

THE UNIVERSITY OF TEXAS AT SAN ANTONIO

DOCUMENTS AND PROCEEDINGS OF THE GENERAL FACULTY

SUMMARY MINUTES OF THE FACULTY SENATE SPECIAL MEETING of March 7, 2013

A special meeting of the Faculty Senate for the 2012-2013 academic year was held March 7, 2013, at 4:00 p.m. in the University Room (BB 2.06.04) with Dr. Rebekah Smith, Chair of the Faculty Senate, presiding.

I. Call to order and taking of attendance

Present: Diane Abdo, Maria Arreguin-Anderson, Natasha Burns, Fengxin Chen, Renee Cowan, Glenn Dietrich, Jim Dykes, Martha Fasci, Donovan Fogt, Yongli Gao, Mark Giles, Robert Hard, Drew Johnson, Richard Lewis, Christine Linial, Lydia Martinez-Rivera, John Merrifield, Byongook Moon, Anand Ramasubramanian, Misty Sailors, Dan Sass, Rebekah Smith, Johnelle Sparks, Woodie Spivey, Heather Trepal, Alistair Welchman

Absent: Robert Ambrosino (excused), Rajesh Bhargave, Kimberly Bilica, Mark Blizard (excused), Frank Chen (excused), John Frederick (excused), Anne Hardgrove (excused), Richard Harris (excused), Rosalie Herber, Yufei Huang, Jerome Keating (excused), Donald Kurtz, Juliet Langman (excused), Melvin Laracey, Francisco Marcos-Marin, Marian Martinello (excused), Marcelo Marucho (excused), Emilio Mendoza, Joycelyn Moody, Judith Perry, Branco Ponomariov, Libby Rowe (excused), Juana Salazar (excused), Rodolpho Sandoval, Qi Tian (excused), Bennie Wilson (excused), Floyd Wormley

Guests: Sarah Leach, John Reynolds (for Anne Hardgrove), David Romero (for Melvin Laracey), Jianhua Ruan (for Qi Tian), Armando Trujillo (for Juliet Langman), Raydel Tullous (for Jerome Keating), Hung-da Wan (for Frank Chen), Juliet Wiersema (for Libby Rowe)

Total members present: 26 members and 7 substitutes

Total members absent without substitute: 19

II. Reports

A. Resolution re: Conflict of Commitment/Conflict of Interest – Rebekah Smith

Dr. Smith made a motion to go into executive session. The vote was seconded and unanimously passed. After discussion in the executive session, the voting members present passed the following resolutions unanimously:

1. Support of SYSFAC Resolutions on Conflict of Interest/Conflict of Commitment and Resolution on Rights to Privacy

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.

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.

Statement of support passed unanimously by the Faculty Senate of the University of Texas at San Antonio on March 7, 2013.

2. Faculty Senate Resolution on Conflict of Interest/Conflict of Commitment Policy

Whereas, *Regents' Rule 40101* stipulates that “faculties ... shall have a major role in the governance of their respective institutions” in the area of faculty rules of procedure, and

Whereas, the University of Texas at San Antonio has in place an approved policy on the development of new HOP policies HOP 9.03 *Handbook Of Operating Procedures Amendment Approval Process*, and

Whereas, the model policy for conflict of commitment does not follow recommendations of the Blue Ribbon panel formed by the UT System, and

Whereas, the model policy contains contradictions both internally and with existing policies, and

Whereas, inclusion of sensitive data such as social security numbers in a database that will in any form be searchable by individuals outside of the institution creates the potential for unauthorized access to sensitive data and directly contradicts the recent efforts by the UT System to increase the protection of sensitive data, and

Whereas, the stated purpose of the model policy is “*to protect the credibility and reputation of the U.T. System, of [INSTITUTION] and of members of the faculty and staff by providing a transparent system of disclosure, approval, and documentation of employee activities outside U. T. that might otherwise raise concerns about conflicts of interest or conflicts of commitment. The policy also serves the purpose of ensuring compliance with State ethics laws and Regents' Rules. Finally, the policy is intended to provide the framework for rules and procedures that will clearly delineate permissible outside activities,*” this purpose can be served without the inclusion in a publicly searchable database of information on conflict of commitment and conflict of interest that is directly tied to information on research expenditures and teaching assignments, and

Whereas, the inclusion of and direct association of information on conflict of commitment, conflict of interest, compensation, research expenditures, and teaching assignments within a publically searchable database appears to serve a purpose that could threaten academic freedom and counter the best interests of our institution, students, staff, and faculty, and

Whereas, the UTSA Faculty Senate objects to the development of a publicly searchable database related to this policy, and

Whereas, the institutions are responsible for compliance and for any related training of employees,

Therefore, be it resolved that the Faculty Senate of the University of Texas at San Antonio makes the following proposals with respect to development and implementation of a policy on Conflict of Interest/Conflict of Commitment:

1. Policy development shall follow the processes specified in the UTSA HOP; and
2. Policy development shall allow for full stakeholder input during the academic year; and
3. Policy development shall include full consideration of the recommendations of the Blue Ribbon panel on conflict of commitment formed by the UT System; and
4. Any database, including compensation ranges, shall be consistent with existing requirements for reporting of conflict of interest and shall allow for single entry of information to comply simultaneously with policies on conflict of interest, conflict of commitment, and federal regulations; and
5. Individual institutions shall maintain their own database with a once yearly push to the UT System of management plan data only; and
6. Information on confidential activities shall not be included in the database; and
7. The database shall not contain social security numbers; and
8. The database shall not include information on gender, race, and ethnicity; and
9. The database shall not include information unrelated to conflict of interest/conflict of commitment; and
10. Any database containing information on conflict of interest, conflict of commitment, and outside employment shall not contain linked information on teaching assignments or research expenditures; and
11. Any publicly searchable database shall not include details of any management plan but instead shall simply indicate whether there is a potential conflict of interest or conflict of commitment and that a management plan is in place should such a plan be necessary.

Resolution passed unanimously by the Faculty Senate of the University of Texas at San Antonio on March 7, 2013.

B. Senate Ad Hoc Committee on Peer Observation of Teaching – Richard Lewis
Dr. Lewis distributed a brief survey to assist in his committee’s review of the presence or absence of a departmental by-law policy.

III. Adjournment

There being no further business, a motion to adjourn was made, seconded, and unanimously passed at 4:57 pm.