had received some positive reactions from people who like getting them and actually look at them and feel that they are kind of in the loop as a result of getting them.” He welcomed feedback on the summaries and said that members could send suggestions, emendations, and corrections to the Office of the General Faculty by emailing fc@austin.utexas.edu.

Secretary Friedman said that a request to correct the October 10 Faculty Council meeting minutes had been received from Simon D. Atkinson (Professor, Architecture), asking to have his unexcused absence changed to present. The secretary said, “We are perfectly willing to take his word for it. But the reason he was listed as absent—as ‘unexcused absence’—is that he failed to sign in to the meeting.” He urged members to be sure to sign the attendance sheet when they arrive or as they are leaving, “Otherwise, we have to amend the minutes that have already been approved, which is technically out of order.”

III. COMMUNICATION WITH THE PRESIDENT.**A. Comments by the Provost Maurie McInnis on behalf of the President.**

Chair Jody L. Jensen (Professor, Kinesiology and Health Education) said that President Fenves was unable to attend the meeting. In his place, she invited Provost McInnis to say a few words. Because she had just recently learned that she would be stepping in for the President, Provost McInnis said she had no prepared comments and no questions had been submitted to the President in advance of the meeting. Therefore, she opened the floor to questions and answers.

Professor Andrea C. Gore (College of Pharmacy and Past Chair of the Faculty Council) asked if there had been any feedback on the changes to the University Academic Calendar regarding the extension of the Thanksgiving Break to include the Wednesday and moving the last class day from Friday to the following Monday in December. She said one of her graduate students reported that no students had attended her classes during Thanksgiving week and that she did not expect to see them on the last class day either. Professor Gore thought this issue should be on the “radar” and suggested that faculty provide feedback on whether the calendar change was working out. Provost McInnis remarked that, in watching student behavior at the University of Virginia (UVA) for many years, she observed that “whatever you give them, they’ll take more.” She said a similar situation occurred at UVA where students were given the Wednesday prior to Thanksgiving Day off, and students skipped classes that Monday and Tuesday. So, the calendar was adjusted to give them the whole week off. “So, guess what? They were gone at least Thursday and Friday and some even Wednesday before that... I don’t think you can ever manufacture it so that you get 100% attendance on class days.” The Provost agreed that feedback from faculty was needed to determine “how the experiment is working.”

Juan J. Colomina-Alminana (Professor, Mexican American and Latina/o Studies) introduced himself as a member of the University Academic Calendar Committee since 2015. He said the committee had recommended pushing the last day of class in the fall semester to the next available Monday to make up the Wednesday before Thanksgiving, which had officially been declared a student holiday. He said the committee had to adhere to the rule regarding the required number of days of teaching to address the petition of some colleagues teaching classes on MWF who were concerned about losing a class day. He added that a petition regarding the accommodation of a fall/winter break was discarded because there was no feasible way to make it meet the required number of class days in the fall.¹ The Provost thanked the professor for his explanation.

Provost McInnis then remarked how quickly the semester had gone by, “I feel like I just started. I mean it was one blink of an eye and this semester was gone.” She said she appreciated attending the Faculty Council meetings because she got to hear what was on faculty members’ minds. She said meeting with the Faculty Council Executive Committee and President Fenves (FCEC+) monthly was also extremely helpful. The Provost said that she had been holding open office hours in different schools making her way around campus and hoped to get to all the colleges and schools before the end of the year. If Faculty Council members were to see a notice in their school of such a meeting, she asked them to attend and to encourage their colleagues to attend as well. She said meeting the faculty and hearing their questions and having conversations with them was enormously helpful to her.

Closing her remarks, Provost McInnis thanked everyone for their support and patience as she learned about this “complex institution.” She added, “I’ve changed from drinking from a fire hose to drinking from a fire hydrant. I know that I have at least one more semester of that before I’ll start to feel like I’m beginning to understand this place. But you all have been very helpful. So, thank you.”

B. Questions to the President—None.

IV. REPORT OF THE CHAIR.

Chair Jensen said she did not have a report, but reminded members that Chair Elect Steven D. Hoelscher would give a briefing on the Orange and Maroon Legislative Day at the January 23 meeting and that the agenda would pick back up at the start of the semester.

V. REPORT OF THE CHAIR ELECT—None.

VI. UNFINISHED BUSINESS—None.

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

VIII. NEW BUSINESS.

A. Technology-Enhanced Education Oversight Committee Proposal to Create Policies on Polling Technologies and Copyright Ownership of Educational Content (D 14903-14905).
Dr. Jennifer Moon (2016-17 Committee Chair and Senior Lecturer, Biology) reminded members that she and Professor Robert Crosnoe (2015-16 Committee Chair and Professor, Sociology) had presented the annual report of the Technology-Enhanced Education Oversight Committee on November 14 that included two sets of resolutions that she would ask Faculty Council members to endorse.

Dr. Moon said the first resolution had two parts and concerned polling technologies. She said the purpose of the resolution was to clarify that digital polling technologies should be considered under other course materials as defined by the following *Regents’ Rule*:

The policy of the Board of Regents concerning textbooks and other materials prescribed for the use of students is as follows: Individual faculty members or the department should have discretion in the choice of materials to be used in the courses offered by the department.

The second part of the resolution stated:

Any polling technology to be used in the classroom must have been approved by the university after a vetting for FERPA compliance and ISO security clearance.

Dr. Moon said the resolutions were very straightforward and that the committee wanted the Faculty Council's endorsement so that other committees on campus that deal with technology can proceed with their offerings. She said, "We are just setting the stage to allow them to work."

Chair Jensen said the two resolutions would be considered under a single vote and asked if there were any questions or comments. Hearing none, she called for a vote on the adoption of both resolution A and B. They were unanimously approved by voice vote.

Dr. Moon then presented the second set of resolutions on educational content, which had three parts and defined educational content as course content and digital software developed by UT professors, lecturers, and instructors for their classes with any university investment, broadly conceived. Dr. Moon said the committee proposed that educational content be treated as scholarly or educational materials as opposed to discovery commercialization. She pointed out that this was different from copyrighting materials that could possibly be used for patent applications. She then read language from *Regents' Rule 90101* that supported the committee's resolution:

The Board of Regents will not assert an ownership interest in the copyright of scholarly or educational materials... the Board of Regents retains for one year following the loss of a course instructor's services a fully paid-up, royalty-free, nonexclusive worldwide license to use, copy, distribute, display, perform, and create derivative works of materials prepared by the instructor.

Dr. Moon then read the policy language of the resolution:

- A. As author of the educational materials, the faculty member has ownership of them and retains full copyright protections.
- B. The University has the right to use the educational materials for non-commercial academic purposes while the faculty member is a UT Austin employee plus one year (or, as negotiated).
- C. If the University wants to use the educational materials for commercial purposes (defined as selling it into a new market for a fee), it must negotiate an agreement with the faculty member using the Educational Content License Agreement for Faculty and Instructors.
The faculty member may use the educational materials for commercial purposes but must formally disclose any affiliation with the business entity involved in the commercial transaction with the University.

Dr. Moon said that the language was in keeping with the *Regents' Rules* and that the committee wanted to make sure that it was solidified as policy and had the endorsement of the Faculty Council.

Chair Jensen asked if there were any questions or comments on the second resolution? Hearing none, she called for a vote. The resolution was unanimously endorsed by voice vote. Char Jensen congratulated Dr. Moon and her committee for an outstanding job of preparing the Faculty Council at its previous meeting for today's vote.

- B. Admissions and Registration Committee Proposal to Change the Language of the Transfer Admission Policy in the *General Information Catalog* (D 14906-14908).
Martin R. Cox (Committee Chair and Senior Lecturer, Communication Studies) introduced a proposal to change language in the *General Information Catalog* that would reduce the minimum

transferable hours to twenty-four semester hours of transferable coursework from another college or university, which is equivalent to full-time enrollment of twelve hours each semester. Professor Cox said the language that recommends thirty semester hours for transfer applicants would remain the same, but students with at least twenty-four hours of credit would be considered for admission based on the strength of their application and available spaces in the incoming class. He said the proposed change was intended to provide more flexibility for the Admissions Program to meet the needs of students with special needs and those from economically, underprivileged circumstances and to meet different college expectations and the elimination of Coordinated Admissions Program (CAP).

Chair Jensen asked if there were any questions or comments from the floor. Vice President for Legal Affairs Patricia A. Ohlendorf asked if exceptions for veterans would remain? Professor Cox said the proposed changes would not affect those exceptions.

Hearing no further comments or questions from the floor, the Faculty Council unanimously voted to accept the proposal. To read the complete background, rationale, and catalog copy language, go to URL <https://wikis.utexas.edu/download/attachments/141722947/D%2014906-14908.pdf?api=v2>.

C. Resolution to Faculty Council on Academic Freedom and Professor “Watch Lists.”

On behalf of the Faculty Council Executive Committee, Professor Martha G. Newman (History and Religious Studies) presented a resolution written to support four UT Austin faculty members who had recently been placed on a faculty watch list for speaking out in editorials and other public fora and were being accused of bringing radical ideas into their classrooms. She said that generally, she thought it was best to ignore these kinds of lists since criticizing them publicly only gives them more publicity, which is what the sites are wanting. Given that the sites had already received a fair amount of publicity, including two editorials in the *New York Times*, she said, “Bringing a resolution forward wouldn’t bring it to the fore in a way that has not already happened.” She added that it was worth affirming, in the words of UT Austin’s Core Values, the importance of learning, discovery, freedom, leadership, individual opportunity, and responsibility, especially now when many feel that the core values of universities are under attack. She then read the full text of the resolution, which follows:

Professorial "watch lists" have a long and ugly history in this country. According to Hans-Joerg Tiede, Senior Program Officer in the Department of Academic Freedom, Tenure, and Governance of the American Association of University Professors, their purpose is generally "to intimidate individuals from speaking plainly in their classrooms or in their publications." The most recent such list, "Professor Watch list," is a project of Turning Point USA, which calls it "an aggregated list of pre-existing news stories" and encourages its readers to "Check out our full listing to see if any of your professors have made the list." It includes four of our UT Austin colleagues who have spoken out on issues of public interest.

We find such lists discouraging of academic freedom, insulting to the critical abilities of our students, and, in the case of this particular watch list, lacking evidence to support its claims.

The Faculty Council of the University of Texas at Austin affirms the following:

1. the Constitutional right of faculty members to express their views in their scholarship and other writings as freely as other US citizens;
2. the importance of our classrooms as places for the free and open exchange of ideas, where students encounter multiple viewpoints and learn to formulate, debate, and support controversial ideas.

Professor Newman then opened the floor to comments and questions. Dean Brent L. Iverson (School of Undergraduate Studies) pointed out that the second point of the resolution defines the entire purpose of signature courses and that he was in complete support of the resolution.

Hearing no further comments or questions, Chair Jensen called for a vote. The resolution was unanimously endorsed by voice vote.

D. Resolution to Faculty Council on Note of Appreciation to Charlie Strong.

With the recent change in coaching staff, Chair Jensen said that she would like to present a resolution on behalf of the Faculty Council Executive Committee to acknowledge “the contributions of Head Football Coach Charlie Strong to the academic and character development of our students.” In a concerted effort to increase communication with the Athletics Programs and to let them know that the faculty are here to fully support them and their student athletes, Chair Jensen reminded members that Past Chair Andrea C. Gore (Pharmacy) had asked Athletic Director Michael Perrin and Coaches Charlie Strong and Shaka Smart (Head Coach, Men’s Basketball) to speak to the Faculty Council last spring. She said there had been a lot of commentary and evidence that Charlie Strong had made an important difference in the lives of many of his players, and the athletes who interacted with him as well as his colleagues. She said, “He supported the Core Values of the University, and that was a priority for him and that became evident in how he talked about his program and how he worked with his players.” She then read the resolution below:

The Faculty Council wishes to express¹ its gratitude to Charlie Strong for his service as the Head Coach of the University of Texas football team from 2014 through 2016. As an educator and coach who embraced the University’s core values, he was an exemplary leader, role model, and mentor for our student athletes. We declare our respect for Charlie Strong’s commitment to the development of their character and academic skills as well as their athletic prowess. The University is a better place because of the enduring legacy he leaves with all the students and colleagues with whom he worked.

Chair Jensen asked if there were any questions or comments on the amended resolution. Hearing none, she asked the voting members to vote on the editorially corrected resolution, which was unanimously endorsed by voice vote.

IX. ANNOUNCEMENTS AND COMMENTS.

- A. The next Faculty Council meeting will on January 23, 2017 in MAI 212 at 2:15 PM.
- B. Online Nominations for the General Faculty Standing Committees open January 17, 2017.

X. QUESTIONS TO THE CHAIR—None.

XI. ADJOURNMENT.

The meeting adjourned at 2:45 PM.

Distributed through the Faculty Council Wiki site <https://wikis.utexas.edu/display/facultycouncil/Wiki+Home> on January 2, 2017.

¹ Secretary Alan W. Friedman noted a typo in the first sentence where expresses needed to be changed to express; consequently, the resolution was amended.

ⁱ In spring 2015, the University Academic Calendar Committee proposed legislation (D 11508-11512) to extend the Thanksgiving break that would include the Wednesday just prior to Thanksgiving. To maintain a minimum of forty-two MWF classes as stipulated in the Principles for Development of the Academic Calendar, the committee proposed that the fall semester begin the fourth Wednesday of August (as is current practice) and extend classes in the fall semester by adding one day (a Monday) at the end of the semester. Student dead days would then take place on Tuesday and Wednesday, rather than Monday and Tuesday (which was the practice at the time), and final exams would start on Thursday, ending on the following Wednesday. The deadline to report final grades would be extended to 4:00 pm on the Friday after finals end. Under the proposal, there would be no change in the number of Friday, Tuesday, or Thursday classes; the number of Monday classes would change from thirteen to fourteen, while the number of Wednesday classes would change from the fifteen to fourteen.

The proposal was approved by the Faculty Council on May 5, 2014. It was then circulated to the General Faculty on a no-protest basis. Because the number of protests, forty-nine, exceeded the required number of twenty-five, the matter was presented at a specially called meeting of the General Faculty on September 14, 2014. At that meeting, a faculty member called for a quorum count. Because less than the required 347 members of the General Faculty required for quorum were present, the meeting was immediately adjourned. Prior to adjournment though, President William C. Powers explained that the Faculty Council would consider the legislation at their next regularly scheduled meeting, which would take place immediately following the specially called General Faculty meeting. He noted that the signed protesters of the legislation had received notice of the meeting and would be given an opportunity to present their arguments. The legislation was subsequently approved by the Faculty Council and then by the President.