

DOCUMENTS AND MINUTES OF THE GENERAL FACULTY
AND
DOCUMENTS AND PROCEEDINGS OF THE UNIVERSITY COUNCIL
NINTH REGULAR MEETING OF THE UNIVERSITY COUNCIL FOR 1985-1986

The University of Texas at Austin
Main Building 212

Monday, May 12, 1986
2:15 p.m.

ORDER OF BUSINESS

- I. Approval of Minutes.
 - A. Minutes of the Meeting of April 14, 1986 (D&P 10511-10530/
D&M 16298-16317).
- II. Secretary's Report (D&P 10531-10538).
- III. Discussion of Secretary's Report.
- IV. Questions to the President. (Limited to 30 minutes unless
extended by vote of the University Council.)

- A. Kurt O. Heinzelman (English) has submitted the following
questions:

(1) Over the spring break there was an article in the American-Statesman and recently there was a front-page story in The Daily Texan about the new English requirements for University students. The reports described those requirements in a similar way, but they contradicted information conveyed in the University Council discussions on this issue. Specifically, the newspapers reported that after a short transition period of about 2 years the English Department of The University of Texas would no longer teach E. 306 during the long sessions. But during University Council discussion on February 17, 1986, Dr. Fonken said: "English 306 will be taught at this university for probably many years to come. It will be taught here by this faculty in the rooms that are owned by this university. It is not going away." I do not wish to make Dr. Fonken unduly responsible for remarks ventured extempore, but I do not see any way of reconciling his statements with the newspapers' accounts. How do you understand the disposition of E. 306 under the new proposal for University English requirements? Specifically, who is going to teach E. 306 and for how long?

(2) While recruiting new faculty this year my Department was forced by market conditions to make a salary offer to a beginning Assistant Professor with no teaching experience that would have significantly lapped the salaries of some of our most productive Associate Professors. (Incidentally, this

prospective faculty member accepted a job elsewhere.) What this incident reveals to me is a department salary structure that is out of economic touch with the rest of the profession. Year-to-year merit raises will never address the inequities that inform each and every rank in the salary structure. My department is by no means the only U.T. department in this predicament. Some departments cannot hire faculty at any price because of better opportunities in the non-academic sector of the economy. Even when such departments do hire, the salary of an assistant professor in a field with immediate marketability or of one doing research that has the potential for commercialization may be greater than the salary of senior professors in fields whose end is merely scientia. To some extent, of course, the kinds of economic disparity I am sketching here will always take place, but many faculty now feel that we are facing a serious crisis of morale among American educators.

a) What is the basis on which faculty monies are allocated to the various colleges?

b) Who determines and on what basis the starting salaries at the several ranks?

c) Is there or, in your opinion, ought there to be a procedure for keeping the salary structures in the various disciplines from becoming too disparate?

B. Reuben R. McDaniel, Jr. (Management), Chairman of the Faculty Senate, has submitted the following questions:

Prior to the University Council meeting of February 17, 1986, I submitted a written question to you regarding the status of the Recommendations Concerning University Policies on the Use of University Facilities. These recommendations were approved by the Faculty Senate on April 29, 1985, more than one year ago. They were discussed at the University Council meetings on May 6, 1985, September 23, 1985, and October 21, 1985. At its meeting on October 21, 1985, the University Council approved Recommendations 1 and 2, and defeated Recommendation 3. On January 6, 1986, you forwarded Recommendation 1, which recommended the repeal of Regents Rule VI, Section 7.26, to the Executive Vice Chancellor for Academic Affairs, with the request that it be reviewed by the Office of General Counsel.

At its meeting on September 23, 1985, the University Council had requested a written statement from the Office of General Counsel detailing any reasons why the University Council should delay consideration of the Faculty Senate Recommendations. The University Council had also requested that a representative of the Office of General Counsel be invited to the meeting of the University Council at which

these recommendations would be discussed. You responded on October 10, 1985, as follows:

"At the May 1985 University Council Meeting, Vice President Brown said that his office and Vice President Fonken's office were willing to attempt an informal review of the recommendations over the summer months even though under usual procedures such review takes place after action, if any, by the University Council.

"Professor Rabban had asked specifically that the opinion of University legal counsel also be solicited. Upon subsequent informal discussion with the Office of General Counsel, the University was advised that the Office of General Counsel chose not to comment on the recommendations until after Federal District Judge Nowlin had ruled on the merits of a case which includes issues related to some of the recommendations. For this reason, and also due to the press of other activities during the summer, an informal staff analysis of the recommendations was not undertaken.

"There has been no request by either the administration of U.T. Austin or the U.T. System Office of General Counsel that the University Council defer discussion of facility use matters or otherwise delay in acting on the recommendations of the Faculty Senate. In fact, I believe that a substantive discussion of the issues by the University Council would be most useful. I look forward to that discussion at the October meeting of the Council."

No representative of the Office of General Counsel participated in the University Council's deliberation on these recommendations at its October, 1985, meeting.

In my question to you on February 17, 1986, I asked:

"The item (D&P 10021-10024) regarding utilization of University facilities continues to plague some members of the Faculty Senate. It appears to us that we are getting the runaround. When the item was raised last Spring at University Council we were told that staff work would be done over the summer. Then we were told that the legal office had been consulted and, as a result of that consultation, the staff work was not done. When we then asked to have someone from the legal office come to the Council and explain the legal issues involved we were told that legal issues were not a barrier to action. The Council acted. Now we are told (through the Secretary's Report, D&P 10329-10330) that the item is back in the legal office.

"Please inform us (1) why this issue has now been re-submitted to the legal office and (2) when you expect to decide whether or not to forward this recommendation (and the other related recommendations passed by the University Council)?"

You responded that you wanted the Office of General Counsel, aided by the report of the Faculty Senate, to give an opinion on the constitutional question raised by Recommendation I. You added that you approved one portion of the second recommendation and were still considering the suggested elimination of the sponsorship requirement. After further comments about the delay from the Office of General Counsel, you agreed that you would push for a legal response within the next month, so that the issue could be resolved before the end of the 1985-1986 academic year.

Three months have passed, and no response from you or from the Office of General Counsel has appeared. It is now the end of the 1985-1986 academic year.

Questions:

- (1) Can you explain this additional delay?
- (2) Will you present, at the May meeting of the University Council, the response of the Office of General Counsel to the request you made in January (with a written explanation of any disagreement that Office may have with the constitutional analysis contained in the recommendations of the Faculty Senate)?
- (3) Will you present at the May meeting of the University Council your own decisions on whether or not to forward Recommendations 1 and 2?

C. RoseAnn L. Kutschke (Home Economics) has submitted the following questions:

A number of graduate students appear to be facing audits by the local IRS Office that is disallowing their past claims of tax exemption for research assistantships and teaching assistantships. Could you explain this recent phenomenon and describe the types of support that are and are not subject to income tax? If you cannot specifically answer this question, could you provide information that will assist us in our discussions with students or prospective students with regard to taxability of various forms of support?

- V. Special Orders - none.
- VI. Petitions - none.
- VII. Old Business - none.
- VIII. New Business.
 - A. Motion to Cancel Summer Meetings of the University Council - H. Paul Kelley.
 - B. Proposal to Add a Non-Voting Student Member to the Intercollegiate Athletics Council for Men and to the Intercollegiate Athletics Council for Women (D&P 10505-10509) - David J. Quan.
 - C. Motion to Authorize the Appointment of an Ad Hoc Committee of the University Council to Review Current Restrictions on Access to University Property by Members of the General Public (D&P 10539-10540) - Reuben R. McDaniel, Jr.
 - D. Report from the Student Health Committee Regarding the Recommendation Concerning the Creation of a Student Health Center Board of Directors (D&P 9886; D&P 9984-9990) - Reuben R. McDaniel, Jr.
 - E. Recommendations from the Educational Policy Committee Concerning Access of Undergraduate Students to Upper-Division Courses and Programs (D&P 10546-10547) - Lewis L. Gould.
- IX. Remaining Questions to the President.
- X. Adjournment.

H. Paul Kelley
H. Paul Kelley, Secretary
The University Council

Distributed to members of the University Council and to members of the General Faculty on May 7, 1986.