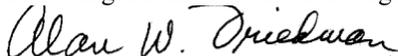


## DOCUMENTS OF THE GENERAL FACULTY

Following are the minutes of the regular Faculty Council meeting of September 16, 2019.



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  
SEPTEMBER 16, 2019**

The first regular meeting of the Faculty Council for the academic year 2019-20 was held in the Main Building, Room 212 on Monday, September 16, 2019, at 2:15 PM.

**ATTENDANCE**

**Present:** Germine H. Awad, Jamie C Barner, Phillip J. Barrish, Christina L. Baze, Darrell L. Bazzell, Marc Bizer, Stephen Boyles, Anthony L. Brown, Ethan R. Burris, Charlotte Canning, Sandra A. Catlett, Shannon E. Cavanagh, Lee R. Chesney, Gail Chovan, James H. Cox, Jim E. Davis, Glenn P. Downing, Brian L. Evans, Gregory L. Fenves, Rowena Fong, Norma L. Fowler, Luisa F. Gil Fandino, Antonio Gonzalez, Camron I. Goodman, Andrea C. Gore, Lauren E. Gulbas, Amanda Hager, Rasika M. Harshey, Kristin E Harvey, D. Eric Hirst, Kathleen Holloway, Trice Humpert, Brent L. Iverson, Amie C. Jean, Junfeng Jiao, Joel Peterson Johnson, Karen Johnson, David S. Junker, Sarfraz Khurshid, Kristie J. Loescher, Martin (Marty) J. Luby, Ayelet H. Lushkov, Alberto A. Martinez, Maurie D. McInnis, Marc A. Musick, Ami Pedahzur, Stuart A. Reichler, Donna Lynn Rew, Lorenzo A. Sadun, Jonathan L. Sessler, Timothy Michael Shanahan, Christen Smith, Geoffrey Smith, Mark J. T. Smith, Spencer Smith, Elissa C. Steglich, Ann Huff Stevens, Gwendolyn M. Stovall, Maria D. Wade, Miguel V. Wasielewski, Catherine E. Weaver, Alexandra K. Wettlaufer, John A. Yancey.

**Absent:** Michelle Addington, Jossianna Arroyo Martinez, Alex A. Beasley (excused), Christopher J. Bell (excused), Jay M. Bernhardt, Carlos M. Carvalho, Lydia Maria Contreras (excused), Ricky A. Cooks, M. Lynn Crismon, Robert Crosnoe (excused), Douglas J. Dempster, Angela M. Evans, Ward Farnsworth, Alan W. Friedman (excused), Denise L. Gilman (excused), Paul Goldbart, Lorraine J. Haricombe, Jay C. Hartzell, Teresa Hubbard, Thomas M. Hunt (excused), Elena Ivanova (excused), Daniel T. Jaffe, S. Claiborne "Clay" Johnston, Steven J. Kachelmeier (excused), Lynn E. Katz (excused), Harrison Keller, Cynthia A. Labrake (excused), Katherine (Katie) C. Lee, Michael William Lee (excused), Charles Robert Martinez, Martha Menchaca, Eric T. Meyer, Leonard N. Moore, Sharon Mosher, Thomas G. Palaima (excused), Mary Poteet (excused), Natalie S. Poulos (excused), Scott A. Rabenold, Soncia Reagins-Lilly (excused), Stephen D. Reese (excused), Brenda A. Schumann, Mark Simpson, Alexa M. Stuijbergen, Circe D. Sturm (excused), Kimberly Sullivan, Sharon L. Wood, Luis H. Zayas, Yan Zhang (excused).

Voting Members:	53 present,	24 absent,	77 total
Non-Voting Members:	10 present,	24 absent,	34 total
Total Members:	63 present,	48 absent,	111 total

**I. REPORT OF THE SECRETARY (D 17237-17241).**

Charlotte Canning (Past Chair, Faculty Council, and Professor, Theatre and Dance) read the Secretary's Report in place of Alan Friedman (Secretary of the General Faculty and Faculty Council, and Professor, English), who is on leave for the academic year.

President Fenves has appointed Memorial Resolution Committees for Wayne H. Holtzman, Professor Emeritus, Psychology; Gideon Sjoberg, Professor Emeritus, Sociology; Betty Haskell, Professor, Nutritional Sciences; Don B. Graham, Professor, English; Leland R. Munger, Associate Professor, Music; and Sidney Monas, Professor Emeritus, History, and Slavic and Eurasian Studies.

Memorial Resolutions were completed and submitted for Ben H. Caudle, Professor Emeritus, Petroleum and Geosystems Engineering; Frank B. Cross, Professor Emeritus, Business, Government, and Society; Hugh S. Forrest, Professor Emeritus, Neuroscience; William C. Powers Jr., Past President and Professor, Law; John J. McKetta Jr., Professor Emeritus, Chemical Engineering; Francis Louis Miksa, Professor Emeritus, Information, Donald T. Rippey, Professor Emeritus, Educational Leadership and Policy; Thomas A. Griffy, Professor Emeritus, Physics; Richard V. Barndt, Professor Emeritus, Law; David Charles Whitney, Professor, Journalism; Richard Mowsesian, Associate Professor Emeritus, Educational Psychology; Herbert H. Woodson, Dean Emeritus, Engineering; Wayne H. Holtzman, Professor Emeritus, Psychology; and Earnest F. Gloyna, Dean Emeritus, Cockrell School of Engineering.

Effective July 15, 2019, Ann Huff Stevens replaced Randy L. Diehl as Dean of the College of Liberal Arts. From the Council's list of recommended faculty President Fenves has appointed Professor William G. Spelman (LBJ School of Public Affairs) to serve a three-year term, through August 2022, on the University Police Oversight Committee including a one-year term as the committee's chair, 2019-20.

On June 20, Provost McInnis answered the Faculty Council Executive Committee's request for an official response to the recommendations made by the Academic Analytics Task Force. Legislation changing the Honors Day Criteria for selecting College Scholars and Distinguished College Scholars that the Council approved in May 2019 was approved by the Provost and President with non-substantive changes. The resolution of appreciation for UT Austin's administrative professionals that the Council unanimously endorsed in May was transmitted to the President for his information. He expressed his approval of the resolution.

The resolution to gather best practices on tackling difficult dialogues and trauma-informed pedagogy in classrooms that the Council endorsed on a no-protest basis in May led to the formation of a joint task force of the Student Life Committee and the Educational Policy Committee to address students' concerns. The task force will begin its work in early fall 2019. The proposal to change the Policy for Retaining the Symbol X (Temporary Delay of Course Grade) after assignment of a Final Grade, which the Council unanimously approved in May, was approved by the Provost and President. The resolution on improving financial aid to UT Austin students that the Council unanimously endorsed in May was approved by the Provost and the President. In May, the Executive Committees of the Faculty Council and the Graduate Assembly unanimously endorsed the Graduate Student Funding Resolution. It was then distributed to the Faculty Council membership via email and transmitted to the Provost for her information. In September, the resolution from the Faculty Council Executive Committee regarding the Conferral of Degrees was endorsed by the Council on a no-protest basis. No further action is required.

In July President Fenves announced that the UT System Board of Regents voted unanimously to establish a \$160 million endowment to expand financial aid for middle- and low-income UT Austin students beginning fall 2020.

On May 6, voting members of the 2019-20 Faculty Council elected its officers for next year. Members of the 2019-20 Faculty Council Executive Committee are Brian L. Evans, Chair and Professor, Electrical and Computer Engineering; Charlotte Canning, Past Chair and Professor, Theatre and Dance; Anthony L. Brown, Chair Elect and Professor, Curriculum and Instruction; Alan W. Friedman, Secretary and Professor, English; Catherine E. Weaver, Graduate Assembly Chair and Associate Professor, Public Affairs; Rowena Fong, Professor, Social Work; Amanda Hager, Associate Professor of Instruction, Mathematics; John A. Yancey, Professor, Art and Art History. President Fenves was notified of the election results on May 7.

## II. APPROVAL OF MINUTES.

Professor Canning said the minutes for the May 6 regular Faculty Council meeting (D 17070-17074) and the minutes for the May 6 special Faculty Council meeting (D 17062-17069) had been posted online. When no corrections or additions were proposed, she announced the minutes approved as submitted.

### III. COMMUNICATION WITH THE PRESIDENT.

President Greg Fenves welcomed the Faculty Council to the new academic year. He said that, over the summer, The University of Texas System Board of Regents had increased the allocation of the Available University Fund (AUF) to UT Austin. The Board also “[established] a permanent endowment for student financial aid.” This allowed UT Austin to expand the Texas Advance Commitment so that, starting in 2020, “UT students from families who earn \$65,000 a year or under” will have their tuition and fees at UT Austin “fully covered.” Students coming from families with up to \$125,000 annual income will also have some assured financial aid. Transfer students will now be included in the Texas Advance Commitment. He said that the University was “working on” providing more financial aid through private philanthropy and donors.

Dave Junker (Associate Professor of Instruction, Advertising and Public Relations) asked the President to comment briefly on the “potentially transformative” endowment covering tuition for low-income and middle-income students. Specifically, he asked about the tangible impact for low- and middle-income students, campus diversity, and the experience of being a student without the pressure and anxiety of finances. President Fenves noted that the affordability of higher education is now “in the national dialogue,” and that, despite UT Austin’s providing a high-quality education for the price, “cost remains an important issue.” In Texas, the median household income is roughly \$59,000 a year. The University wants to cover students from families up to that income level and Pell Grant recipient students. Over 8,000 students will be part of the Texas Advance Commitment; about 20% of students will have significant financial aid from the University as a minimum commitment. President Fenves said he views this endowment as “a starting point” and is working to get “our philanthropist and donor community more involved in supporting students.”

President Fenves gave an update on the retrenchment policy (*HOP 2-2230*). Five years ago, Andrea Gore (Professor, Pharmacy) catalyzed a review of the UT Austin retrenchment policy during her tenure as Faculty Council Chair. Retrenchment policies are to be used “if there is a declaration of financial exigency...by the governing board” where “financial conditions are such that major changes in the operating budget are needed.” Currently, there are “various versions under review,” and President Fenves said that he hopes “to come back to the Faculty Council Executive Committee within the next month with a new version.”

The task force on signage produced a report on the question of exterior-facing window signs. The President is “[holding] the recommendations under advisement until we give some more thought to [Senate Bill 18].” Senate Bill 18 made the UT Austin campus a “traditional public forum” in which anyone can exercise their first amendment rights.

The President said that Leo Barnes (Chief Compliance Officer) would speak about Senate Bill 212, a law dealing with the reporting of sexual assault, sexual harassment, dating violence, and stalking. He emphasized that the University takes those problems very seriously.

Before moving to questions, the President reminded Council members that the State of the University address would occur Wednesday, September 18 at 3:00pm. He said the address would include comments about ethical conduct.

Prior to the Council meeting, Stuart Reichler (Associate Professor Practice, College of Natural Sciences) submitted the following question for the President:

Workday has been UT Austin’s HR system for about one year. Yet instead of improvements, the hiring process has become demonstrably worse. This year in the College of Natural Sciences, we started the hiring process for our student employees in early August, yet over a week into the fiscal year, many of my employees have not been hired. (This is the first time that this has happened in fourteen years of hiring student employees.) Furthermore, several of my employees have had to wait for over two hours to have their I-9 paperwork processed. Workday is costing the University millions of dollars in lost productivity and additional staff hours to resolve these issues. Are there any performance goals in our contract with Workday? What is the plan for resolving these ongoing issues with Workday? Are there a timeline and performance goals for Workday to include the functionality that UT Austin needs?

Darrell Bazzell (Senior Vice President and Chief Financial Officer) said that Workday currently lacks a “mass hire process,” but had promised to deliver that functionality. The University hopes that mass hiring will be delivered as part of the biennial release. If it is not, the University will develop tools to make the process easier before the fall 2020 hiring period. Darrell Bazzell also noted that the I-9 process has “been a bit of a challenge,” with “wait lines on several occasions” for students. The University is “actively working and talking with HR folks within the schools and colleges to see if there’s a better approach.” The University anticipates that Workday will continue to try to improve the functionality of its product. Dana Chapman (Associate Vice President for Enterprise Business Information and Technology Solutions) serves as the co-lead for R1 universities negotiating with Workday.

Andrea Gore (Professor, Pharmacy) said that work-study students in her college were kept from their positions by issues with Workday. Such students could be “financially bereft...so it’s really serious.” She asked whether the University was considering workarounds or alternatives? Darrell Bazzell said that if Workday did not deliver the necessary functionality by fall 2020, the University would work with its IT (Information Technology) staff to put measures in place to accelerate the hiring process. Elissa Steglich (Clinical Professor, Law) asked why the problems posed by Workday’s lack of certain function were not foreseen. Darrell Bazzell said that the problems were foreseen and that measures were put in place to make the hiring process more efficient than it would have been. Amie Jean (Vice President, Student Government) asked whether students affected by Workday problems were being connected to the resources they need and asked how Student Government could help. Darrell Bazzell said that was a question for the Office of the Vice President for Student Affairs, but that it was his understanding that such measures were locally being taken by schools and colleges to connect students to the resources required.

Elissa Steglich asked whether the task force was able to consider SB 18 or whether the policy would be returned to the task force to consider. President Fenves said that there was “some discussion” in the task force about the intersection between the issue of exterior window signs and SB 18. He said that he does not anticipate reestablishing the task force but will continue to consider their recommendations.

#### **IV. REPORT OF THE CHAIR.**

Chair Brian Evans (Professor, Electrical and Computer Engineering) introduced the Faculty Council Executive Committee for 2019-20. He said that the committee meets once a month and also has a monthly meeting with several administrators. Over the summer, Chair Evans met with many individual members of the UT Austin community, including Ann Huff Stevens, the new Dean of the College of Liberal Arts. He also spoke at the panel for assistant professors on tenure and promotion processes at the New Faculty Symposium and met new faculty members while staffing the Faculty Council table there.

Chair Evans’ priorities for the year include: promoting a safe, diverse, equitable, inclusive, supportive environment for work and study; supporting mental health and counseling services to meet demand by students, staff, and faculty; and strengthening shared governance at UT Austin.

Chair Evans will hold Faculty Council office hours every Tuesday in Caffè Medici between noon and 2:00PM. He will meet every other week with Staff Council Chair Sandra Catlett, Rose Martinelli (Chief of Staff, Office of the Executive Vice President and Provost), Carlos Martinez (Chief of Staff, Office of the President), and others. He also meets regularly with Chair Elect Anthony Brown (Professor, Curriculum and Instruction).

#### **V. REPORT OF THE CHAIR ELECT.**

Chair Elect Brown said he had been exploring “the pressing needs of faculty” and “the issues that were brought from the previous administration regarding faculty needs on campus.” He was also determining how, as Chair Elect, to facilitate the goals of Faculty Council.

Chair Elect Brown serves as the Chair of C-3, the General Faculty Undergraduate Curriculum Changes Committee. The committee had met to discuss which proposals C-3 should review, which should go to Faculty Council for a vote, how proposals should be examined, etc. They decided to prioritize proposals that require the Provost’s approval and to send any proposal to Faculty Council on which the committee cannot reach a consensus.

Chair Elect Brown also serves as Chair for the Task Force on Difficult Dialogues and Trauma-Informed Pedagogy in the Classroom. That committee will be convening soon.

**VI. UNFINISHED BUSINESS—None.**

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

**VIII. NEW BUSINESS.**

**A. Senate Bill 212, Title IX Reporting.**

Mr. Leo Barnes said that Senate Bill 212 is a Texas state law that enforces reporting requirements for employees at public and private post-secondary institutions under Title IX. Senate Bill 212 requires that faculty and staff members promptly report any knowledge of incidents of sexual assault, sexual harassment, dating violence, or stalking committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident. Reporting must occur when the information is received “in the course and scope” of employment. Consequences for failing to report promptly or for filing a false claim may include termination and either a class A or a class B misdemeanor depending on the level of intent. The misdemeanor consequences require knowing action by having some *mens rea* for the criminal intent. The Texas Higher Education Coordinating Board is charged with developing rules and regulations for enforcing this bill. UT Austin will be following and participating in that process, and there will be a time for public comment. The law took effect September 1, 2019, but enforcement begins January 1, 2020.<sup>1</sup>

Mr. Barnes then introduced Adriana Alica-Rodriguez, the new Associate Vice President and Title IX Coordinator).

Amanda Hager (Faculty Council Executive Committee Member and Associate Professor of Instruction, Mathematics) asked for clarification regarding reporting requirements: should a report be filed if an issue involves an individual who is a student at the time the information is received or if an issue involves an individual who is/was a student at the time of the incident. Mr. Barnes said that a report must be filed if the relevant individual was/is a student at the time the incident occurred.

Philip Barrish (Professor, English) asked whether a TA (Teaching Assistant) must report an incident if they receive information from a work colleague in their capacity as a friend. Mr. Barnes replied that this was a difficult question for which he did not have a firm answer, but that the Coordinating Board should ultimately clarify what constitutes “in the course and scope” of professional duties.<sup>2</sup>

Pauline Strong (Professor, Anthropology) was granted permission to speak by Chair Evans. Professor Strong asked, “[what is] the current situation...regarding due process, and what would the University like to see in terms of due process?” Mr. Barnes said that the University’s grievance and disciplinary policies allow individuals “to tell [their] side of the story at a meaningful time in a meaningful manner,” so the University provides sufficient due process.<sup>3</sup>

Germine Awad (Associate Professor, Educational Psychology, Center for African and African American Studies, African and African Diaspora Studies, Center for Middle Eastern Studies) said that students in her courses on the psychology of women and gender sometimes disclose their experiences with sexual assault in written assignments. She asked what her responsibility would be in those situations given the potential lack of details about when and where the incident occurred. Mr. Barnes responded that the situation seemed to call for reporting

<sup>1</sup> The Texas Higher Education Coordinating Board is expected to release a draft of the rules and regulations to enforce SB 212 on or before December 1, 2019, to meet the requirement of a thirty-day comment period.

<sup>2</sup> Graduate Teaching Assistants are already mandatory reporters under Title IX. Please see <https://titleix.utexas.edu/mandatory-reporters>.

<sup>3</sup> SB 212 says “A postsecondary educational institution shall terminate the employment of an employee whom the institution determines in accordance with the institution’s disciplinary process to have committed an offense...”

and that “erring on the side of caution” was good practice if a staff or faculty member was not sure whether a report was warranted.<sup>4</sup>

Christen Smith (Associate Professor, Anthropology, African and African Diaspora Studies, Center for Women’s and Gender Studies, Center for African and African American Studies) asked whether the University planned to take steps to ensure the mental well-being of individuals whose incidents were reported to the Title IX office, particularly those students who might be contacted by the office but never wanted their incident disclosed to the University. Mr. Barnes said that the bill allows the University to designate “confidential” positions where individuals can take an incident without the risk of their name being reported to the Title IX office. Adriana Alicea-Rodriguez added that complainants have the opportunity to request that the matter be dismissed and that the goal then becomes connecting those students to accommodations and resources on campus. She said that the Title IX office is currently addressing the risk of inadvertently harming the mental or emotional health of students who may not want the University to know about their incidents.<sup>5</sup>

Norma Fowler (Professor, Integrative Biology) suggested that UT Austin could reach out to the Austin Police Department and/or the District Attorney’s office because both have an “extremely good victim services office.” She asked whether a staff or faculty member who knows that a specific incident has been reported still needs to report it. Adriana Alicea-Rodriguez responded that an individual who learns about an incident should report it even if they know or think it has already been reported.

Hillary Hart (Director, Experiential Learning Initiatives and Distinguished Senior Lecturer, Civil, Architectural, and Environmental Engineering) was given permission to speak by Chair Evans. She asked how students were being prepared for the changes. Adriana Alicea-Rodriguez said the University was committed to making sure that students are aware of the new law and its expectations.

Ayelet Lushkov (Associate Professor, Classics) asked whether you would be expected to report an incident that a student discloses but then explicitly says they do not want reported? Adriana Alicea-Rodriguez confirmed that, yes, the law is written in that way. Professor Lushkov then asked whether reporters would be expected to report incidents that occurred before January 1, 2020? Mr. Barnes said yes. Incidents that occurred before, on, or after January 1, 2020 need to be reported.

#### **B. Voices Against Violence Program: Prevention and Clinical Services**

Marla Craig (Senior Associate Director for Clinical Services, CMHC) described several clinical services offered by the Counseling and Mental Health Center (CMHC) including:

- Immediate access to a Brief Assessment and Referral Team (BART) counselor to determine next best steps
- One-time sessions with a counselor
- Crisis and emergency services including a team of clinicians on-site
- Short-term individual counseling
- Consultations regarding off-campus counseling and mental health resources
- Specialized counselors for substance use and abuse, eating disorders and body image concerns, trauma, and sexual assault
- Counselor in Academic Residence (CARE) program
- Diversity counseling and outreach specialist program
- Groups and workshops
- Mind-body lab
- Self-help modules and library on CMHC website
- 24/7 crisis center

Katy Redd (Associate Director for Prevention, CMHC) introduced the Voices Against Violence program, which includes both clinical and preventative services for interpersonal

<sup>4</sup> Faculty members are already mandatory reporters under Title IX. Please see <https://titleix.utexas.edu/mandatory-reporters>.

<sup>5</sup> The UT Title IX Office provides a list of confidential, private and other resources for survivors of sexual violence at <https://titleix.utexas.edu/campus-resources>.

violence. Faculty can make use of their services by requesting a class presentation/workshop. They offer traditional workshops as well as “theater for dialogue,” an interactive workshop where participants can practice difficult conversations concerning consent and healthy relationships.

Bree Van Ness (Peer Advocacy Coordinator) spoke about the advocates and the Interpersonal Violence Peer Support Program in Student Emergency Services. These two resources are not required to report to Title IX. There are two advocates in the office available to speak with students about their reporting options and accommodations. The Interpersonal Violence Peer Support program is a group of trained student volunteers who provide support to other students. The volunteers undergo over forty hours of training to learn about the dynamics of interpersonal violence, what resources are available to students on and off campus, and how to provide trauma-informed care. Both services are available in the Student Services Building on the ground floor.

**C. BeVocal, Bystander Intervention**

This presentation was postponed due to time constraints.

**D. SHIFT Program**

Susan R. Hochman (Associate Director, University Health Center and CMHC), Brent Iverson (Dean, Undergraduate Studies), and Lori K. Holleran Steiker (Associate Dean of Undergraduate Studies) introduced the SHIFT program, an initiative bringing faculty, students, and staff together to “shift the conversation” around substance use and abuse on campus. Kate Lower (Director, SHIFT Program) said that SHIFT is “a bold call to action” made possible by a generous gift from an alumnus. SHIFT includes all members of the campus community in an effort to synthesize “academics and student affairs” to change the conversation about substance use. Faculty can participate in SHIFT in various ways. Some faculty members in the School of Undergraduate Studies have integrated SHIFT-related content into their courses to encourage students “to reflect mindfully about how they make their decisions around substance-use.”

There are six different pilot programs that involve the classroom, the larger community, technology, and other areas of student life. The SHIFTovation grant award is available to any campus community member with an idea for changing the culture of substance use. The launch of SHIFT will occur Tuesday, September 24, 2019 at the Perry-Castañeda Library.

**IX. ANNOUNCEMENTS AND COMMENTS**

- A. Civitatis Award nominations due in the Office of the General Faculty by October 14.
- B. Faculty Council members’ Grievance Hearing Pool representatives are due in the Office of the General Faculty.
- C. Annual meeting of the General Faculty will be held October 14 in Main 212 at 2:15 PM. The second meeting of Faculty Council will follow immediately.

**X. QUESTIONS TO THE CHAIR—None.**

**XI. ADJOURNMENT**

Chair Evans adjourned the meeting at 3:45 PM.