

**UHD FACULTY SENATE MEETING**  
**October 2, 2007**

**CALLED TO ORDER:** The fifth meeting for the 2007-2008 academic year of the UHD Faculty Senate was held in A-300, One Main Street, Houston, Texas on October 2, 2007. The meeting convened at 2:30 pm. President Anjoo Sikka presiding, with Vice-President Michelle Moosally, and Secretary-Treasurer Gene Preuss.

**Present:** Anjoo Sikka (President), Michelle Moosally (Vice President), Gene Preuss (Secretary/Treasurer), Jeffrey Adams (MMBA), Austin Allen (SOS), David Branham (SOS), John Capeheart (NS), Youn-Sha Chan (CMS), Tony Chiaviello (ENG), Raquel Chiquillo (A&H), Byron Christmas (NS), Merrilee Cunningham (ENG), Ermelinda DeLaViña (CMS), Joyce Dutcher (UE), Susan Henney (SOS), Lance Hignite (CJ), Anne Kane (SOS), Steve Maranville (MMBA), Rich McMahon (FACIS), Pat Mosier (A&H), Angela Pedrana (UE), Sam Penkar (FACIS), Kimmera Pinkerton (UE), Lucille Pointer (MMBA), Nick Rangel (A&H), Aimee Roundtree (ENG), Cindy Stewart (SOS), Jorge Tito-Izquierdo (ET), Jeong-Mi Yoon (CMS), Shengli Yuan (CMS), Zehai Zhou (FACIS)

**Absent:** Kathleen McLellan (ENG), Ruth Robbins (FACIS), Larry Spears (NS).

**Guests:** Faculty Affairs Committee chair Jon Harned, Vice President for Administration and Finance David Bradley, Vice President for Academic Affairs and Provost Molly Woods.

President Sikka declared a quorum and called the meeting to order at 2:34 pm.

**APPROVAL OF MINUTES:** The Senate voted to approve the minutes of the September 18, 2007, meetings.

**REPORT FROM SENATE OFFICERS:** President Sikka distributed the results of the Faculty Senate and Grievance Focus and Hearing Elections dated September 24, 2007, and welcomed new Senators Susan Henney and Lance Hignite.

**OLD BUSINESS:**

**Resolution Regarding Changes to PS 01.A.01.** Sikka reminded the Senate that it tabled the Resolution at the September 18, 2007 meeting:

**Whereas**

- not all policies are substantively similar
- the proposal to separate policy from procedure may create unnecessary workload increases in the current committee structure
- the proposal to separate policy from procedure has potential to weaken or require “labeling” of elements as either policy or procedure when they may act as both simultaneously
- the proposal to separate policy from procedure seems motivated by lack of clarity in some policies with respect procedure

**Be it resolved** that the Faculty Senate requests that PS 1.A.01 be revised to require that any procedures be clearly and comprehensively articulated in each policy where appropriate, but that separation of procedure and policy should not be mandated.

Senator Branham moved that the Senate vote on the Resolution; the motion was seconded.

The Senate voted to APPROVE the Resolution, 17 votes in favor, 2 opposed, 4 abstentions.

**Proposed Changes to PS 10.A.02-Grievance Policy.** Sikka reminded the Senate that the revisions were made by the 2006-2007 Faculty Affairs Committee, but about 40% of the present committee had been on the previous committee. The revisions were sent to Molly Woods as the chair of the Academic Affairs Council. Sikka opened discussion on the proposed revisions.

Senator Capehart said that Section 2.9.3 does not provide for individual responses. The departmental Rank and Tenure committee is treated as a group with a single spokesperson who may give reasons for the group's actions. He said that individuals should be able to respond if they wanted.

Senator Mosier said that she did not see a provision that allowed for respondents to have witnesses.

Senator DeLaViña stated that the description of the responsibilities of the chair of the full committee (Section 2.7) seemed to require many responsibilities for one person to fulfill. She also felt that the policy is not clear on the procedure if there are not enough committee members. She also stated the policy is not clear if a grievance is not completely heard in one semester.

Faculty Affairs Committee Chair Jon Harned stated that the policy was written with number of committee members in mind. He pointed out that in Section 2.6.2, The Grievance Committee will be comprised of 1 member of each department, and an alternate. A Hearing Committee would hear grievances. He believed that the department members and alternates would create a large enough pool of committee members.

Sikka asked if only 4 people show up at a hearing, would it go forward? Harned responded that the Bylaws should spell out this out. While it is impossible to spell out every situation, the Hearing Committee should not make new policies by itself. The policy spells out a sequence of events.

Senator Cunningham stated that Section 2.4.3 states that "Having exhausted all required preliminary stages, the faculty member may file a formal grievance..." but the preliminary stages are not listed. Harned said the old policy listed the stages, but revised policy did not. Gail Evans responded that this was done in an effort to make it more efficient. She pointed out Sections 2.2.2 and 2.2.3 list some of the procedures.

Cunningham stated that in the past the Department Chair and the Dean could change their minds, and wondered if this provision was still covered. Evans replied that in Section 2.4 provides for mediating grievances when it states, "Faculty members are encouraged to seek solutions, have informal discussion with the party or parties who made the decision or took the action that is subject of the grievance, and/or consult the Faculty Ombudsperson." Sikka stated that Cunningham asked if there was an informal resolution should there be an allowance for

resolutions to take place. Senator Pointer stated that in Section 2.4.1 the faculty member has the ability to resolve the problem before the grievance process begins. Evans asked if the grievant could withdraw the grievance at any stage. Sikka stated it was not in the policy. Senator Chiaviello stated that if a faculty member does not know the process for withdrawing a grievance, they could lose.

Mosier stated that the role of the Ombudsperson is unclear. Harned replied that the Senate should define the role of Ombudsperson as it replaces the Focus Group. The Ombudsperson should be an impartial position that both sides can use. He stated that the Faculty Affairs Committee wanted to specify certain roles, however, there is a question about how the person who would fill the position would be selected. He asked for Senate input.

Vice President Moosally stated that when the Faculty Affairs Committee discussed the role, it was not seen as a mandatory step in the grievance process. Faculty members did not have to seek the assistance of the Ombudsperson. Harned agreed that the role was seen as an impartial observer. Senator Rangel stated that in Section 2.3.1 states that the Ombudsperson is “independent, neutral, confidential, and informal resource for faculty” but if a faculty member fills the position would that person be able to remain neutral? Harned replied that the policy suggests that the role would be a faculty member who has been tenured for three or more years.

Moosally said that there is a lack of clarity in determining the retention of documents. In Section 2.3.1.3 states that the documents of resolved cases are destroyed at the end of the academic year, but Section 2.11.3 states that all Hearing documents will be destroyed after three years. Preuss asked if destruction of the documents is supported by state law. Campus Relations/Affirmative Action Officer (CRAAO) Doug teDuits stated that the documents must be retained for three years.

Senator Kane asked why the Ombudsperson was a faculty member and not independent. Sikka said that a faculty member who is considering a grievance should have someone who is sympathetic to faculty needs. Harned said that it was also felt that the person should have some experience with the grievance process. Pointer stated that many universities use an ombudsperson to address faculty concerns. Moosally asked if part-time faculty would use the ombudsperson.

Rangel stated out that one distinction is that the decisions chairs make can be influenced by political consideration and not always impartial; the ombudsperson might be likewise influence.

Senator Steward asked about the difference and relationship between the Ombudsperson and the Campus Relations/Affirmative Action Officer. Pointer stated that the Ombudsperson was for faculty while the CRAAO was for staff. Evans stated that some complaints, such as those involving harassment, should be directed to the CRAAO. Harned said that the ombudsperson can serve as a mediator when faculty members have to go through administrative resolution. Pointer replied that when the CRAAO was appointed there was quit a bit of concern over his role in the faculty grievance procedure. Sikka stated that Nell Sullivan argued for an ombudsperson prior to the creation of the CRAAO position.

Senator Roundtree asked about the relationship between the Grievance Committee members and the University Rank and Tenure Committee members—if there is a conflict of interest. Sikka stated that the person should be recused. Roundtree stated that this should be spelled out in the policy.

Robbins asked about the support system for the ombudsperson if there are legal issues brought against the person or retaliation. teDuits stated that there is no protection for retaliation for the CRAAO. Evans stated that since the ombudsperson will be a tenured professor, the opportunity for retaliation would be limited.

Mosally said in Section 2.4.1, the sentence that states, “the grievance clock begins upon receipt of that decision or the grievant may move forward in the process” is unclear. Harned stated that faculty may grieve only when they have something to grieve against, so faculty should not have to suffer because of a delay in the decision process. Moosally said there should be some definite timeline established because there may be more than one decision letter.

DeLaViña followed up on Roundtree’s comment that Section 2.6.3.3 states that a faculty member cannot serve on the Hearing Committee for a grievance originating from the same department. She suggested that Roundtree’s concerns might be addressed if the clause stated that anyone involved in the decision against the grieved could not serve on the Hearing Committee.

Senator Chiquillo asked what would happen if the Ombudsperson is in a conflict of interest. Sikka agreed that there are many questions about the role as well qualification for the position. Moosally said that conflicts of interest can happen in many ways, but there must be some level of trust unless we resort to an outside board. Robbins suggested that there could be more than one ombudsperson. Pointer said that at other universities there is generally only one ombudsperson. Roundtree asked about the term limits. Pointer said that 1-3 year limits seemed to be appropriate. Sikka stated that she would bring up these questions to the faculty senate officers from other universities at the Texas Council of Faculty Senates meeting October 19-20 in Austin.

Mosier stated that it was clear that the old policy needed revisions. She moved that the Senate move forward with the grievance policy excluding reference to the ombudsperson position. Pointer stated that the revised policy has no focus group, so without the ombudsperson role there is no assistance for grieving faculty. Senator Christmas stated that there would be no assurance that we could revisit the role of the ombudsperson at a later time. Mosier stated that the policy revisions do not make the ombudsperson a mandatory role as the previous policy did with the Focus Committee. Pointer stated that we cannot strip out the role of the ombudsperson without moving back to the old document.

Senator Dutcher stated that the policy would be changed if we removed the piece on the ombudsperson. Chiaviello stated that he did not see a process for resolution or mediation on the part of the ombudsman, and did not see a process that a grievance could be resolved at that stage. Harned stated that the ombudsman would be trained in resolution strategies.

Senator Pedrana stated that the document is complex, and that a process chart should be made to illustrate the process as a whole. Roundtree asked if other policies made reference to the role of an ombudsperson.

Preuss called for a vote on the motion. A motion was made to table the vote, but was not seconded. The Senate voted on the motion that the Senate move forward with the grievance policy excluding reference to the ombudsperson position. The motion failed.

Pedrana suggested that the role of ombudsperson needs more clarification.

**Discussion and Selection of Special Topics for Faculty Senate 2007-2008.** Sikka asked if anyone wanted to prioritize the issues on the list.

Roundtree offered Online Course Evaluations; Pedrana said that Academic Advising and Student Recruitment and Retention; Steward said Increased ORC Funding and Faculty Development Award Funding was a priority for some Social Science colleagues; Kane said Advising is related to Student Retention; Dutcher stated that Parking and Safety is still a priority; Pointer agreed that Safety was important; Moosally stated that Rank and Tenure Procedures including a resolution to rewrite the policy, she also stated that this is related to the Increased ORC Funding, as well as the Task Force on Research Support/Faculty Recruitment and Retention.

**ANNOUNCEMENTS:** Sikka stated that she would resend last year's requests for online evaluations back to this year's Faculty Affairs Committee and Academic Policies Committee. Senator Christmas passed out flyers on Plastic Recycling at UHD.

**ADJOURNMENT:** A motion for adjournment was made and seconded. The motion carried, and the meeting adjourned at 3:57 pm.

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**Date of Approval**

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**Secretary/Treasurer  
UHD Faculty Senate**