

**DRAFT: FACULTY SENATE MINUTES  
SAM HOUSTON STATE UNIVERSITY**

7 November 2013  
3:30 p.m. – 5:00 p.m.  
Austin Hall

**Members present:**

Nancy Baker (CHSS); Don Bumpass (COBA); Kevin Clifton (COFAMC); James Crosby (CHSS); Donna Cox (COE); Mark Frank (COBA); Randall Garner (COCJ); Richard Henriksen (COE); Joan Hudson (COS); C. Renée James (COS); Mark Klespis (COS); James Landa (CHSS); Hayoung Lim (COFAMC); Paul Loeffler (COS); Dennis Longmire (COCJ); David McTier (COFAMC); Sheryl Murphy-Manley (COFAMC); Diana Nabors (COE); Lisa Shen (NGL); Stacy Ulbig (CHSS); Mary Anne Vincent (COHS); Anthony Watkins (COFAMC); Pam Zelbst (COBA).  
Mateo Zuniga (IT) was also present.

**Members not present:** Helen Berg (COE); Tracy Bilsing (CHSS); Jonathan Breazeale (COBA); Madhusudan Choudhary (COS); Jeff Littlejohn (CHSS); Dwayne Pavelock (COS); Debra Price (COE); Doug Ullrich (COS); on leave: Tom Cox (CHSS).

**Called to order:** 3:30 p.m. in LSC 304 by Chair Renee James

**Special guests:** Jacob Chandler

**Approval of minutes:** October 24 minutes approved.

**Chair's Report**

**EEO, Benefits and Same-Sex Marriage Issues**

Since same-sex marriages can be legal in other states but are not recognized as such in Texas, the rights and options usually extended to marriage partners are not available for the spouses of our colleagues in same-sex marriages. This issue is problematic for these colleagues at SHSU. Our EEO policy says SHSU does not discriminate, but the university does – against homosexuality. Dr. James asked if Faculty Senate would like to make a statement about this, as making a statement on the concealed-carry weapon law seemed to make a difference. One senator asked if other Texas colleges and universities offer benefits to same-sex couples. Some senators said only private schools would be able to do this. Another senator suggested that if Faculty Senate has a consensus, we could make a statement to encourage the provost or others to adopt a policy. Dr. James would like the University Affairs committee to look at the EEO statement and identify inconsistencies that need to be addressed.

## **The Role of Collegiality in Tenure, Promotion, and Post-Tenure Review Decisions**

Dr. James raised the issue of collegiality and its role in tenure, promotion, post-tenure review, and administrator review decisions. Collegiality is not the same as congeniality; if one differs with someone or dislikes someone that does not mean that that person lacks collegiality. Collegiality has been causing denial of tenure or termination of some employees, so it seems important to define this. The provost would welcome Faculty Senate input on defining collegiality and its role in tenure decisions as well.

Dr. James informed the Senate that in the meeting with the provost last week, the Non-Disclosure Agreement (NDA) and the Texas Higher Education Coordinating Board (THE CB) were also discussed.

## **Special Report**

Dr. Mark Frank reported on the Texas State University System Faculty Senates (TSUS) and Texas Council of Faculty Senates (TCFS) meetings; he handed out a one-page summary of what he, Dr. James and Dr. Baker learned and discussed at these meetings.

[copy of submitted report included in minutes as attachment at end]

Dr. James added that Perry Moore (System Vice Chancellor of Academic Affairs) had indicated that the THE CB had overreached their role and angered a number of different people right before their thirteen-year review, the timing of which meant that the legislature was able to review and trim their powers. The THE CB has the next thirteen years to attempt to expand their powers again.

Dr. James is curious about the ratio of tenured to non-tenured members on our Faculty Senate, as the TCFS meeting revealed that schools differ widely on this. Dr. James thinks this is an excellent time to work with our current provost (who is interested in faculty input on policies and processes) to shape things in a direction that faculty would want. Another senator stated that our previous provost did invite Faculty Senate to write policies that were then put into place in a largely unchanged state.

## **Old Business:**

### **Non-Disclosure Agreement (NDA)**

The Faculty Senate discussed a revised version of the NDA submitted to the Senate by Jacob Chandler. Senators engaged in a lengthy, detailed discussion of the

language used and whether the language accurately reflected the spirit in which SHSU ought to handle an NDA.

Some disagreements arose over whether the language of the NDA ought to be softened (and how) and whether there should be specific examples of actions to avoid, or not. Mateo Zuniga (IT) commented that some people want simplification (i.e., no examples listed) and some want clarification (i.e., specific examples listed), but in the end you are held to the same standards regardless of language; you will still be held accountable to the same law's intent of protecting the university and its data.

There was considerable discussion regarding the conflicting goals of being as secure as possible with classroom technology compared to being an effective teacher in the classroom while using technology. Issues raised included: how to handle student presentations without logging off and back on for every individual using the classroom technology; whether faculty could be supplied with a "dummy account" to use for all classroom logging in and out (as one senator from CJ says that CJ does routinely); whether a professor moving about in a classroom should be expected to log off and on the computer every time s/he steps away from the computer. One senator asked Jacob Chandler if he had surveyed SHSU's faculty before devising policies on how faculty ought to use technology, as it appeared he had different ideas of how teachers use technology than they actually do. Chandler responded that he has not surveyed all faculty on how they use computers, but he has spoken to individual faculty members (not a representative sampling) across campus.

A senator suggested a password-protected lockdown key that a faculty member could hit if s/he needed to step away from the classroom computer for a few minutes. Jacob Chandler said this option exists (use the windows key + L).

Several senators at different times in the discussion made the point that, at our last meeting two weeks ago, Faculty Senate had asked Jacob Chandler to soften the language of the NDA, but this revised NDA has not accomplished that goal. The language is still offensive to faculty (including the threat to dismiss an employee because someone else gained access to his/her password). This needs to be revised again, this time truly toning down the language.

Dr. James asked why Chandler did not use as a template the Texas State University (San Marcos) NDA we provided him. Chandler said he compared theirs to ours line by line; Chandler observed that, although The Houstonian reported that SHSU appears stricter because we have 10 items rather than 7 or 8, the actual content is remarkably similar. Dr. James disagreed, pointing out that TSU's NDA does not say that use of one's password by someone else makes one liable. Chandler said he would review that section again. He pointed out a couple of places where the language is the same in both NDAs and stressed that he had made an effort to respond to Faculty Senate's concerns. Dr. James noted the following discrepancy: "I will exercise care" (TSU NDA) is not the same as "I am responsible" (SHSU NDA). Dr.

James asked what is wrong with the TSU NDA? Why can't we use it? Someone else asked, is there an official Texas State University System NDA? Jacob Chandler said he does not know of one.

Several senators supported Dr. James' desire to use the TSU NDA, with a number of different comments. SHSU's NDA has language that indicates negativity and expectations that faculty will seek to circumvent the system. The NDA does not need to be a threatening document; we understand that the university needs us to protect sensitive information, but we do not want to be threatened or treated like children. The document needs to be made more respectful. Another senator emphasized "respectful" as the key word: staff should not be telling faculty what they can and cannot do.

One senator cautioned that the tone of the NDA does not matter; if the consequences are going to be dire, regardless; the larger issue at stake is something for Faculty Senate to take up – not fighting over semantics. Another senator commented that what is at stake is the definition of "misuse," in that IT thinks some things are misuse that professors do not consider misuse. A third senator worried that there seems to be no room for human error, the kind of honest mistakes everyone makes from time to time (like forgetting to log off a classroom computer before leaving).

A motion was passed that the Faculty Senate endorse the Texas State University (San Marcos) NDA (officially entitled "TSU Employee Confidentiality Agreement") as the NDA that SHSU adopts (with appropriate changes to reflect that the document is for SHSU, not TSU, and with specific changes, enumerated below, agreed upon).  
Vote: 23 aye, 0 opposed, 3 abstentions

As part of the motion approved, senators agreed on the following changes:

- 1) TSU (San Marcos) NDA: sections 2, 3, 4, 5, and 6 are acceptable.
- 2) From the revised SHSU NDA: section 1's addition of a definition of authorized purposes should be kept; section 1's listing of people who must agree to the NDA should be deleted, truncating the sentence after the word "position."

A senator asked what the new deadline will be to sign off on the revised NDA. Chandler said that once the final version is ready and the Faculty Senate agrees to it, we would have about three weeks to sign the NDA.

### **New Business:**

#### **2014-2015 Academic Calendar**

Dr. James presented the proposed 2014-2015 Academic Calendar for review.

Dr. James reported that a request was made to change the start of our Fall semester to a Monday, thus leaving us the entire Thanksgiving week off to coincide with HISD

school vacation that week. A few senators objected that a longer break would mean students would forget more of what they have learned, making the last week of class a waste of time. A senator asked whether MWF schedules and TTH schedules result in the same number of class hours if this change is made.

Dr. James asked that all senators review the calendar on their own time and report at the next meeting on whether there are any potential problems that with it.

### **Faculty Handbook**

Dr. James had sent all senators a copy of the newly revised Faculty Handbook. A senator asked, what is our task? He noted that some links in the handbook have errors. It was also noted that a now-defunct committee (Academic Policy Council) is mentioned in the handbook.

### **Follow-ups:**

#### **PACE subcommittee to support faculty in online instruction**

Faculty Affairs (FA) needs to revisit this. Where did the FA report go? Where does it go next? Should a new committee be created? Does support from PACE need to be negotiated? Dr. James decided we should discuss this at our next meeting.

#### **Technology Advisory Committee**

This committee was supposed to allow for faculty feedback on the standard IT configuration of new computers being purchased. The Committee on Committees needs to follow up on this.

#### **Faculty Development Leave Policy and Workload Policy**

These need to be followed up on. Dr. James will talk to Dr. Eggsaer about these, to see where they are at in the policy making process.

Dr. James adjourned the meeting at 4:55 pm.

*Revised 11-22-2013 1:00 pm*

### TSUS Meeting (October 25, 2013)

- System enrollment is up by 2.5%; we are the third largest system in the state, and the 19<sup>th</sup> largest in U.S.
- THECB changes – going forward, they will be a coordinating body, not a governing body.
- The legislature set up a \$30 million fund to help reimburse schools for the Hazlewood Act.
- Tuition Revenue Bonds (TRBs) and outcome-based funding both lost traction in the last legislative session.
- The next legislative session could be much different; 5 of the 6 top positions will be open.

### TCFS Meeting (October 25-26, 2013)

- Presentation by Gaines West
  - Your faculty office is not your own. There is no expectation of privacy in your office or on university-owned computer equipment.
  - For faculty who sue their university, expect a personal cost of around \$250 thousand, and a strong likelihood that the university will prevail.
  - Faculty have protection only with regard to discrimination laws and First Amendment free-speech laws.
  - The time limit to file for a discrimination claim in Texas is only 180 days after the incident (and 300 days for filing at the federal level)!
- Future of Tenure Discussion
  - Public mistrust of the tenure system continues to rise. There is a strong need for faculty to police themselves (the worst 1% of faculty give the other 99% a bad name).
- Texas Higher Education Coordinating Board (THECB) Update
  - The sunset bill (SB215) significantly diminished the authority of the THECB.
  - THECB will now focus on making recommendations to each university's Board of Regents.
- Shared Governance Discussion
  - It is critical for the faculty senate to gain full control of the university's curriculum, grievance, tenure and promotion policies.
  - The faculty senate should also re-write the committee charges so that the senate has control of university committees.
  - For the university budget – the faculty senate should appoint a permanent faculty member to attend meetings. A faculty member from the Department of Accounting would be ideal.
  - UT System controversy (UTS Policy 180) – requires all faculty to disclose the type and amount of all personal and professional compensated activities outside of work, and to request permission to engage in any volunteer activity involving leadership. Some provisions also extend to the disclosure of activities by immediate family members. See: <https://www.utsystem.edu/bor/procedures/policy/policies/UTS180.pdf>

Respectfully submitted,  
Mark Frank