

# UHD Faculty Senate

Minutes recorded by: Michael Cavanaugh  
February 5, 2019 2:32-4:01pm  
UHD Welcome Center Tour Room

**Senate:** Hsiao-Ming Wang, Michael Cavanaugh, Susan Baker, Ray Cao, Kristen Capuozzo, Stephanie Coleman, Shannon Fowler, Angela Goins, Felicia Harris, Pamela Hurley, Karen Kaser, Cynthia Lloyd, Steve London, Laura Mitchell, Mitsue Nakamura, Andrew Pavelich, Rebecca Quander, Rachna Sadana, Joseph Sample, Johanna Schmertz, Nell Sullivan, Jace Valcore, Pat Williams, Ting Zhang, Zehai Zhou

**Absent:** Michael Duncan, Beverly Alford, Maria Benavides, David Epstein, Susan Henney, Stephen Miller, Vida Robertson

**Guests:** Juan Munoz, President; Eric Link, Provost/VPAA; David Bradley, VPAF; Jerry Johnson, AVP Research; Sandra Dahlberg, Faculty Ombuds; Darlene Hodge, FS Admin; Pat Ensor, Library Director; Michelle Moosally, Associate Professor; Georges Detiveaux, Associate Director of CTLE; Ron Beebe, Professor; Greg Dement, Director of CTLE; Said Fattouh, Executive Director IT; Carol Manousos, Director Emergency Management; Kevin Buckler, Associate Professor; Ed Cueva, Professor; Bernardo Pohl, Assistant Professor; John Kelly, Associate Professor; Irene Chen, Professor

**Call to order:** The Senate was called to order at 2:32 pm by Senate President Hsiao-Ming Wang. Dr. Wang wishes everyone a Happy Chinese New Year.

## Minutes

Minutes of the January 15th, 2019 Senate meeting had two small changes proposed to the draft minutes. Change the spelling of "Acculog" to "Acalog" in two spots and add Dr. Rebecca Quander as attending the meeting. The changes were accepted and the minutes with changes were passed unanimously.

## Reports

Provost Link addressed the Senate on a few issues of importance. First, he discussed the enrollment at the university and gave an update. He indicated there had been a focus on paid SCHs in the past couple of weeks. At the start of the semester we were up for enrollment numbers and registered SCHs but not as high with paid SCHs. Due to the increased focus and hard work from the staff the gap between enrolled SCHs and paid SCHs is negligible.

Provost Link also thanked FSEC for their work to get a document numbering system in place for Senate Resolutions. Moving forward, he said that the Provost's Office will track these reference numbers in order to give regular and routine reports as to the progress on the resolutions. This is still in the planning stages so timelines have not been established yet, but this will ultimately allow for feedback to Senate on issues it deems important.

Additionally, Provost Link touched on the issue of online education. He mentioned that the Senate discussion is a timely one. UHD is at a crossroads with online education. It makes up about 30% of the total SCHs at the institution and yet there are not too many policies, processes, etc. in place to deal with it. We have the opportunity to build many of these and do it well.

Provost Link also addressed the recent Senate Resolution on Start-up Funds. He has made inquiries to numerous people in the UHD community, like Dr. Jerry Johnson. There is nothing concrete yet, but the budget process is moving and this is part of that discussion.

In other news, Provost Link announced that UHD is currently working on an articulation agreement with Galveston College. Additionally, UHD just recently had a signing ceremony after completing a MOU with the Houston Port Authority, HCC, and HISD.

Q - What is the Port Authority agreement for?

A - Provost Link indicated that the MOU will allow a student connected to the port authority to ultimately receive a bachelor's degree in Applied Administration BAAS -AA.

President Munoz reported on the status of the legislative requests thus far. He indicated that there was great optimism around the state in Higher Education. Last session, there was the threat of major cuts and there is much less chance of that this year. There seems to be a positive healthy mood with the possibility of more money for higher education.

Our request for new fees for the Recreation and Wellness Center has been filed in both the House (HB 1277) and Senate (SB 507). The last time we asked for something like this was 35 years ago. Other universities do this much more often which puts us at a disadvantage. Our requests are modest in comparison to others.

Q - What is the timeline for news on our funding?

A - President Munoz indicated that it takes a while for everything to go through the committee process. However, getting it filed early was positive and we did it. Mr. David Bradley added that April is usually when we would hear more about the status of the requests.

Mr. Said Fattouh gave a presentation on the changeover to Microsoft Office 365 (see attached).

Q - Dr. Michelle Moosally asked if housing the emails outside of the university servers would make it easier for outside entities to access faculty and staff emails through FOIA requests?

A - Mr. Fattouh said that the policy and process would stay the same as it currently is now. The requests would all have to go through general counsel.

Ms. Carol Manousos briefed the Senate on Tests, Drills, and Exercises (see attached handout).

Faculty Affairs Committee gave updates on two policies undergoing revisions.

Dr. Jerry Johnson updated Senate on PS 06.A.07 Misconduct in Research, Scholarly, Creative, and Government Sponsored Activities and the status of the revision (see attached presentation). He indicated that the current policy has problems and we need more due process for individuals.

Questions were asked and discussion ensued.

Q - At what point in the process is an accused person notified?

A - Dr. Johnson indicated that he would notify them by email and the timing of notification would depend on the individual case. Sometimes that is immediate, sometimes that comes later in the process.

Q - If there was an accusation against a faculty member and they were delayed tenure for a year, but there was no finding of guilt, would that faculty member be compensated for the lost earnings?

A - According to Dr. Johnson, maybe. He thinks they should be.

Q - How do we know the person reporting the misconduct isn't making false allegations?

A - Dr. Johnson said that we don't know. However, we have to go through the inquiry process for all of these. The policy change should help.

Q - What does the December 15th date in the R&T process represent? Is that currently in policy now?

A - Dr. Moosally said that is currently being worked on and put in policy.

Q - What about the authorship guidelines? Some departments may have issues coming to a consensus. Any recommendations?

A - Dr. Johnson said that one recommendation is to look at major publications in the field - APA for example.

- Dr. Moosally mentioned that R&T processes can be updated to reflect this. Simply having a statement in R&T criteria saying "findings of misconduct is grounds for not receiving promotion and tenure" can help clarify the issue.

- We won't get to some agenda items today because of this updated policy discussion. Ironically, one of those items was bureaucracy. This is something that is not often heard about in the university and there are questions as to whether so much time and effort needs to be expended on it.

- Misconduct often occurs in secrecy even when detected by the university, so not hearing about it is not unusual. It seems like we need this policy update.

- Can we see other university policies on this issue?

Q - Is this anonymous system a problem?

A - Dr. Johnson indicated that we have to investigate the allegation, no matter where it comes from. We do have the possibility for abuse with the anonymous system but, on the other hand, it does bring light to things that would otherwise go unreported.

Dr. Michelle Moosally gave a presentation on PS 02.A.06 Voluntary Modification of Employment (see attached).

Q - What is the benefits status on VMOE?

A - Dr. Moosally said that the person would be on part time employees (49%) but could continue to have health insurance through the university or oftentimes through Medicare.

### **Announcements**

Dr. Wang made a couple of announcements. He and Dr. Michael Duncan were slated to attend both the system Faculty Senate meeting (UFSE) on February 7th and the statewide Texas Faculty Senate Meeting (TCFS) on February 15-16.

### **Old Business**

Dr. Wang presented a possible resolution for Senate on bureaucracy (see attached) which was drafted by Senator Susan Baker.

Discussion started but was cut short by time.

- This seems like a good idea in spirit but ultimately could become a waste of time. May not be specific enough. It seems very broad.

Dr. Sullivan made a motion to adjourn the meeting and Dr. Quander seconded the motion.

Meeting adjourned at 4:01 pm.

Memo to: All UH-Downtown/PS Holders  
From: William Flores, President  
Subject: Voluntary Modification of Employment

UH-Downtown/PS 02.A.06  
Issue No. 7  
Effective date: 04/05/11  
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## 1. PURPOSE

This PS specifies the policy of the University of Houston-Downtown (UHD) on voluntary modification of employment of faculty.

## 2. DEFINITIONS

There are no definitions associated with this policy.

## 2. POLICY

### 2.1 Eligibility

All full-time tenured faculty who have reached the age of fifty-five (55) and have ten years participation with the [Texas Teacher Retirement System \(TRS\)](#) or the [Texas Optional Retirement System \(ORP\)](#) may apply to participate in the voluntary modification of employment program.

### 2.2 Basic Principles

The following basic principles govern applications for voluntary modification of employment.

- 2.2.1 The faculty member negotiates first with the department chair. Then the chair and the appropriate dean confer. Final notification of the administration's acceptance of the proposal to modify employment comes from the Senior Vice President and Provost.
- 2.2.2 Status as a full-time faculty member is relinquished, including tenure rights.
- 2.2.3 Full-time equivalent workload and assignment, which may include teaching and other activities, are negotiated on an individual basis but may not exceed forty-nine percent (49%) full-time employment for the academic year or if it exceeds 49%, employment is only for one semester.
- 2.2.4 Compensation to the faculty member will reflect the negotiated full-time equivalent status applied to the annual (nine-month) salary prior to employment modification. In subsequent years, the salary shall be incremented by an amount not less than that corresponding to any state-mandated pay increments for all employees. The faculty member may agree to reduced compensation to avoid social security payment

penalties. At the option of the faculty member, the salary will be paid in nine or 12 monthly installments.

- 2.2.5 Participation in the [Texas Teacher Retirement System \(TRS\)](#) or [Texas Optional Retirement System \(ORP\)](#), [tax deferred annuity \(TDA\)](#), [deferred compensation](#), or the [Tex Flex Spending Accounts](#) program are not available; however, the faculty member is entitled to all the amenities which the university affords its full-time faculty, including continued participation in group insurance plans in accordance with existing University of Houston System guidelines for retirees. All benefits under university leave policies cease as of the month of modification and all sick leave accumulation is forfeited.
- 2.2.6 A faculty member's eligibility to draw retirement benefits from TRS or an ORP contract and eligibility for membership in TRS or ORP are governed by the laws and rules governing eligibility in those organizations.
- 2.2.7 If the faculty member becomes physically or mentally unable to continue the reduced workload, the university may continue to pay the faculty member's salary until the end of the academic year. Medical certification from the attending physician detailing the condition and the anticipated duration is required before salary payments can be made. The medical certification must be submitted to the Benefits Coordinator and, once approved, notice will be provided to the faculty member's department, in order to place the employee on paid leave of absence. After that, the obligation of the university under this policy is terminated. Because the judgment of physical and mental inability to continue the reduced workload is similar to dismissal for cause, the faculty member has the same rights as members of the tenured faculty under [PS 10.A.06, UH-Downtown Faculty Dismissal Policy and Procedures](#).

### 2.3 Duration

A negotiated agreement for employment modification shall be for a period of time not to exceed five years, and may be renewable by mutual agreement. Full-time equivalent workload and assignment are negotiated on an annual basis. Compensation is modified as appropriate under section 2.2.4.

## **4. PROCEDURES**

- 4.1 A Voluntary Modification of Employment Agreement must be completed and signed by the faculty member, department chair, dean, and the Senior Vice President and Provost.
- 4.2 Employment Services and Operations (ESO) will review the Agreement reached under this policy prior to final execution by the university and the faculty member.
- 4.3 The signed Agreement will be scanned into the faculty member's personnel file.

## **5. EXHIBITS**

There are no exhibits associated with this policy.

## **6. REVIEW PROCESS**

Responsible Party (Reviewer): Senior Vice President and Provost

Review: Every three years on or before November 1<sup>st</sup>.

Signed original on file in Employment Services and Operations.

## **7. POLICY HISTORY**

Issue #1: 08/15/85

Issue #2: 06/11/86

Issue #3: 05/01/88

Issue #4: 06/21/89

Issue #5: 08/09/99

Issue #6: 11/05/10

## **8. REFERENCES**

[An Overview of TRS and ORP/For Employee's Eligible to Elect ORP](#)  
[Texas Teacher Retirement System \(TRS\)](#)  
[Texas Optional Retirement System \(ORP\)](#)  
[PS 10.A.06](#)



# Tests, Drills and Exercises

The University provides a safe and secure campus for our community with processes developed under guidance from the National Fire Protection Association (NFPA), State Fire Marshal’s Office (SFMO), Houston Fire Department Life Safety Bureau Standards, OSHA and The Clery Act. Accordingly, the department of Emergency Management conducts tests, drills and exercises to assess, validate, or identify areas in need of improvement related to our plans, procedures and equipment and to ensure the University is in a constant state of readiness. Evacuation Drills, Lockdown System, Emergency Notification and Timely Warnings tests may seem to be an interruption of daily activities, however, they are required to be “held with sufficient frequency to familiarize occupants with the drill procedure and to establish conduct of the drill as a matter of routine.”<sup>1</sup>

But it goes beyond regulations and codes. Studies on human behavior indicate that the reaction of people to an emergency situation is related to a number of factors including<sup>2</sup>:

- ◆ **Assumed Role:** The role an individual plays has an impact on his or her reaction in the event of an emergency. Individuals in leadership roles will regularly take charge, employees may follow the lead of their supervisor and *visitors or temporary occupants* (students) will typically be more passive and look for guidance from other occupants or staff.
- ◆ **Experience:** Previous experience in emergency situations may cause an individual to react faster than someone who has never needed to evacuate a building or react to a hazardous event.
- ◆ **Education:** Individuals who have participated in drills and received training in emergency response react faster and with better decision making than those without training.
- ◆ **Action of Others Sharing the Experience:** Individuals tend to function similarly to those they are with during the emergency.



In support of these concepts, routine scheduling of tests and drills occur every long semester as follows:



Emergency Notification System	2 <sup>nd</sup> to 3 <sup>rd</sup> week of the semester	Campus wide
Classroom Lockdown System	2 <sup>nd</sup> to 3 <sup>rd</sup> week of the semester	Classrooms
Evacuation Drills	5 <sup>th</sup> to 6 <sup>th</sup> week of the semester	Building specific

Visit the UHD Emergency Management web page for:

- |                        |                                 |
|------------------------|---------------------------------|
| → Training videos      | → Fire Safety tips              |
| → Guides and brochures | → Public Safety Liaison Program |
| → Assembly Point maps  | → Current Alerts                |

OR

Contact us for training!

Carol Manousos	manousosc@uhd.edu
Cynthia Vargas	vargasc@uhd.edu
Lt. Fred Varela	varelaf@uhd.edu

<sup>1</sup> NFPA 101 section 4.7.2 and <sup>2</sup> NFPA Introduction to Employee Fire and Life Safety



The UHD Faculty Senate hereby resolves:

We request that the Provost Office to call for meetings that include relevant parties (UHD VP for Administration and Finance, UH legal and business administration representatives, UHD Center Directors, Travel Office, budget and contracts offices, UHD department and college business administrators, UHD provost's office administrators, UHD faculty grant holders, etc.) to identify and discuss current business practice inefficiencies and how they can be addressed and resolved. Conclusions stemming from these meetings should be presented to Faculty Senate no later than September 2019

## **Senate Discussion of Voluntary Modification of Employment PS 2.A.06**

**Some key questions under consideration:**

- 1. Timelines and Duration**
  - a. When to apply for each semester?**
  - b. How many years total?**
  - c. Can you teach only 1 semester of each academic year?**
- 2. What if classes don't make? (Where are VMOE in prioritizing teaching assignments?)**
- 3. What are some criteria for determining whether status is granted?**
  - a. budget?**
  - b. teaching/service needs?**
  - c. performance?**
- 4. How is the 49% allocated? Should it be 49%? What type of activities can VMOE faculty carry out to earn the 49%?**
- 5. What are/should be reporting requirements for VMOE faculty?**
- 6. Summer teaching pay (outside VMOE)?**
- 7. What is the VMOE status in the faculty assembly and voting processes?**
- 8. Eligibility for raises**

# UHD Students Have Access!



A few years ago, UHD students were provided with access to O365, including eMail.

# UHD Faculty & Staff



Faculty & staff have been subscribed to O365,  
and each user has been assigned a license.

(Cleared by UHS General Counsel)

# What is O365?



Office 365 is a cloud-based subscription service that brings together a variety of Microsoft applications, such as Excel and Word, with powerful cloud services like OneDrive and Outlook, to help you create and share anywhere on any device.

# O365 Features



Web Apps: Word, Excel & PowerPoint

Desktop versions of Office on up to 5 PCs or Macs

Office Apps on up to 5 tablets and 5 phones

and many more...

# OneDrive for Business

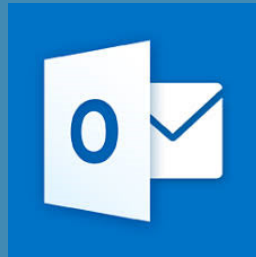


1 TB storage (cloud, accessible on any device)

Share a file or folder with others (internally & externally)



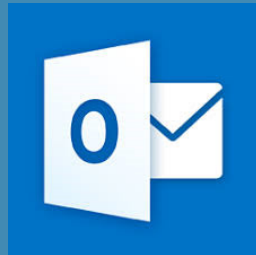
# Outlook Email & Calendar



100 GB mailbox

(hosted in the cloud; less downtime for updates/upgrades)

# Protection & Security



Phishing & Spam Protection Tools in place.

Intercepted & stopped 3.6M messages last 30 days (84.8% of messages sent to faculty/staff)

# User Awareness



Be critical of emails you may receive.

Do not click on links asking for account or personal information.

Hover To Discover - see where the links are really pointing to.

Do not open attachments you are not expecting.

Report suspicious emails to [security@uhd.edu](mailto:security@uhd.edu).

**Q & A**

# Suggested Revisions to PS 06.A.07- Ethical Conduct in Research and Government Sponsored Activities Policy

2018 – 2019 Faculty Affairs Committee

# Title & Purpose Statement–

## What Was–

- Original purpose statement focused on research.
- Title included ‘Ethical behavior’.
- Purpose statement included a statement about what it did not cover, including ethical behavior.

## What is Recommended–

- Expanded purpose statement to include scholarship and creative activities.
- Eliminated ethics from the title and the rest of the policy.

# Definitions—

## What Was—

- Misconduct originally defined as a deliberate set of actions.
- Fabrication, falsification and plagiarism listed as forms of misconduct without definitions.
- “Serious deviation from practices commonly accepted in the academic and scientific communities...”

## What is Recommended—

- Removed “deliberate” and clarified that misconduct can be intentional or unintentional.
- Fabrication, falsification and plagiarism defined.
- “Serious” replaced with “Material” and examples provided (authorship; falsifying time & effort; forging signatures; misrepresentation; failure to follow compliance policies; etc.)
- Recording of interviews and hearings.



# Policy Section 3–

## What Was–

- Untitled; expectations and incomplete expansion on ethical behavior and how one might “deviate from practices commonly accepted in the academic and scientific communities...”
- Mandate that research “shall be conducted to the high ethical standards of collegiate education and research”
- Mandate to report as Section 3.4.

## What is Recommended–

- Focus on “ethical behavior” shifted to “professional conduct”; easier to define within each discipline.
- Expand on section dealing with attribution and authorship.
- Participants accept responsibility for “integrity” of work undertaken and reported rather than “quality”.
- If your name is on it, you own it.
- Mandate to report moved to Section 3.1.

## Critical New Elements of Policy Section 3–

- 3.4.1 “Each department and discipline therein must articulate and define what constitutes a “bona fide” role in scholarly work that would warrant authorship or similar credit. These definitions must be reviewed annually and included with the Rank and Tenure criteria submitted no later than December 15 to the dean and SVPASA. Each discipline within the department may develop and submit separate definitions; all definitions should be reviewed and voted on by all tenured and tenure-track faculty within the discipline.”
- 3.6 “If at any point during the inquiry or investigation phase the number of allegations and/or respondents expands beyond the capacity for executing the procedures of this policy as defined below, the Inquiry Team or the IC (Investigating Committee) may request that the SVPASA, in consultation with the President, expand timelines, resources, and personnel to accommodate the expanded scope.”

## Old Policy: Inquiry Phase (Section 4.1 – 4.4)–

- Allegations “shall” be reported to Provost in writing.
- Inquiry no longer than 60 days; results in:
  - Inquiry report of limited information and conclusion (recommendation) of whether to proceed to an investigation or not.
  - AVP RSP holding record of inquiry for at least 3 years.
- If allegation dismissed, notify relevant parties in 10 working days.
- If investigation, notify resulting parties and appoint an Investigating Committee (IC) of 2 tenured faculty from each three colleges in consultation with FSEC.

## New Policy: Inquiry Phase (Section 4.1 – 4.4)–

- Allegations “must” be reported to Provost in writing.
- 5 working days to initiate inquiry:
  - using an Inquiry Team (AVP + 2 faculty from pool of 4 Senate elected individuals)
  - duration 60 - 90 days depending upon complexity to maximize due process;
  - Inquiry report added dates of inquiry period;
  - Inquiry need not be exhaustive; enough to make informed recommendation;
  - AVP RSP holding record of inquiry for at least 7 years (aligned with UH policy).
- Investigate or dismiss: notify relevant parties in 10 working days; inquiry report provided at this time.
- If investigation, Investigating Committee (IC) of 2 tenured faculty from each 4 colleges with AVP RSP *ex officio* in consultation with AVP and Senate President.

## Old Policy: Investigation Phase (Section 4.5 – 4.10)–

- IC meets and elects a chair within 10 working days of inquiry report; must complete work within 60 days.
- IC insures confidentiality and diligent effort to protect position, anonymity, and reputation of all parties during investigation.
- Subject may submit information and appear to present case; receive report of all evidence relevant to allegation; legal council with 1-week notice; but must represent self.
- Record of proceedings kept; breach of confidentiality grounds for misconduct.
- IC issues report (majority/minority); all evidence in Provost office.

## New Policy: Investigation Phase (Section 4.5 – 4.11)–

- IC meets and elects a chair within 30 working days of inquiry report; IC receives orientation from Provost and General Counsel.
- Investigation length commensurate with complexity, up to 120 days; Provost provides justification. IC must investigate and address all charges of misconduct.
- IC insures confidentiality and diligent effort to protect position, anonymity, and reputation of all parties during investigation, “to the extent possible”.
- Subject may submit information and appear to present case; have access to all evidence; legal council with 1-week notice with written notice; but must represent self.

## New Policy: Investigation Phase (Section 4.5 – 4.11)–

- Record of proceedings kept; breach of confidentiality grounds for misconduct.
- IC issues report (majority/minority); all evidence in Provost office for 7 years.
- Provost may consider the content of the report, and other policy violations or findings of misconduct.



## Old Policy: Penalties and Appeals (Section 4.11)–

- Within 10 days of IC report, Provost imposes disciplinary measures consonant with the seriousness of the offense.
- Sanctions may be imposed by funding agency if relevant.
- Retaliation against person making allegation prohibited and dealt with as misconduct.
- Interim administrative action may be taken by the university or awarding agency upon receipt of allegations of misconduct.
- Subject may appeal IC ruling and/or sanctions to President within 30 calendar days (no deadline or process). President decision is final and binding.

## New Policy: Penalties and Appeals (Section 4.12)–

- Within 20 days of IC report, Provost weighs collected evidence, testimony and IC findings to impose disciplinary measures consonant with the seriousness of the offense. Provost may consult with IC as part of the review. IC and respondents notified of sanctions.
- Provost notifies funding agency; sanctions may be imposed by funding agency if relevant.
- Retaliation against person making allegation prohibited and dealt with as misconduct.
- Interim administrative action may be taken by the university or awarding agency upon receipt of allegations of misconduct.

## New Policy: Penalties and Appeals (Section 4.12)–

- Subject may appeal IC ruling and/or sanctions to President **in writing** within 30 **working** days (no deadline or process). President has 30 working days to render a written decision, and is final and binding.

## New Policy: References—

- Add human subjects policy (PS 03.A.23)