**The University of Texas System**

**Faculty Advisory Council**

**Resolutions**

**2013**

**January 25, 2013**

**Resolution** Regarding New University in South Texas

To the University of Texas Board of Regents

Whereas, the University of Texas Board of Regents unanimously approved an initiative to authorize Chancellor Francisco G. Cigarroa to work with the Texas Legislature to establish a new university that includes the University of Texas at Brownsville, the University of Texas-Pan American and the future South Texas School of Medicine;

Whereas, this new university will be eligible for revenue from the Permanent University Fund, a major catalyst for building a world-class research university;

Whereas, the new institution will also be eligible for more funding sources such as the National Research University Fund, the Texas Research Incentive Plan, and matching UT System funds;

Whereas, the new university will be an emerging research university;

Therefore, be it resolved that The University of Texas System Faculty Advisory Council supports the creation of a new University of Texas in the Rio Grande Valley with campuses in Brownsville, Edinburg, Harlingen, and McAllen.

Approved January 25, 2013

**Resolution** on Domestic Partnerships

To the University of Texas Board of Regents

Whereas, non-marital domestic partnerships are becoming increasingly common in modern society;

Whereas an increasing number of corporations, governmental entities. and universities are including the partner of an employee in their benefit plans with equivalent status to an employee's spouse;

Whereas providing equivalent status is an issue of fairness and equity;

Whereas providing equivalent status will have a positive effect on faculty and staff morale; and

Whereas providing equivalent status will have a positive effect on faculty and staff recruitment and retention;

Therefore, be it resolved that The University of Texas System Faculty Advisory Council encourages the Board of Regents to urge legislators to pursue changes in state laws and, subsequently, to change Regents' Rules to allow The University of Texas System to treat a domestic partner equivalently to an employee's spouse in all University benefit plans.
 Approved January 25, 2013

**Resolution** on Contingent Faculty

To the Executive Vice Chancellors for Academic Affairs and Health Affairs

Consistent with the spirit of the American Association of University Professors' report "The Inclusion in Governance of Faculty Holding Contingent Appointments," The University of Texas System Faculty Advisory Council supports the principle of significant integration of contingent faculty in governance matters, with the exact form and nature of this role to be determined by each institution.

Approved January 25, 2013

**Resolution** on Tenure

To the Chancellor

The University of Texas Faculty Advisory Committee endorses the uniform application of tenure policies as outlined in Regent's Rules in all University Health components. Accomplishment of this goal requires immediate implementation of existing term-tenure granting authority at the University of Texas Health Science Center Tyler. As degree granting institutions, we also endorse modifying Regent's Rule 31007 to allow both UTHSC-Tyler and UT M.D. Anderson to grant full tenure to qualified faculty.

Approved January 25, 2013

**Resolution** on Conflict of Commitment and Conflict of Interest

To Dan Sharphorn, Associate Vice Chancellor and Deputy General Counsel

The Faculty Advisory Council of the UT System resolves that the following revisions be made to the online reporting form for the Conflict of Interest and Conflict of Commitment policies:

1. Categories for compensation throughout should be consistent with those of the Research Conflict of Interest form.
2. Wherever the form indicates that what is requested and being granted is “permission,” the word “permission” should be changed to “approval.”
3. Wherever the form reads “may reasonably appear to pose a conflict of interest,” it should be changed to “give the appearance of a conflict of interest to a reasonable person.”

Approved January 25, 2013

**March 1, 2013**

**Resolution** To Executive Vice Chancellor of Health Affairs

Whereas all faculty are by Regent’s Rules (Regent Rule 40101) required to be involved in governance of the organization, and whereas; certain University of Texas Health Science Centers consisting of multiple different schools are currently represented by unified faculty governance organizations, and whereas, The University of Texas Health Science Center Tyler (UTHSCT) clinical faculty are currently not represented within the formal UTHSCT faculty governance organization, we resolve that the UTHSCT be required to expand their current governance organization to include representation from the clinical faculty that is equivalent to the representation from the academic faculty.

Passed Unanimously

**Resolution** on Guns on Campus to the Chancellor

The University of Texas Faculty Advisory Council believes that the carrying of firearms on campus by anyone other than law enforcement officers is detrimental to the safety and security of all on campus.

Passed with one opposed and with one abstention

**Resolution** on Encryption

Whereas computer encryption programs can directly inhibit certain kinds of faculty research and communication, each UT System campus should establish an information security advisory committee with substantial faculty membership to receive and to make recommendations with regard to faculty requests for exemptions from requirements for the encryption of university owned computers and mobile communication devices.

Passed Unanimously

**Resolution** on Conflict of Interest and Conflict of Commitment to the Chancellor and the Executive Vice Chancellor of Health Affairs and the Executive Vice Chancellor of Academic Affairs

Work that is considered to be integral to the duties of faculty as teachers and scholars is already reported in annual evaluation reports and other periodic personnel processes.

Therefore, FAC recommends that local policy not require faculty to report such information in annual Conflict of Commitment and Conflict of Interest disclosures, unless, in the opinion of a reasonable person, there is a prima facie conflict of interest or commitment.

Passed Unanimously

**Resolution** on Faculty and Staff Rights to Privacy to the Chancellor and to the Executive Vice Chancellor of Health Affairs and the Executive Vice Chancellor of Academic Affairs

Faculty and staff of the University of Texas System have the same inalienable rights as other citizens of the United States and as are recognized in international conventions on human rights. These include the rights of freedom of speech and of the press, the right of association, the right to petition the government, and rights to dignity and privacy.

The University of Texas System may properly disclose information pertaining to its relationships with its faculty and staff if that information is otherwise public, such as employment titles, pay, and assigned duties.  It may, subject to appropriate laws, disclose information on arrangements it has made with faculty and staff members to assure that their activities and associations outside of their employment with the university do not interfere with their abilities to carry out their obligations to the university.

The University of Texas System should not disclose information on employees’ associations, activities, speech, or sources of income outside their relationships to the university and not within the scope of their employment in the university.  This specifically includes, but is not limited to, information on their domestic arrangements, business activities, charitable activities, political activities or associations, publications or other speech activities, appearances as expert witnesses under subpoena or otherwise, and employment in other organizations outside of the university, or such associations or activities of the members of their households or family relations.

Passed Unanimously

**Resolution** on the formation of the new UT in South Texas

Whereas, HB 1000 and SB 24 section 4 (c) states “In recognition of the abolition of The University of Texas--Pan American and The University of Texas at Brownsville as authorized by this Act, the board of regents shall facilitate the   employment at the university created by this Act of as many faculty and staff of the abolished universities as is prudent and practical”;

Whereas, the companion House and Senate bills contain vague language concerning retention of UTB and UTPA faculty and staff;

Whereas, The UT Board of Regents’ Rule contains no specific policy governing the merger of academic or medical campuses;

Therefore, be it resolved that the UT System Faculty Advisory Council strongly recommends that, should the legislation be enacted into law, the following guiding principles be implemented:

“All faculty and staff employed by the University of Texas--Pan American and the University of Texas at Brownsville, upon dissolution of the two institutions and merger into one newly created South Texas university, will have their positions, salaries, and tenure statuses as well as time and rank transferred to the newly established institution.

In the event that duplication of duties necessitates reconsideration of existing administrative structures leading to the elimination of current positions in either Brownsville or Edinburg, Board of Regents’ Rules and pre-existing UTPA and UTB policies shall be followed in a manner that is mindful and respectful of shared governance.  In the event of a situation where no extant local or Regents' policy specifically governs the issue, a policy shall be created through existing shared governance procedures including the UT System Faculty Advisory Council and local faculty and staff governance bodies.”

Passed Unanimously

**Resolution** on Space Utilization to Executive Vice Chancellor of Health Affairs and the Executive Vice Chancellor of Academic Affairs

Whereas the new Space Utilization metrics that the Texas Higher Education Coordinating Board and UT System have imposed on the constituent UT campuses have proven to be both burdensome and counterproductive, and oftentimes do not allow universities to appropriately utilize specially configured classrooms, the University of Texas System Faculty Advisory Council resolves that System work to reform space utilization policies and develop better metrics in consultation with faculty governance bodies to allow for appropriate room usage as determined by local campuses.

Passed Unanimously

**Resolution** Faculty Analytic Tools to Executive Vice Chancellor of Health Affairs and the Executive Vice Chancellor of Academic Affairs

Be it resolved that the implementation of any analytic tool (e.g. Academic Analytics, SciVal, MyEdu) either by System as a whole or by individual campuses for faculty assessment purposes shall be subject to regular review and approval by campus faculty governance bodies and/or by the System Faculty Advisory Council. Further, each campus Chief Academic Officers (or a designee) shall ensure that there will be a regular mechanism for improving the usage of these tools when these bodies or when individual faculty members reveal omissions, absences, and flaws in the analytics and/or raise issues with their usage.

Passed Unanimously

**April 2013**

Resolution on the Core Curriculum

To the Chancellor, the Executive Vice Chancellor of Academic Affairs; Legislature; THECB

The Faculty Advisory Council of the University of Texas System supports the principles of academic freedom and local control with regard to the implementation and approval processes for the Texas Higher Education Coordinating Board’s Core Curriculum. All course approval processes should happen with the teaching faculty of each campus having the maximum control over their courses and syllabi.

Approved April 26, 2013

Resolution on the Department Chair Policy

To the Chancellor, the Executive Vice Chancellor of Academic Affairs, the Executive Vice Chancellor of Health Affairs, and the Vice Chancellor and General Council.

The Faculty Advisory Council of the University of Texas System supports the following guidelines for a UT System rule or policy

All UT System campuses, including the Health Science campuses, require local policies for implementation, which will be in the HOP (and hence will require review by the formal governance organizations), and should cover department chairs, vice-chairs, and directors of large divisions (more than 10 fulltime faculty) within departments.

Local policies should provide for the following:

1. Substantial faculty involvement from the specific departmental faculty in chair hiring processes such as specifying the size and composition of the search committee, the desired qualifications of candidates, and the number to be interviewed, brought to campus, and sent forward for final consideration.

2. The Chair’s role in the annual review process.

3. The Chair’s role in Periodic Performance Evaluations.

4. Regular meetings with the faculty of the department.

5. The establishment of the role of the chair within the structures of departmental governance. For the Health Science Centers, chair responsibilities shall include management/oversight/organization of the clinical activities for which that department/division is responsible.

6. The length of the term of office and the extent to which it is renewable.

7. The appointment of interim or acting chairs shall be made with significant departmental faculty input and reappointment of interim chairs should not occur save for exceptional circumstances.

8. The procedure for annual evaluation of chairs, which shall include significant faculty input. A summary of the results of the evaluation and the intended actions resulting from this evaluation must be made available in a timely fashion to the departmental faculty after review by the Dean, Provost or their equivalent, and President.

The policy should not be a roundabout way to obtain FAC endorsement for weakening existing UT System campus policies if the local faculty do not want to make such changes.

Approved April 26, 2013

Resolution on peer observation of teaching

To the Chancellor, the Executive Vice Chancellor of Academic Affairs

The goal of peer observation of teaching should be the enhancement of teaching, therefore any system-wide peer observation policy should have the purpose of improving teaching rather than providing evaluation. This should not preclude individual institutions from establishing additional policies for a separate process of peer observation for the purpose of evaluation, but any such policy should be developed at the local level.

Approved April 26, 2013

Resolution on bridge funding and start-up funding.

To the Executive Vice Chancellors for Health Affairs and Academic Affairs:

Whereas: the threshold for funding individual Federal grants or contracts including but not limited to National Science Foundation (NSF)/ National Institutes of Health (NIH) research proposals (RO1 applications), Department of Defense, Environmental Protection Agency, has reached a historically high level resulting in successful competition for federal extramural funding only for those proposals scored in the top 6th to 5th percentile.

Whereas: this funding threshold is expected to become even more prohibitive with the anticipated across the board spending cuts currently mandated by Congress thus restricting further funding realistically to only a limited number of experienced investigators with established funding track records.

Whereas: in this unfavorable environment, researchers in the biomedical, pure and applied basic sciences, and social sciences (PhD and MD) competing for federal extramural funding in both the academic and health science University of Texas component institutions are still evaluated for professional and academic success and importantly for promotion on the basis of attaining independent NIH / other equivalent federal funding.

Whereas: persistence of this standard of evaluation is unrealistic and potentially unfair and quite detrimental to the University of Texas system and the state.

Whereas: in particular, early career or midlevel faculty will inevitably either become frustrated with the process or will be let go after failing to garner the required funding in the expected period of time, thus leading to an increasing risk that the University of Texas will lose a generation of early career scientists / investigators.

Whereas: the tangible consequences of losing a large number of early career and mid-career researchers both from the perspective of lost scientific contributions and from the perspective of wasted resources utilized for prematurely terminated career development are incalculable.

Be it resolved that the University of Texas System should establish a fund to allow for start-up or "bridge" funding for early career and established researchers who are academically and scientifically productive and show promise for future contributions but who are not able to procure federal funding in the first few years of their careers or who have temporarily lost funding supporting ongoing meritorious investigations, that this funding should complement any funding currently available for such support on some of this University of Texas campuses, such that this funding will allow early career and established faculty to continue successful or promising research and for early career investigators in particular, to amass the necessary experience, publications and data to build a portfolio to support successful NIH / NSF funding applications, and not coincidentally, to also remain competitive for promotion within their respective institutions.

Furthermore, be it resolved that such funds should be established to support mid and senior level investigators who have been successful but who have lost current NIH/NSF or other equivalent federal funding to supplement the limited funding that is currently available on some but not all UT institutions.

Furthermore, be it resolved that the University of Texas System start-up and bridge funds will be allocated to the individual UT Universities on a formula basis. Each individual campus / University shall establish a faculty led research funding review committee. This committee shall establish criteria for application and awarding of the start-up and bridge funding for the individual campuses. The review committee shall receive and review applications for start-up and bridge funding and award funding on a merit basis according to the established criteria and level of funding.

Lastly, with no improvement in NIH/NSF / federal funding in sight, be it resolved that the University of Texas System consider a re-evaluation across the system by the constitutive institutions of use of extramural federal funding as a leading metric by which academic success in the biomedical and basic pure and applied sciences is measured and as a sole or principal metric for determining faculty retention and promotion.

Approved April 26, 2013

Resolution thanking Kenneth Shine

To the Executive Vice Chancellor for Health Affairs, Chancellor, and BOR:

Be it resolved that the Faculty Advisory Council wishes to thank most sincerely Kenneth Shine, MD, Executive Vice Chancellor for his work on behalf of the Faculty of the University of Texas, his commitment to a shared vision of achieving excellence in teaching, research, and clinical care, and his unwavering support for the faculty in their efforts of achieve the core missions of the University of Texas.

Approved April 26, 2013

Resolution on Computer encryption

To the Chancellor and the Executive Vice Chancellors for Health Affairs and Academic Affairs:

The UT System Faculty Advisory Council advocates a common sense approach to computer encryption. Data that would be encrypted would be restricted to that which is protected under state and federal regulation such as FERPA and HIPAA, identification data, the collection of which is authorized by the Institutional Review Board, and information that is protected by contractual agreement.

The UT System Faculty Advisory Council further asserts that certain kinds of faculty records related to students are not FERPA protected and therefore are not subject to encryption. Those kinds of records would include faculty maintained grade records and the like that are not maintained by the institution. Also included is communication about students by faculty to anyone in the institution who has a legitimate educational interest in the information.

Approved April 26, 2013