

THE UNIVERSITY OF TEXAS AT SAN ANTONIO

DOCUMENTS AND PROCEEDINGS OF THE GENERAL FACULTY

**SUMMARY MINUTES OF THE
FACULTY SENATE MEETING
Of February 16, 2023**

The regular monthly meeting of the Faculty Senate for the 2022-2023 academic year was held February 16, 2023 at 3:30 p.m. via Zoom (online meeting) with Dr. René Zenteno, Chair of the Faculty Senate, presiding.

I. Call to order and taking of attendance.

Present: René Zenteno, Chris Packham, Curtis Brewer, Mary McNaughton-Cassill, Sonya Aleman, Kirsten Gardner, Alex Godet, Andrew Lloyd, Valerie Sponsel, Chad Mahood, Victor Villarreal, Hector Aguilar, John Alexander, August (Gus) Allo, David Beheshti, Kiran Bhaganagar, Lorenzo Brancaleon, Whitney Chappell, Candace Christensen, Sidury Christiansen, Neil Debbage, Victor DeOliveira, Mary Dixson, Ginny Garcia, Zaid Haddad, Marcus Hamilton, Ying Huang, Drew Johnson, Michael Karcher, Kim Kline, Huy Le, Charles Liu, Dennis Lopez, Ashwin Malshe, Justin Marmolejo, Branco Ponomariov, Jeff Prevost, John Quarles, Rica Ramirez, Lauren Riojas Fitzpatrick, Devon Romero, Kirk Schanze, Arturo Schultz, Kerry Sinanan, Maho Sonmez, Marie Tillyer, Zijun Wang, David Weber, Alistair Welchman, Zenong Yin, Tianou Zhang

Absent: James Chambers (excused), Dmitry Gokhman, Brian Laub, George Perry, Sue Ann Pemberton, Gabriela Romero Uribe (excused), and Humberto Saenz

Guests: Heather Shipley, Carlos Martinez, Brian Evans, Ann Marie Ryan, Joe Izbrand, Mason Hickok, Xunwu Chen, Marisol Cortez, Katherine Gillen, James McDonald, Lilliana Patricia Saldaña, Mel Webb, Ximena Barbagelatta Grau, Angela Griffith, Yvette Milo and Debbie Howard Rappaport

Total members present: 51 Total members absent: 7

II. Consent Agenda

- Approval of Minutes – January 19, 2023 Faculty Senate Meeting
- Approval of the following proposals which were approved at the February 7, 2023 Graduate Council meeting:
 - Graduate Certificate in Music Theory Pedagogy
 - M.A. Curriculum & Instruction – adding a new concentration in Dual Credit
- The Minutes and the Graduate proposals were approved.

III. Reports

University Leadership Update (Legislative Update) – Carlos Martinez, Sr. Vice President for Institutional Strategic Planning, Compliance Risk Management and Office Operations, Chief of Staff

Dr. Zenteno thanked Carlos for attending the Faculty Senate meeting and representing President Eighmy's office to discuss legislative items that are currently being discussed in Austin.

- Mr. Martinez introduced himself and stated that prior to his arrival at UTSA he worked at UT Austin for approximately 10 years and the UT System family for around twenty years. He mentioned his portfolio included representing academic institutions and UT Austin before the Texas legislature which provided him the opportunity to gain knowledge and expertise regarding the legislative processes.
 - House and Senate meet once every two years for 140 days;
 - Rules and procedures are not intuitive; Mr. Martinez and others in his role assist in helping to interpret the process;
 - 88th Legislature's regular session opened on January 10, 2023 and runs through May 29, 2023;
 - Although there are a multitude of bills that are filed approximately 35% will pass;
 - However, only one bill has to pass and that is the budget bill – SB 1 is making its way through the process;
 - You need both chambers support for a bill to be presented to the Governor to be signed into law;
 - President Eighmy testified before the Finance Committee last week and will testify before the House Appropriations Committee next week to discuss UTSA's budget requests.
- Mr. Martinez discussed the recent press release from Lt. Governor Dan Patrick where he outlined his priorities. He mentioned this is standard procedure that both the Lt. Governor and the Speaker of the Texas House identify their priorities. They both reserve the lower numbered bills as their priorities (first 30 bills). The House Speaker has not publicly identified his priorities yet, but should do so soon. Mr. Martinez mentioned that the bills, except for the budget bill, have not been filed yet, but his office will be monitoring this. Of the priorities mentioned in the Lt. Governor's press release which will impact higher education:
 - Diversity, Equity, Inclusion
 - Gender Issues
 - Critical Race Theory

Mr. Martinez mentioned that Jason Hassay, Associate VP for Governmental Relations, is located in Austin and is responsible for monitoring the legislative process and to deliver our message to members of the legislature.

- Mr. Martinez stated that although some of the bills have not been filed yet, his office has received an inkling of the language that could be included. He mentioned the bills go through several iterations receiving feedback from many stakeholders including business leaders, other university system constituents, etc., and commented that how a bill is originally filed is not likely the end product. He

further stated that bills go through committee hearings and many are being edited during the last few days of the general session (end of May).

Dr. Zenteno thanked Mr. Martinez for attending the Faculty Senate. Dr. Zenteno and Dr. Chris Packham recently attended the UT System Faculty Advisory Council meeting with the participation of UT-System authorities, including UT System Chancellor Milliken and Stacey Napier, Vice Chancellor for Governmental Relations, wherein their group discussed legislative matters. At the meeting, the SYSFAC members were informed that public confidence is the only currency of public universities and data shows that:

- Public confidence regarding universities is low and has been decreasing over the years.
- The perception that universities are not a good return of investment is one of reasons that public confidence in universities is at the lowest point in recent years; and
- The public believes it has very little input in what is being taught at public universities.

Dr. Zenteno stated the Chancellor indicated that more work needs to be done to educate the public on the value of universities to society.

Dr. Zenteno learned at the SYSFAC meeting that legislation may be filed centering around the following issues pertaining to higher education:

- Tenure
- Critical Race Theory (CRT)
- Diversity, Equity and Inclusion (DEI)

He further commented that tenure is a priority for the Lt. Governor of Texas and the bill may contain language that may eliminate tenure for all faculty in public universities in Texas. While such a bill will unlikely pass, it may end with discussions such as moving comprehensive post-tenure reviews to five instead of six years.

In addition, Dr. Zenteno stated there are two proposals related to DEI, also it doesn't seem that CRT has the same steam as DEI at this time.

- Mr. Martinez reiterated the bill process and that bills are not finalized until the end of session (May). He mentioned the strategy for managing the bills is to be deliberate in responding. The leadership team and constituents have learned from this process in Texas and other states is there will be an attempt to energize the other side so it's important to be thoughtful and deliberate on how and when you respond.
- Mr. Martinez also reminded the Faculty Senate they do not surrender their right to free speech and to petition the government as a state employee; however, there are restrictions:
 - You may not use state resources such as state time, your state office, UTSA email or stationery for communicating your views, or positions. There is a law that says you may not use state resources to oppose or support any legislative measure;
 - You may represent your own personal position as a private citizen;

- [HOP 4.19 Involvement of the University and University Personnel in Community or Political Affairs;](#)
- Only the President of the university and the UT System Board of Regents may represent the university.

Q&A Session with Carlos Martinez

Question – We need more information on the legislation that prohibits faculty from advocating against or for legislation? Could we have guidance as we represent faculty on many of these issues?

Answer – As a state employee, whether it is as a faculty member or staff member or whatever role you play, we are public employees and subject to following the current law. If the advocacy involves supporting or opposing legislative measures, you cannot use your UTSA email or letterhead whether it is as a faculty member or as a faculty association. There are associations that you may be able to work through to advocate your position, but the law prohibits you, as a state employee to use state resources.

Question – How does this apply to the Senate resolution that was passed last year which Faculty Senates at other institutions passed last year—regarding the legality? The resolution was in support of the principles of academic freedom, teaching of CRT, and support of gender issues.

Answer – Mr. Martinez mentioned he had not read the resolution, but imagines it indicated support or opposition to a measure, but if it was last year, there was no legislation as they were not in session. Mr. Martinez mention the law does not prohibit sharing factual information. If someone is asked by a legislator about the impact a measure will have on teaching or research, you are allowed to provide an answer to that question.

Question – What is the university’s plan if the bills pass and if they remain in their current form and speak on the issues we are currently concerned about? How do we assist faculty who conduct research in those areas?

Answer – Mr. Martinez stated that he did not feel it was wise to speculate at this time as his office has not seen any language for those particular bills as they have not been filed yet. Mr. Martinez stated that UTSA knows there is a spectrum from nothing to everything and their work is to create an environment to support the work of our faculty.

Comment – One Senator offered her concern about other states specifically Florida and Georgia, providing a model/playbook for other states to use to write their bills/legislation. She mentioned that SB 3 passed last year and she is teaching teachers who are no longer able to teach a variety of subjects, including Black history and Black authors. She feels very discouraged and believes the Faculty Senate needs to have a plan.

Response – Dr. Zenteno stated that he believes the best course of action for the Faculty Senate is to have conversations with the university administration regarding the implications on the various bills and how best to respond within the confines of how we operate within the institution. Mr. Martinez mentioned that Texas is a conservative state and urged caution with any response and to work within the parameters he has mentioned earlier.

Comment – One Senator offered concern about categorizing faculty as a monoculture, both politically and socially. The Senator agreed that the Faculty Senate should develop a plan

should any bill pass. But, she represents her entire faculty and those are political issues and she does not represent her faculty on political issues, she represents her faculty on academic issues. Our job is to preserve academic freedom and she wants to see that, as well as tenure continue. So, we need to be cautious on the narrative the Senate uses in terms of general political issues.

The other Senator thanked her for her comments and clarified that she was not speaking for the faculty, but was referring to general public opinion. The Senator referenced a poll conducted by the University of Houston's School of Public Affairs and stated that statistics show there is little support for the measures we are discussing today.

Response – Dr. Zenteno thanked both Senators for their discussion and thanked Mr. Martinez for providing the Faculty Senate with the legislative update. Mr. Martinez offered to come back to the Faculty Senate to provide another update.

American Association of University Professors Update – Brian L. Evans, PhD, Vice President, Texas AAUP Conference, Engineering Foundation Professor of Electrical and Computer Engineering at the University of Texas at Austin (***PowerPoint presentation uploaded to Faculty Senate SharePoint site and [website](#)***)

Dr. Zenteno thanked Dr. Evans for attending the Faculty Senate meeting to update the group on his work with AAUP, academic freedom and other faculty issues.

- Dr. Evans stated that it's important to mention when advocating for an issue to state up front that he is speaking for himself as an individual. Dr. Evans is not speaking on behalf of any group, institution or organization.
- Dr. Evans spoke on academic freedom to the Faculty Senate. He stated academic freedom dates back to the 1500's and 19th century in Germany. Principles were developed in conjunction with administration and faculty in 1915 and 1925. Then in later years, the principles now being used were developed with the American Association of Colleges and become the 1940 Statement of Principles on Academic Freedom & Tenure:
 - Academic freedom for teachers in teaching, research and expression;
 - Jointly issued by American Association of University Professors (AAUP) and what is now American Association of Colleges & University (AAC&U);
 - UTSA and 900+ others are AAC&U members;
 - Adopted in UT System policies (Regents' Rule 31004); and
 - Safeguards include tenure, due process and shared governance
- Dr. Evans reviewed the four interrelated elements of academic freedom which also apply to anyone employed in a teaching role in higher education or anyone in a research/post-doctoral scholar.
- Dr. Evans stated that tenure is a very important part of academic freedom for faculty and has been declining over the years. He mentioned it's down 26% nationally for tenure and 10% for tenure-track. Tenure is a promise of additional scholarship and trajectory to larger projects and curriculum development, which may take 6-10 years to come to fruition. There is extra protection that come with tenure including rights, freedom and economic security.

- Following the 1940 Statement, the 1966 Statement on Government of Colleges and Universities was developed:
 - Jointly formulated by AAUP, ACE and AGB;
 - UTSA is a member of American Council on Education (ACE);
 - UT System is a member of the Association of Governing Boards of University and Colleges (AGB); and
 - Describes the roles for Faculty, President, and Governing Board

These three groups came together to determine principles and how to govern, for instance, faculty have primary authority over curriculum. Approximately, 1400 universities have adopted these principles of mutual understanding.

- Dr. Evans spoke about advocacy for higher education and that faculty have knowledge and experience to be effective in advocating for higher education values. He stated that the President bears the legal responsibility to represent the university, but there is shared governance with faculty, students and staff.
 - You have freedom to advocate as a private citizen using your First Amendment Rights or member of an advocacy organization; if you are speaking on behalf of an advocacy organization you need to abide by their standards based on their tax status;
 - Be clear who you are speaking for; be clear you are not speaking on behalf of the institution when you are not allowed to do so; and
 - Strength and efficacy in working with others.
- Opportunities for advocacy:
Dr. Evans stated that he participated in the Orange and Maroon Legislative Day on February 15, 2023. They had a set of talking points. This is a group of former students at UT Austin and Texas A&M as well as faculty and staff at both institutions to advocate at the Texas Legislature. Their topics included:
 - Affordability for students;
 - Research support;
 - Semiconductor R&D and manufacturing;
 - Improve campus mental health resources and staff; and
 - Fully fund Texas Hazlewood Act mandates for Veteran dependents

Both Chancellors and Presidents were present.

Texas AAUP Advocacy also organizes faculty:

- Academic Freedom;
- Tenure; and
- Shared Governance

They also affiliated in August with the American Federation of Teachers, which has incredible resources.

Texas AAUP has teamed up with the Texas AFT and have visited legislators in Austin twice. They have incredible resources as well. The slides contain the link to the Pledge to Support Higher Education in Texas (page 9). Lots of opportunities to advocate for higher education values. Chancellor Milliken was very supportive of their efforts.

Q&A Session with Dr. Brian Evans

Question – Is there an AAUP Chapter at UTSA?

Answer – At this time, no, UTSA does not have a chapter. There is a chapter at Texas A&M San Antonio that is very active. There is also a very large group at Alamo Colleges-American Federation of Teachers Local. (The chat referenced that Marisol Cortez was interested in forming a chapter at UTSA. If anyone was interested they should contact Dr. Cortez, marisol.cortez@utsa.edu)

Question – What is the AAUP’s position, in your view, regarding the pending bills?

Answer – The Texas AAUP Conference is able to express its position on bills; however, the organization has not crafted any language to date on any particular bill.¹ We follow the Principles on academic freedom and tenure and shared governance; we would like to see the current strength in Texas law to support us to continue. There are a lot of bills that have not been filed yet (SB 15-19 inclusive). AAUP has a higher education bill tracker and will follow those bills using that system and will provide an analysis and impact statement of the bill. Dr. Evans mentioned one of the guests attending the meeting today is from the Texas A&M San Antonio Chapter and is available to answer any questions – Katherine Gillen – kgillen@tamusa.edu

Comment – Dr. Zenteno mentioned that UTSA will also have a legislative day at the capitol in Austin and asked Carlos Martinez if he could comment.

Response – Mr. Martinez stated that UTSA’s Capitol Day is Wed., February 22, 2023. President Eighmy, alumni, students and other leadership will be walking the halls and meeting with legislators and highlighting the work we do. It will be similar to the Orange and Maroon Day. Dr. Evans stated it’s great to tell your story to the legislators.

Dr. Zenteno thanked Dr. Evans for attending the Faculty Senate meeting.

A. Chair’s Report – René Zenteno

Dr. Zenteno reminded the Faculty Senate that the Strategic Plan Refresh is in process at this time and each Dean should be updating their respective colleges on how to participate in the providing feedback. Dr. Zenteno further stated that if you were unable to watch the President’s State of the University 2023 address, there is a link in his report. The talk contains important information about the performance of the university and how UTSA plans to move forward in the next years.

With regard to the current discussion surrounding the legislative update, Dr. Zenteno mentioned:

- President Eighmy testified before the Texas Senate Finance Committee on Feb. 8, 2023;

¹ On February 20, 2023, Dr. Evans emailed Dr. Zenteno to correct a statement from his presentation when he stated the Texas AAUP Conference does not take a position on bills filed in the State Legislature. However, after checking with the Texas AAUP communications director, he wanted to rectify: the organization can take positions on bills. Currently, they have yet to take any positions.

- President Eighmy is scheduled to testify before the Texas House Appropriation Committee about UTSA's budget request February 21, 2023; and
- Texas Senate and House Higher Education Committees may request institutional testimony at any point throughout the session on any matter.

The meetings, organized by the Provost's office, between the Faculty Senators and Deans to discuss the following issues have been or are being scheduled:

- IRM-Budget transparency;
- Compression exercises;
- Use of COVID Statements in annual evaluations; and
- FTT's

COLFA and ACOB meetings were held this week.

B. Secretary of the General Faculty – Chris Packham

Dr. Packham mentioned that Dr. Zenteno has covered everything from the UT System Faculty Advisory Committee meeting in his report regarding the legislative update. Dr. Packham stated one item covered in the meeting concerned the positivity of the budget outlook within the State of Texas which may flow down to higher education budgets.

C. University Curriculum Committee – Andy Lloyd

- Early Childhood Education Certificate

Dr. Lloyd stated the University Curriculum Committee met to review the Early Childhood Education Certificate. The committee unanimously approved the proposal and has no questions or concerns regarding the certificate. The committee is excited about the program which is geared toward teaching pre-kindergarten through 6th grade. Dr. Lloyd asked the Senate if they had any questions for the department chair, Ann Marie Ryan, who was in attendance.

Dr. Zenteno stated under Roberts' Rules of Order, he learned the Faculty Senate may adopt the program without voting. He stated if there are any objections to the proposal, then the Senate would need to vote; however, if there are no objections to the proposal, the Senate can adopt the proposal. With no further discussion or objections to the proposal, the Faculty Senate approved the Early Childhood Education Certificate by general consent.

D. Graduate Council Chair – no report

E. Academic Freedom, Evaluation and Merit Committee– Kerry Sinanan

Dr. Sinanan stated the AFEM Committee discussed merit pay and will be asking for more transparency regarding how it was allocated. Dr. Sinanan stated she believes Dr. Zenteno is following up on their request with the Deans because merit pay is distributed on a college-by-college basis. The committee is also inquiring about future plans for merit pay going forward and to determine if they are in line with other R1 salaries at other institutions across the country and in Texas. The committee thanked those who participated in providing information to them, especially Hector Aguilar representing FTT faculty. The AFEM committee is asking for clarity on rules for FTT titles and FTT promotion guideline process.

Dr. Sinanan wanted to remind the Faculty Senate about the resolution that was passed last year by 2/3 majority of the Faculty Senate regarding academic freedom, DEI, and issues that are currently in HB 1006. The AFEM Committee is seeking to ask the Senate to consider how to go about fulfilling the resolution in advocating to protect academic freedom and advocating to protect specific areas that may arise in upcoming legislation.

F. Budget Committee – Kirsten Gardner

Dr. Gardner stated the Budget Committee submitted a question to Academic Affairs seeking clarity to learn how the IRM model has helped faculty. In response to the question, the Provost scheduled a meeting between the Faculty Senate Executive Committee and Budget Committee, the Academic Deans and the Provost. Each Dean explained how they are utilizing IRM. The FS Executive Committee and Budget Committee found their responses to be transparent and clear; each are using it and have a lot of flexibility within the model. Dr. Gardner noted there are a few trends with the incentivized management funds:

- Used for FTT salary increases;
- Used for compression or for retaining faculty; and
- Used to start new initiatives within their colleges

The Budget Committee is following up with a request from the Deans to provide a written summary once a semester as to how they allocate their funding. Similar to the meeting that was convened recently with the FS Executive and Budget Committees.

Two issues the Budget Committee is currently working on which will be presented to the Faculty Senate Executive Committee:

- Above-mentioned routine request on transparency on IRM; and
- Increase to adjustments for salary

One Senator had a question concerning how the IRM formulas are used to determine revenue that each department generates. Dr. Gardner stated that it's ultimately the Dean's decision. The committee also expressed concern if faculty feel they do not have good communication with a department chair or if the chair is new due to turnover in the position. It's clear the department chair has an important role with the budget, but it's also clear that it's ultimately the Dean's decision on IRM. The Budget Committee is requesting the Deans use the same transparency with their faculty as they did with the Budget Committee so there is clear communication each semester.

G. HOP Committee – no report

H. Research Committee – Alexis Godet

Dr. Godet stated the Research Committee met with Interim VPREDKE, Jaelyn Shaw, as well as Jennifer Silver, Veronica Stoller, and Mickey Stevenson. They reported progress has been made with post-award backlog within the Grants & Contracts Financial Services (GCFS) office. There is also improvement in the time to set up grants. If you are still experiencing delays or hear of others experiencing delays, please let Dr. Godet or your Senator know and he will pass that information on to Jennifer Silver. Dr. Godet mentioned there is a pilot program in HCaP to better define roles and responsibilities of faculty and

staff to enhance communication between the groups and their offices. The committee recalled that Jaclyn Shaw mentioned their office conducted a pilot program within the College of Sciences where they embedded post award staff within the COS building to assist faculty. However, it may not have been widely known as faculty were not utilizing this service. We need to ensure faculty are aware through the VPREDKE newsletter or other communication.

Dr. Godet mentioned that Jaclyn Shaw reported the Phase one clean-up from Huron should be completed by March. Phase Two automation of processes may also start in March. The Committee inquired about the status of NRUF and UTSA is doing well with the research expenditure criteria for this submission. Hopefully, we will know the results in late spring or summer. The Research Committee and VPREDKE/Jaclyn Shaw will be meeting on a monthly basis—their next meeting will be on March 20, 2023.

Request from Mickey Stevenson for three Faculty Senators on the Research Committee to participate in research ethics training which is due following changes in Federal regulations.

Dr. Godet also mentioned the on-campus interviews for VPREDKE are going on at this time. The Faculty Senate Executive Committee has been invited to attend meetings. Hopefully, the faculty has been able to attend the open forums. The candidates are high caliber and it's nice to see UTSA attracting quality candidates for this position.

As an aside, Dr. Godet stated that following the meeting on IRM, the College of Sciences Dean scheduled a meeting with the Faculty Senators to review IRM.

IV. Unfinished Business – None

V. New Business:

A discussion was held regarding the use of the parking garages during Fiesta. One Senator mentioned her department hosts a program each semester and participants purchase parking passes to participate in the program which benefits the university and the community. However, Fiesta takes place in April during their program and their department was informed the parking lots/garages are unavailable. She does not know who to speak to as this is a very important program for their department. Mary Dixson suggested she contact Clay Haverland, Asst. VP for Campus Services, as Parking reports to him and Mary believes he should be able to find a work-around for their department. Dr. Zenteno offered to share the concern with the Provost as well.

A discussion was held regarding F&A as this is the time the funds are being returned to the departments. The rate of F&A that is being returned to the Centers and Institutes is being dramatically decreased and will decrease in the years to come. One Senator was asked to see if other colleagues/colleges have seen the same decrease or rationale for the decrease. One senator stated that while he was serving as Associate Dean for Research, the F&A monies were sent to the Deans and they allocated the funds. He believes the C&I Directors had to request or advocate for the monies. He was unclear on the process, but was aware there was a change in his college. The Senator thanked his colleagues for the discussion and stated he will continue to look into the situation.

Another discussion was held regarding the issue about the university asking faculty/instructors to immediately switch to remote learning for short-term cancellations due to weather-related or emergency situations. The Faculty Senator mentioned her department chair asked her to bring this matter to the Senators as they expressed their concern. Also, the chairs were concerned about the manner in which it's being communicated—through social media before going through email so faculty are not always aware of the changes. The Senator cited HOP 9.15 which permits the suspension of normal operations and classes during severe weather conditions or emergencies. She is seeking clarification from the Faculty Senate around teaching modalities. Dr. Zenteno mentioned that he attended the Department Chair's Council meeting where this was discussed and has already received communication from department chairs to bring the discussion to the Faculty Senate. He will work with the FS Executive Committee on this matter.

The next meeting of the Faculty Senate will be held on Thursday, March 9, 2023. We anticipate hosting the meeting in a hybrid format: Zoom and in the Assembly Room, JPL 4.04.22. We look forward to seeing those who can attend in person.

VI. **Adjournment:**

There being no further business, a motion was made by Alex Godet, seconded by Kirsten Gardner and the meeting concluded at 5:02 PM