**The University of Texas System Faculty Advisory Council**

**Ashbel Smith Hall, 201 West 7th** **Street, 2nd** **floor Austin, TX September 25 – 26, 2014 AGENDA - Minutes**

**Thursday, September 25 – ASH 208**

**Minutes Draft approved 17-April, 2015**

**Attendees:** Ingram, Sol, Beckner, Gore, Heise, Morgan, Dominguez, Cordell, Leaf, T. Garza, Cox, K. Garza, Firat, Saaverdra, Catsam, Kovalick, Daas, Hernandez, Ross, Cheng, Deschenes, Walker, Marshak, Molony, Bick, Burns, Killary, Izzo, Durand, Griffith.

**10:00 – 10:15 am Introductions and Review of August BOR Meeting**

Hold on approval of minutes for 17 & 18-April, 2014.

Welcome by Elizabeth Heise, UTSFAC Chair, and introductions were made around the room. Dr. Heise then made summary remarks of relevant happenings since the UTSFAC last met on 17 & 18-April, 2014. She noted the UTSFAC message that the role of teaching and research cannot be separated and should be a recurring message to the Board of Regents. Further, the UTSFAC should continue to seek ways to explain the total role of faculty to Board of Regents. Also noted the need for better relationships among the UTSFAC with the Employee Advisory and Student Advisory Committees. All should explore common issues and share information.

Further comments concerning the role of UTSFAC as governance partners with the Board of Regents. Hope to have the new Chancellor at UTSFAC meeting as soon as possible. Some comparisons were made of the credentials of Texas A&M Chancellor Bill Gates as far as a military and governmental experience to McRaven. Some expressed need for him to possibly gain insights into the community of scholars. Next a brief discussion of relevant issues was undertaken in preparation for the meeting with Regent Hicks. Generally, the discussion should center on the role of the UTSFAC with the new Chancellor and working even better with the Board of Regents.

**10:15 – 11:00 am Chairman Paul Foster, Board of Regents**

Regent Paul Foster was welcomed to the meeting along with EVC for Academic Affairs, Pedro Reyes. Regent Foster noted that he did not have any prepared remarks but communicated the he considered the interaction with the FAC to be important and that he valued the input, advice and that he supported the role of the FAC.  He invited participation.

Dr. Molony ask what issues of the Board of Regents should the UTSFAC work on in the near future. The Regent commented that he would study and get back to the FAC, but then commented on what role the FAC should have (along with the various stakeholders) in the Institute for Transformation Learning.  A question was asked of the Regent about his perception of how the FAC should interact with the Board of Regents. The Regent reflected, but then answered generally better communication. Regent commented that the meetings of the Board of Regents were open and welcomed the FAC to attend. A discussion of the possible need to comment but restricted if not on the agenda.

The possibility of a Faculty Representative on the Board of Regents similar to the Student Regent was raised. It was pointed out that this would require an act of the State Legislature and that the FAC had investigated this in the past. General comments were made concerning the level of faculty involvement with changes the Chancellor’s office and with campus presidents, such as search at UT-Austin. The Regent commented that he was open to find ways for more appropriate faculty involvement in the process.

The Regent was also asked to comment on the general atmosphere on the Board of Regents, given recent issues facing the board. He commented that he felt the board was ready to move on from of the recent stressful issues, would be more calm, and ready to tackle important issues.

Dr. Molony commented to the Regent concerning the FAC discussion of FAC representatives on the Board of Regents Academic and Health Affairs committees and a brief discussion ensued. The Regent commented that he felt it was possible.

Dr. Molony mentioned recent governance issues discussed, and in some cases acted on by FAC, such as the Evaluation Academic and Health Affairs Administrators and the 360-degree review. Dr. Heise commented that 6 years was a long time between comprehensive reviews of administrators. Dr. Reyes pointed out that annual reviews are made. The suggestion was made that FAC should consider a model policy for the annual review of administrators. Dr. Reyes agreed.

Regent Foster noted this was a good example of the need for better communication and that the administrative evaluation policy be enforced evenly.

Dr. Leaf offered a discussion of the general role of Board of Regents. He noted that Regent Rules recognize the role of faculty governance, indeed it is mandated, but not recognized equally across the system. Regent Foster noted he would like to see how Regent Rules for faculty governance are being followed. He recognized the differences in the various institutions, but also recognized that President’s still must follow Regent Rules. Dr. Molony that data has been collected in the past, but FAC may need to consider a more robust review. Dr. Reyes noted it was the responsibility of all stakeholders to aggressively pursue the issued. It was noted that UTPB now utilizes a
3 year review.

Another discussion relative to the formation of UTRGV ensued. The lack of relevant faculty input on such issues as the selection of the President, space allocation, and administrative review were offered as examples of where increased faculty input would contribute to UTS being a model for the world. Regent Foster commented generally that Faculty doesn’t have a big enough voice in such issues.

Dr. Reyes commented on the Presidential search process. He noted the need for confidentiality to insure the quality of the applicant pool. He noted the pros and cons of such confidentiality, but noted it is the process the system has successfully used.

Regent Foster was asked to comment on his view of the role of the Board of Regents. He responded by saying the role was not to micromanage, rather to hire Presidents to manage, and therefore the hiring of the Presidents was crucial. The Board of Regents role is to generally to set policy, but sometimes get more involved due to legal issues.

Dr. Cheng, commented to the Regent that many of the (administrative evaluation) committees have token faculty representation but not real voice… become essentially a “rubber stamp”, and not really meeting the spirit of the review process. Dr. Molony noted that transparency of the review would be greatly improved with the sharing of results. The Regent noted that it should not just be a “vote” of to keep or fire, but rather a true review and make sure the results “go somewhere” and are acted on.

Regent Foster was asked to comment concerning the system’s image with incoming Chancellor McRaven’s, and comment on his views for the system of pursuing greatness, responding to changing demographics, and that teaching and research going hand in hand. He concurred with the view and noted he would contribute to UTS image.   Regent Foster was also asked about the Board of Regent processes that allow some of the recent tensions on the board.  He noted that every regent has the right to ask for anything, he did not think that should be changed but noted it could be somewhat disruptive at times.

Other comments were made concerning the implications and unintended consequences of some Regent’s Rules. The Regent recognized that some were outdated and some had unintended consequences but would welcome feedback on FAC issues. Dr. Heise and Dr. Molony commented on the FAC’s past success in working with the Chancellor and Board of Regents on various issues and looked forward to continuing the relationship.

**11 – 12 pm  Barry McBee, Vice Chancellor and Chief Gov. Relations Officer**

(Please note: Mr. McBee provided UTSFAC members his PPT presentation.)

Mr. McBee provided a general overview of the upcoming legislative session and potential implications for the UTS. The complete presentation is available in his PPT. Some of the major highlights are presented below. The total legislative budget will be a key driver of all the discussion. Contributing issues will be state debt, the rainy day fund, tax reduction, border security, public education, price of oil and transportation, to name a few. All will contribute to the discussion and possible authorization of the TRB’s for UTS. Other potential issue concerns the unfunded mandate of the Hazelwood Act for veterans and impact on UTS campuses, formula funding, outcome based funding, and distribution of the PUF.

The ongoing discussion of concealed carry on campuses is gaining momentum. Previous Chancellor took strong stance against. Do not know the new Chancellor’s position at this point. Another issues is the extension of state benefits to domestic partners. This issue impacts recruitment of faculty. Expect courts to ultimately decide issue. The momentum continues for Community Colleges to award a limited number of baccalaureate degrees. State sees it as a positive. Momentum for more legislation on student success and completion rates in higher education and proposal for “honest transcript” that would include class average. Additional proposals being made on role of higher education board of regents and presidents, due mainly to UTS issues. Legislature is also considering role of on-line for profit degrees and THECB regulation. Additionally, state reciprocity and acceptance of online course may be an issue.

The shake out of the November elections and impact on higher education yet to be determined but will have significant impact for UTS. Reminder that faculty can act as private citizens but not as university representatives.  Dr. Heise suggested the Executive Committee look into electronic voting on various issues, especially between FAC meetings.

**12:00 – 1:00 pm      Lunch and Committee Assignments**

Dr. Heise mentioned some issues for the various committees to be considering. For Academic Affairs she suggested: Best Practices in Service, impact on T & P, as well as check on teaching on best practices, continuing discussion of Space Allocation, domestic partner issues (given legislative update).

For Governance Committee, issues: terms limits for department chairs, routing of faculty policies within institutions, and the 360 reviews of administrators, and concealed handguns on campus.

For Health Affairs: evaluation of department chairs, academic workload, possible integration into both academic and health institutions.

Additional comment on UTS 175 – need to ask Dan Sharphorn for status update. It was noted that the FAC disapproved. It was also mentioned to ask Hurn about UTS 175 on Friday. It was discussed that the Task Force on Intellectual Property, was only administrators even though FAC asked for seat on Task Force. FAC wants Regents (task force and committees) to be more supportive of traditional faculty rights. The FAC will continue to advance position and educate Hurn on these faculty issues. The importance of research/teaching/and intellectual property extends beyond just discussion of patents was discussed.

For Health Affairs: Dr. Molony mentioned the need for - assessment of Academic Administrators at Health Institution with Dr. Greenberg needs work.

**1:00 – 2:00 pm Susan Franzen, Director, Shared Services Initiatives**

**Discussion on time and attention management: Your Guide to the Crisis Management Cycle**

(Please note: PPT was provided to UTSFAC representatives.)

Presentation was made and discussion of possible applications to faculty was held.  The Attention Economy - Institute for Strategic Organizational Change

**2:00 – 3:00 pm Representative Donna Howard – Discussion of the upcoming legislative session.**

Expect outcome based funding proposals to continue, some percentage on top of base funding might be expected. It might be based on about 7 success measures individual campuses could pick and or weight. TRBs had total support but it did not happen of both House and Senate, but not from Gov. Perry.  Full funding for Texas Grant programs will be sought. TRB have support except that we need to shrink budget. The perception of legislature is that institutions are not using facilities efficiently. The THECB and the legislature see Online as solution to more buildings. Howard suggested need to tell our story better to the legislature, essentially higher education is not telling our story very well. THECB continues under the microscope at the Legislature and by Speaker.

Another major issue is the Common Core losing math, writing, and lab sciences. THECB is voice of Higher Education, but not Health Campuses. Budgeting issues will impact higher education, such as priorities of legislature and use of Rainy Day fund. Handgun on Campuses - law enforcement says it will make their job harder. Special behavioral issues of college students were also mentioned.

3:00 – 5:00 pm Committee Meetings, **ASH 202, 208, and 210** Academic Affairs and Faculty Quality (ASH 208) Health Affairs (ASH 202) Governance (ASH 210)

\*\*\* End of Day 1 – Sept. 25, 2014 \*\*\*

**Friday, September 26 – ASH 208**

**8:30 – 9:00 am Working Breakfast with Committee Meetings**

**9:00 – 10:00 am Committee Meetings ASH 202, 208, and 210 Academic Affairs and Faculty Quality (ASH 208) Health Affairs (ASH 202) Governance (ASH 210)**

**10:00 – 11:00 am Patricia Hurn, Vice Chancellor for Research and Innovation**

A general discussion of UTS 175 and Intellectual Property (IP) was undertaken.

The Regents Task Force on IP came about after a similar undertaking on the future of engineering. An outcome of that task force was that existing Regents Rules might inhibit contracts and agreement in the future. Additionally, the Regents are generally looking for enterprise partnership with UTS and what can system do to make it easier to partner. Another outcome was the need for the partnering agreements to make UTS a nimble partner. Finally, it was discovered that there was little uniformity for enterprise partners in structuring partnerships across the system. Based on those issues, the IP Task Force came about, as opposed to a particular event.

It was noted by the FAC that this was the first we had seen this draft report. The FAC stated that FAC comments were important as input. Hurn stated that all stakeholder comments would go back to the Task Force. Dr. Molony asked if comments would impact potential change and Hurn confirmed. He further ask for confirmation that there was still time to comment and again Hurn confirmed. Hurn confirmed UTSFAC resolutions have been presented and seen by the Task Force. It was noted that faculty were not represented on the

Task Force. Hurn suggested faculty were involved by email and twitters, about 200 responses from faculty. Open-ended questions most were negative about the overall commercialization process. However, it was noted that the study was from across the US and not just Texas. Additionally, the time of the study could not be currently provided.

The Task Force Purpose was generally to review the intent, rationale and language in Regent Rules 90101 series. Chairman Foster suggests a philosophy and culture of innovation that assure the UTS continues its leading role in discovery.

A comment from FAC on how “innovative” and “nimble and responsive” to move into the enterprise community aligns with academic and educational lens. Specific points of interest included: IP of student origins and IP related to emerging educational technologies. The general response is that legal colleagues will shape the language. It was suggested that an affirmative statement of student ownership be included. Additional clarification is needed for students on financial aid, research assistantships, and students in non-related positions. Response was it would generally be covered by research relationship. Many legal issues such as split ownership in grants, new v. on-going contributions, funded v. unfunded. The issues have not been decided nor voted on by Regents.

The intended outcome of new IP polices is for easier commercialization and to strengthen faulty and student incentives to pursue entrepreneurship.  Comment: if it is goal will commercialization efforts be considered in P&T.

Consideration of the re-configuring of the current 50-50 allocation of net license revenue with the intent of increasing flexibility at UT System institutions and recognizing multi-investigator discovery. Some FAC discussion of need for incentives, rather, faculty will innovate, the problems come with how to evaluate.

Hurn also sought to dispel that UTS keeps the IP monies. The monies benefit the individual institution(s). Further, any institution can ask to change the percentage allocation. Intent should be determined in a range - but Regents should know. Control goes to local level. The percentage would go to institution to decide. (Who would decide on the local level. Other issues include multiple authors, multiple departments, and shared labs.

It was noted in FAC discussion that faculty are not on the percentage decision making body, so no real backstop for directive percentages, in sum, “no real choice but to accept.” Hurn recognized some respondents did comment on this issue.

Further FAC discussion asked for comment on Stanford v Roach case. Hurn stated that it doesn’t make clear the student relationship.

Follow-up to question above about survey: It was done in May to Vice President’s of Research on individual campuses. Possibly focusing on campus problems with technology and commercialization.

Hurn stated that a systematic assessment of how best to advance offices of technology for commercialization was needed. This would lead to the development of appropriate strategies for the use of university facilities for discovery and commercialization. In short, we are missing opportunities.

FAC discussion suggested some issues with IRS, state law; how building was funded could complicate the situation. It was also pointed out the necessity to move off campus in some cases.

Hurn also stated that the Institutional of Transformation Learning, as part of its ongoing study, should assess how IP related to institutional educational technology is currently managed and project a future state.

Hurn was asked if the Task Force would be recommending a policy. She answered that she expected the Task Force to be reconvened if the Board of Regents wanted them to develop the policy.

FAC discussed the lack of rigor on educational technology, possibly due to the fog of the copyright issue, Comments were also offered on the narrow perspective of ITL as a primary policy advocate. Other discussion concerned Big Data as combined set, who owns once combined? Suggested that the FAC might put together issues relative to Big Data.

**11 – Noon Randy Wallace, Associate Vice Chancellor, Controller & Chief Business Officer – Overview of budget and sources of money**

Mr. Wallace provided a broad overview of sources and uses of funds for Higher Education in Texas and the UTS in particular. The PPT was provided to FAC represenativves. He presented a general overview of higher education basics, the processs for appropriation bills, and how the State of Texas pays its bills. He pointed out that in general, Texas is a "pay as you go" state. Some additional discussion again centered on outcomes based funding. He was asked if he expected such funding to be above current levels? He responded that he expected yes, and would be variable across institutions.  Other discussion was around possible use of PUF, expected funding percentages, and TRB's. Discussion concerning the role of THECB in the funding process occurred with Mr. Wallace pointing out that THECB recommends the formula for funding which the legislaure may or may not use.

**12:00 – 1:00 pm Pedro Reyes, Executive Vice Chancellor for Academic Affairs Dan Sharphorn, Vice Chancellor and General Counsel**

Dr Reyes commented on the discussion of adding FAC representatives to the Board of Regents Health Science and Academic Affairs committees. Topic could be pursued with new Chancellor. Further discussion concerned appropriate communication of evaluation of administrators and need a clearer picture of the legal issues with evaluation disclosures, and to whom under what conditions.

Other general discussion of grade inflation and reflection on transcript, guns on campus, and prospects for TRB.s The FAC reminded Dr. Reyes of our request to have representation on the Space Utilization Task Force. Dr. Reyes said he would speak to the incoming Chancellor.

Dr. Reyes also informed the FAC that both he and Dan Sharphorn will meet with the new Chancellor, and seek out his view of shared governance and sees an opportunity to educate. The FAC noted the outgoing Chancellor tended to bring issues to the FAC early, which made dissemination, comment, and implementation easier. It was noted the FAC leadership can communicate with Chancellor outside of just formal meeting times. FAC expects to have Chancellor as soon as his schedule allows.

Other general discussion included the status of the honest transcript and some notion of what data it is based on. Comments on McRavens statement about teaching and research going hand in hand were made. More discussion of the need for faculty to tell our story, but should also be careful with how we tell our story.  The real story is the long-term value of higher education to the individual, state and society.  Other discussion was on the chance for the TRB’s, access and affordability, and creates faculty and facilities that are scalable, and continuing discussion of additional sources of revenue. Some comments were made, that especially in the health sciences there are issues of academic freedom v. research that is commercially viable in the short run. Should be looking at targeting industries such as health, science, and engineering for certificates.   Some discussion occurred with Dan Sharphorn as to UTS 175 and 180. It was suggested that they needed to be revisited, especially with conflicts between and problems with informational security, related to contracts, especially with FERPA and HEPA. Some concern were expressed with educational management contracts and outsourcing.

1:00 – 2:00 pm Committee Reports – See Resolutions