MINUTES
FACULTY SENATE
THE UNIVERSITY OF TEXAS AT ARLINGTON

The Faculty Senate met for a special meeting on Wednesday, July 3, 1991, at 2:30 p.m. in Conference Room 4, Davis Hall. Chairman I. Bernstein presided.

ATTENDANCE: Present: President Nedderman, Vice-President Baker, Dr. Dunn; Senators Beehler, Bernstein, Chuong, Dillon, Duwaji, Girardot, Green, Herrmann, Jones, Knerr, Merrill, Mykytyn, Panton, Pape, Paulus, Petry, Rodnitzky, Tees, Tolbert, Tong, Weed; Proxies: Harry Reeder, Brooks Ellwood. Absent: Dr. Lowry, Senators Antoniades, Bagby, Balsam, Bett, Eisenfeld, Gates, Gaupp, Harrison, Harwood, Hissong, Holder, Ladde, Mindel, Porter, Rings, Simmons, Smits, Thompson, Trask, Walker, Wiley, Wood.

REMARKS BY THE CHAIRMAN:
Chairman Bernstein remarked on the following issues:
- Chairman Bernstein stated there was an issue he would like to bring up at the end of the meeting and asked the senators to please remain.
- Chairman Bernstein informed the Senate that he attended a meeting on June 10, 1991, with President Nedderman, Vice-Chancellor Duncan, and Linda Moffett regarding the election of a representative for the Presidential Search Committee. The definition of the three faculty members in the selection is left fairly vague recognizing that an institution like one of the medical schools or Permian Basin might be able to elect a representative by a direct faculty vote whereas UT Austin and UT Arlington can never hope to resemble a quorum and the Chairman said he would accept responsibility for that. In the interest of diversity and seeing that people, who number one have shown an interest in University affairs be widely represented, there are three bodies and each of the three bodies will select one representative. The agreement that was discussed with Vice-Chancellor Duncan is that the Faculty Senate will come up with a name and there is no intent to specify that the name must be a Faculty Senate member.
- Chairman Bernstein said he had used approximately $60.00 from the Faculty Senate account to have his office telephone reinstalled.
- Chairman Bernstein stated he was open to any procedural methods that the Senate decided on regarding the method of electing the representative. The question of proxies had been raised and the Chairman stated he went over it with Professor Petry and it had been voted down by the Faculty Senate.
- Chairman Bernstein stated that Donna Darovich had contacted him regarding the publicity of the University. Ms. Darovich agreed to speak to the Faculty Senate at one of the regular meetings.
- Chairman Bernstein noted the article regarding naming of a Wendell Nedderman Drive and praised President Nedderman for his many years of service.

QUESTIONS FOR THE CHAIRMAN:
- Senator Mykytyn inquired as to the size of the Search Committee and if any members had been appointed at this time.
- President Nedderman replied that the Chairman of the Board will appoint 2 regents, 2 presidents from the UT System, 3 faculty members from UTA (2 of whom must be ranked Associate Professor or higher), 2 students, 1 dean from the Council of Academic Deans, 1 person from the Alumni Association (usually the President), and 2 outside off-campus individuals who have a keen interest in the University. The Chancellor is automatically a member and according to the Regent's Rules the Executive Vice-Chancellor chairs the committee.
Senator Girardot inquired if there was any mechanism that after this group nominated a name that the names of the other two from the campus will not be from the same department or from the same college to guarantee true representation. 

President Nedderman said the Regent’s Rules are silent on this and have left that up to the faculty.

Chairman Bernstein stated he would urge the Senate to politic on that issue. It would be extremely difficult recognizing the need for diversity in other ways to have that mandated and would suggest that the members talk to their representatives on the Graduate and Undergraduate Assembly.

Senator Beehler inquired if the decision made in this meeting could be overruled; for example, the one rule states that at least 2 of the members be Associate and above.

Chairman Bernstein replied that could not be the case because the Faculty Senate is electing the first representative and has that degree of freedom.

Senator Mykytyn inquired who selects or appoints the Dean.

President Nedderman stated the Council of Academic Deans will elect the dean representative.

Senator Petry inquired if there was a date set when this committee would start meeting.

President Nedderman said Executive Vice-Chancellor Duncan was adjusted to the process after conducting three or four presidential searches and there is a certain initial routine that must be carried out; meeting affirmative action requirements, an announcement will appear in the American Chronicle of Higher Education, an announcement is sent to other universities, and various lists are used to obtain a broad base for nominations. President Nedderman stated this process was well under way and after September 1, the committee will be very active following up on these nominations. Normally there are about 150-200 applications immediately and the general rule is the Search Committee narrows it to 25-30, then that amount is narrowed to no more than 6 and those names are submitted to the Board of Regents. The Regents will then invite each one of these candidates to visit the campus and then the final selection will be made. The Regents are not bound by the recommendations of the Search Committee, however they normally select one of the candidates from the Search Committee’s recommendations.

REMARKS BY PRESIDENT NEDDERMAN:

President Nedderman updated the Senate on the following issues:

President Nedderman asked the past Chairman (Dr. Dunn) to perform a duty. Dr. Dunn presented Chairman Bernstein with a plaque that was inscribed "Ira Bernstein, For Service as Chairman of the Faculty Senate 1990-1991."

Fiscal Scene in Austin

President Nedderman stated that the Governor had decreed that a special session would come about after there was time for a performance review and the deadline for that audit was July 1. The audit was made by the Comptroller, John Sharp, along with over 100 auditors and according to the report they spent over 54,000 hours reviewing every state agency in the state of Texas. They have made 975 recommendations for savings and efficiencies. The Governor has delayed the Special Session until July 15 in order to allow more time for absorption of the 975 recommendations. The UTA budget (120 million) 1/2 is general revenue appropriation from the state of Texas, the other 1/2 is composed of local funds (non-state funds). The state only supports about half of the total budget of the University. Local funds are auxiliary enterprises that must be self-supporting and cannot use state appropriation (such as student housing, bookstore, etc) federal grants, research funds, gifts, etc. Since 1985 the Legislature has encouraged universities to develop more local funds.
In the audit review recommendations, local funds are used as a substitute for state appropriated general revenue funds. The local funds were already being used to support the University and this amounts to a budget cut. The overall package recommends over $4 billion in general revenue reductions but for higher education substitute funds are used to reduce general revenue requirements and those substitute funds were already being used, so it is just a reduction. Of that $4 billion, 1/4 ($966 million) comes from education, and of that 2/3 ($623 million) comes from higher education and of that 47% comes from the University of Texas System, primarily because of the size of the system. Tuition increases is another of the recommendations. The recommendation is that since UTA charges 100% of the cost for non-resident students, and UTA receives formula funding, all of the non-resident tuition should revert back to the State. The University will get to keep this money, but the state will reduce general revenue appropriation by that amount. For resident tuition the increase (between $20-$40 per semester credit hour) 3/4 of the increase will go to the state and 1/4 will stay at the university. Resident tuition may be indexed to the cost, and then the tuition rate will be adjusted to 25% of that figure. Another item is the interest on local or institutional funds that are not general revenue funds from the state. For example, student housing must be self supporting and state funds cannot be used, there is income from student housing and Will Parker, using good management procedures does maintain a balance for the time when something needs a new roof or emergencies arise. Similar balances are kept for other local funds. Vice President Wetsel keeps these funds invested in certificates of deposits with varying maturity dates so as to anticipate when money will be needed. Under this proposal all interest that is earned on all local funds will be held by the University and there will be a decrease in general revenue appropriation to account for that, simply put the State will take over the interest. Another item of interest is special items, UTA has a special item for the Institute of Urban Studies and has since 1968. Also UTA has a special item for the Robotics Institute, for rural hospital outreach, etc. The proposal of the performance audit review is that special items be reduced by 25% each of the next two years and then phased out completely after that, with half of the savings going to a coordinator of research with the Coordinating Board. Short reports "as best as can be determined", show a 5.9 million reduction below the budget for the current year for the first year of the biennium and 4.9 million below the current year budget for the second year of the biennium. Just before they adjourned, the House Appropriations Committee voted 11-10 to increase higher education 10% over the current budget level. The Chairman of the Senate Finance Committee, Senator Montford from Lubbock, and the Chairman of the House Appropriations Committee, Representative Rudd from West Texas, both expressed considerable concern and support for higher education. The performance audit review is being applauded in some circles because this appears to be a savings and it really is not, it is just taking from one place and putting it in another.

Smoking Policy
President Nedderman stated that at the last meeting of The Board of Regents, there was a proposal to divest the permanent university fund of all tobacco stocks such as Phillip Morris and R. J. Reynolds and this failed to pass. One Regent was absent and the vote was 4-4 which did not make a majority. One of the reasons is that Phillip Morris is a very good stock and is an example of a diversified company where tobacco products may only be 15%-20% of the products offered by the company. It was pointed out by the Head of the Office of the General Counsel that the constitution of the state of Texas that set up the permanent university fund mandates that the custodians exercise all due diligence in getting as high an income as they can from this fund. The next step of the proposal relative to smoking passed unanimously. One part is to phase out all sales of tobacco products as quickly as possible.
The only place these are sold at UTA is at University Center and that will cease by Sept. 1. The second part of the resolution is to have smoke-free facilities on all campuses. The question was raised as to what are facilities, and the ruling is buildings. Every component within a reasonable period of time must have smoke-free buildings. Two people are being sent to a workshop in Austin to look at this matter and then upon their return there will be a faculty/staff committee set up to work up a policy meeting the guidelines of the Board of Regents. President Nedderman stated he did not feel there was much to work up but one question may be, do you step just outside or one of the components says to move at least 50 feet away from the building to smoke. UT San Antonio and UT Dallas have in place a totally smoke-free policy and even though many people complained, everyone observes it and there hasn't been much of a problem. President Nedderman stated he thought UTA already had a pretty good policy of only smoking in designated areas. The medical schools may argue this with regards to faculty smoking in their offices. As a faculty member, he stated he regarded his office as his castle and felt he could do almost anything he wanted when his door was closed. Those who argue about secondary smoke say that the faculty member does not have a separate circulation and air conditioning/heating system in the building and smoke is being dumped into the main system. President Nedderman said he felt the percent of pollution was probably so high it wouldn't make much difference but medical people say it does. UTA will be a smoke-free campus by September 1, 1991.

REMARKS BY VICE-PRESIDENT BAKER:
Vice-President Baker commented that the recommendations as they pertain to higher education are budget cuts. It will reduce funds available to the University which otherwise were available for the operation. In the recommendations there are a number of other recommendation that result in more and more centralization in Austin, from the Search Coordinator to a centralized travel agency and personnel office for state employees. If their recommendations were taken literally, it would mean that all faculty applicants would have to apply through the Texas Employment Agency for a job at UTA.

QUESTIONS FOR THE PRESIDENT AND VICE-PRESIDENT:
-Senator Girardot inquired if the smoking policy regarded cigarette smoke only so that people in chemistry do not have to stop cooking their beakers.
-President Nedderman said in the new Phase 1 of the Science Building there will be 100 vent hoods which should cover that problem.
-Senator Herrmann asked if the Board of Regents have the right to declare this regarding the smoking policy and inquired if there were rules to cover this.
-President Nedderman said the Board of Regents has the power of the state legislature in administering the University of Texas System and it may be possible for personal individual rights to be infringed on to a degree that they might be questioned.

COMMITTEE REPORTS:
Senator Dillon stated the Equity Committee has considered one case and reached a conclusion and recommendations will be made to Vice-President Baker soon.

ELECTIONS:
-Chairman Bernstein asked the Senate if there were any objections to a secret ballot. None noted.
-Chairman Bernstein stated he had received a letter from Professor Parker in Civil Engineering with the names of three individuals he would like to nominate.
-Senator Pape moved that the Senate enter names in the nomination, take a secret ballot, and take the majority vote. Senator Herrmann seconded the motion. The motion passed by voice vote.
Senator Herrmann nominated Mark Dunn.
Chairman Bernstein asked the Senate’s opinion on the letter from Professor Parker regarding the three names, Professor Lecca, Professor Karin McCallum in Communications and Professor G. T. Stevens.
Senator Girardot stated this called for a point of order. Robert’s Rules of Order say nominees be made by members in good standing.
Chairman Bernstein stated he had the letter and was being responsive to a faculty member and if any member of the Senate wanted to nominate them they could.
Senator -------- nominated Jerry Rodnitzky.
Senator Rodnitzky declined the nomination.
Senator Petry nominated G. T. Stevens.
Senator Weed nominated Ira Bernstein.
Chairman Bernstein declined the nomination.
Senator Herrmann made a motion for the nominations to cease. Senator Tolbert seconded the motion.
Chairman Bernstein repeated three times "are there any more nominations." Nominations were closed.
Senator Beehler inquired for the benefit of everyone, if the people who nominated could say something about the people they nominated, as he is unaware of who Mr. Stevens is.
Senator Petry said G.T. Stevens is Chairman of the Industrial Engineering Department, and has been on the campus for approximately 19 years. He has been involved in activities across the campus and Senator Petry said he felt that G. T. Stevens would represent the faculty very well.
Senator Pape called the vote. Ballots were collected by Senator Pape and counted by Senators Pape and Petry.
The vote was 12 for Mark Dunn and 10 for G. T. Stevens. Chairman Bernstein announced the representative for the Faculty Senate is Mark Dunn by a majority vote.

OLD BUSINESS:
None

NEW BUSINESS:
Senator Rodnitzky asked if there was anyone outside of Liberal Arts who is working at a reduced summer salary.
Brooks Ellwood stated that in Geology 80% of the offerings were cut and 80% of faculty salaries were cut in order to compensate for reduced funding.
Chairman Bernstein asked Professor Ellwood if his department was paying the same amount as usual per course.
Brooks Ellwood replied that normally they offer five courses, this summer they are offering one and GTA’s were eliminated.
Chairman Bernstein said he thought the point of Senator Rodnitzky’s question was that normal process is if one is teaching 4 courses one receives 100% of their salary. In Liberal Arts they are receiving 85% and are being paid 15% less for the courses taught.
Brooks Ellwood stated that his department could have done that, but they reallocated salaries so people are receiving 0% of what they would normally receive and those receiving the 0% are not teaching.
Senator Mykytyn asked Senator Rodnitzky what the normal load of teaching was.
Senator Rodnitzky replied 2 five week and 2 11 week course or 4 five week courses was the normal load.

Senator Petry stated this has happened in his department, that people are teaching one course and not receiving 25% of normal pay.
- Brooks Ellwood asked Senator Rodnitzky if his courses were taken away would he consider that reduction when he wasn’t allowed to teach.
- Senator Rodnitzky replied that in Liberal Arts instructors stand in line for courses to teach and if the courses are not there they do not get to teach. Senator Rodnitzky stated he just wanted to know if this was happening in any other departments.
- Senator Beehler stated it is also happening in his department, he is teaching 2 courses and receiving 85% salary.

ANNOUNCEMENTS:
- Chairman Bernstein told the Senate he would like to discuss an issue he had delayed earlier until after the election. Chairman Bernstein said he had attended the Faculty Council in Austin a few weeks ago where the announcement about the no smoking policy was made. The Chairman stated he was extremely concerned for the faculty members who spent a considerable amount of time meeting to formulate a policy that was overturned frankly to gain some headlines. The UT System did not divest themselves in stock held in tobacco companies as noted earlier. They said they were going to vote their proxies to divest and even if one believes these issues are ever going to come up for proxy votes, perhaps they would be placing themselves in a very risky position legally. Beginning in September, 1991, there will be a $10.00 differential in health insurance between smokers and non-smokers. If a spouse is not an employee of the University, they are at liberty to smoke. The Chairman said that the Senate may choose at some point to come up with a resolution and he would go along or do anything that he was asked to do. The Chairman noted that it is one thing to override policies that were fairly and equitably made here at UTA, but it is very difficult to work here and habits have been disrupted. The Chairman stated that the system would have some interest in regulating employees behavior on campus however the $10.00 smoking tax is regulating behavior at home and that is reprehensible. If some people are thinking this is good and smokers should pay more, let it be noted that it was not long ago that women were paying more because they were viewed as a higher risk. Recognize that the idea of a group policy is the notion of shared risks and if privacy is not being intruded upon now, your attention should be called to the fact that it is likely it will be in the future. The UT System is using Health Insurance Policies as a club to regulate behavior.

ADJOURNMENT:
The meeting adjourned at 4:15 P.M.

Respectfully submitted,

Gangaram Ladde
Secretary

GL/dkw
07/3/91