

**University of North Texas Health Science Center
Faculty Senate Meeting
Friday, March 21, 2014**

RECORDING: Shay Singleterry

MEETING TIME: 7:30 – 11:00 AM

PRESIDING: Amy Moss, President Elect

MEETING LOCATION: EAD-719

PRESENT: Subhash Aryal, Robert Barber, Frank DeLeon, Harold Fain, Michael Flyzik, Patricia Gwartz, Victor Kosmopoulos, Youcheng Liu, Thaddeus Miller, Amy Moss, Katalin Prokai, Joseph Ronaghan, Scott Walters, Joseph Warren, and Scott Winter

ABSENT: Linda Ball, Eric Cheng, Patrick Clay, Thomas Diver, Marija Djokovic, Sharon Gustowski, Geoffrey Guttmann, Roy Martin, John Podgore, Peter Raven, Yasser Salem, Jerry Simecka, and Robert Wordinger

ALTERNATE: Rehana Lovely for Geoffrey Guttmann

OTHERS PRESENT: Thomas Yorio, Joel Daboub

Topic/Agenda Item	Discussion/Conclusion	Action/Recommendation	RTA/Closed
Call to order	Dr. Amy Moss, President Elect of the Faculty Senate called the meeting to order at 7:35 AM. Dr. Moss stated that Dr. Raven was out of town and had asked that she act as chair for this meeting.		
Approval of February 2014 Minutes	Dr. Kosmopoulos moved to approve the February 2014 meeting minutes. Dr. Warren seconded. <u>Motion carried.</u>	After a few non-substantive changes, the approved minutes will be posted to the Faculty Senate webpage.	
Introduction of New Senator	Dr. Moss introduced Dr. Harold Fain, MD, MPH, Assistant Professor, the new senator from TCOM representing the Department of Community Medicine.		
Introduction of Alternates	Dr. Rehana Lovely for Dr. Geoffrey Guttmann.		
TCOM Update on Medical School Admissions Process – Joel Daboub, TCOM Assistant Dean of Admissions	<p>Dr. Moss introduced Joel Daboub, MBA, Assistant Dean of Admissions for TCOM. Mr. Daboub thanked the Senators for the opportunity to present a review of the TCOM admissions process. A PowerPoint presentation was used to give an overview of the admissions process. Mr. Daboub explained about the constant increase in number of applicants over the last 12 years. He also explained about the diversity of the students entering TCOM. The metrics for the entering classes over the last 11 years was also explained. The average GPA, SGPA and MCAT scores of students entering TCOM have increased each year. The threats and challenges facing TCOM in coming years are:</p> <ul style="list-style-type: none"> • MR5 – New MCAT <ul style="list-style-type: none"> • Medical schools know very little about how the exam will measure ability – new score schema • New sections include: Psychology and Sociology, Critical Thinking, Biochemistry • New Medical Schools <ul style="list-style-type: none"> • Dell School of Medicine, Austin TX – EC 2016 • UT School of Medicine, Rio Grand Valley ≈ EC 2016 • Incarnate Word School of Osteopathic Medicine, San Antonio - ? • Texas Medical School applicant pool leveling off (4% growth) 	The PowerPoint Presentation given during the meeting will be posted along with the minutes for those who wish to review it in detail.	

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<p>TCOM Update on Medical School Admissions Process (continued)</p>	<p>Mr. Daboub said the TCOM Strategy for Admitting new students was:</p> <ul style="list-style-type: none"> • Measurable performance by continuous process improvement through the integration of technology and customer service. “Be the First!” <p>He said he wanted to thank the many members of the 2014 Admissions Committee. They play an important role in the quality of students that are admitted into TCOM.</p>		
<p>UNTHSC Faculty Bylaw Amendment – Dr. Gwartz, Chair, Faculty Bylaw Committee</p>	<p>Dr. Gwartz read the proposed amendment to Article XII – Appeals of the UNTHSC Faculty Bylaws. This amendment read:</p> <p style="text-align: center;">“ARTICLE XII – APPEALS” – pp. 16-17 of the Bylaws</p> <p>A faculty member may appeal to the faculty grievance and appeal committee within fifteen (15) working days of receipt of a written notice of an adverse decision from the school/college promotion and tenure committee or the appropriate dean only regarding the following: (i) salary, (ii) promotion, (iii) renewal of employment, (iv) renewal of appointment, (v) tenure or (vi) post-tenure review. Appeals for revocation are addressed in Article XIII, Faculty Misconduct. The faculty member may appeal only if he/she alleges that the adverse decision was based on an impermissible reason. Such impermissible reasons include that the adverse decision(s) were: (i) based on actions protected by these Faculty Bylaws, including academic freedom or (ii) unlawful under the Constitution of Texas or the U.S. Constitution, including the First Amendment, the Fifth and Fourteenth Amendment (violation of due process or equal protection); or (iii) unlawful under state or federal law (“Impermissible Reason”).</p> <p>The faculty member shall prepare a detailed written statement of particulars explaining the reasons he/she believes the adverse action was for an impermissible reason and present the same to the chair of the committee within fifteen (15) working days after filing a written notice of an adverse decision with the committee. A subcommittee of three (3) members of the Faculty Grievance and Appeal Committee and chaired by if the chair of the committee will determine that whether the alleged facts, if proven by credible evidence, support a conclusion that the decision was made for one of the impermissible reasons. The decision of the chair and the subcommittee reasons for the decision shall be provided by the chair to the committee and to the faculty member making the appeal within five (5) working days of the decision. The members of the subcommittee shall be recused from this particular hearing.</p> <p>Dr. Gwartz asked if there were any questions regarding this proposed amendment.</p> <p>Dr. Kosmopoulos stated that the wording in the second paragraph of the amendment was confusing.</p>	<p>Dr. Gwartz said she would ask the Bylaw committee to review the wording and will make non-substantive changes so that it is less confusing.</p>	

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<p>UNTHSC Faculty Bylaw Amendment – Dr. Gwartz, Chair, Faculty Bylaw Committee (continued)</p>	<p>Dr. Kosmopoulos stated that the Chair of the Faculty Grievance & Appeals committee does not need to vote since it is a three person sub-committee reviewing cases.</p> <p>Dr. Ronaghan stated he did not feel the Chair of the Faculty Grievance & Appeals committee should even be part of the sub-committee. Dr. Kosmopoulos agreed with Dr. Ronaghan on this point. Dr. Ronaghan also stated that he felt that it was a conflict of interest for the Chair of the Faculty Grievance & Appeal Committee to serve on and vote as part of the reviewing sub-committee.</p> <p>Dr. Kosmopoulos stated the sub-committee should have random members from the Faculty Grievance & Appeal committee, which did not include the Chair. The sub-committee could review cases presented to them and report back to the entire Grievance & Appeal Committee, Chair and faculty being reviewed.</p> <p>Dr. Gwartz stated that the Bylaws could not move forward in the approval process until an amendment could be agreed upon.</p>	<p>Dr. Gwartz will take the concerns and comments back to the Bylaw committee for their consideration. She would report the decisions of the Bylaw committee back to the Senate at the April Faculty Senate meeting.</p>	
<p>Response to Senate Sub-Committee Findings on Faculty Grievance & Appeal Process – Dr. Yorio, UNTHSC Provost</p>	<p>Dr. Yorio said he has received and reviewed the findings of the Faculty Senate sub-committee on the Grievance and appeals process. He said that amendments to the Faculty Bylaws had already been proposed in response to some of the findings.</p> <p>Dr. Yorio also stated that his charge to the sub-committee was to review the grievance and appeal process not to review and report on the actions taken on specific cases.</p> <p>Dr. Yorio will be meeting one on one with the Faculty Senate leaders to discuss their concerns on the grievance and appeal process. He did not feel that the Senate meeting was the forum to discuss certain issues.</p> <p>Dr. Moss stated that the sub-committee understood that their charge was to review the process and not specific case outcomes. She wanted to make it clear that the sub-committee understood their duties.</p> <p>Dr. Ronaghan asked that if the sub-committee found there to be flaws in the grievance and appeals process, would decisions based on the flawed process, be invalid or revoked and subject to another review.</p> <p>Dr. Yorio stated if decisions were made based on the current bylaws and the process was followed per the bylaws, no change in the decisions would be made at this time.</p> <p>Dr. Kosmopoulos stated that not all of the sub-committee findings had been addressed.</p>		

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<p>Response to Senate Sub-Committee Findings on Faculty Grievance & Appeal Process – Dr. Yorio, UNTHSC Provost (continued)</p>	<p>Dr. Moss asked that Dr. Kosmopoulos be specific on which findings have not been addressed. Dr. Kosmopoulos stated the following items had yet to be addressed by the Bylaws Committee:</p> <ul style="list-style-type: none"> • The appeal process is not in alignment with the Grievance process in terms of timelines. • Yarborough Case finding • Grievance and Appeal Final Decision by Chair that the Grievance and Appeal committee remains a recommending body. <p>Dr. Kosmopoulos also stated that there were items in the post sub-committee changed UNTHSC Faculty Bylaws that are illegal. He said that Texas Government Code 617.005 provided that employees are to be allowed legal representation when appealing a decision of their employer. The Faculty Bylaws completely remove the option of allowing for an attorney altogether (present or otherwise). Dr. Kosmopoulos also stated that the law stated that employees should be allowed to make an appeal to a person of authority. When a UNTHSC faculty makes an appeal it is to a “recommending committee” not a committee that has any kind of authority in regards to decisions being made.</p> <p>Dr. Ronaghan stated there had not been any resolution on the sub-committee findings in regards to the Yarborough vs Texas A&M University – Kingsville, Number 13-07-00744-CV, Court of Appeals, 13th District of Texas, 24th of September, 2009. The Faculty Senate has asked the Provost multiple times for a response to this finding. Several senators stated that the Provost should provide a formal response on this finding.</p> <p>Dr. Walters stated that the Provost has responded to some but not all findings of the sub-committee.</p> <p>Dr. Ronaghan stated the Senate should receive a formal response on all sub-committee findings.</p> <p>Dr. Moss stated that the Provost office did acknowledge there are some process issues and several amendments to the Faculty Bylaws have been made as a result.</p> <p>Dr. Kosmopoulos stated that there are process issues that need to be addressed.</p> <p>Dr. Ronaghan stated that if the process is found to be flawed then the decisions based on those flawed processes could be flawed as well. He also stated that decisions based on the flawed processes should be readdressed and or reconsidered.</p> <p>Dr. Moss stated that the Faculty Senate has made great strides in improving the processes that were found to be flawed but they were not done yet. This is a work in progress and the Senates needs to continually work to improve processes for the benefit of all.</p>		
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<p>Response to Senate Sub-Committee Findings on Faculty Grievance & Appeal Process – Dr. Yorio, UNTHSC Provost (continued)</p>	<p>Dr. Warren asked if the Senate could make a formal request to the UNT System Legal Counsel’s office to appear before the Senate and give a formal response to the sub-committee findings.</p> <p>Dr. Moss stated that if a motion were made and passed, a formal response would be sent to Legal.</p> <p>Dr. Warren moved that the UNTHSC Faculty Senate make a formal request to the UNT System General Counsel’s office to come to a Faculty Senate meeting and respond to the sub-committee’s findings in regards to the Faculty Grievance & Appeal process, most specifically the Yarborough case. Dr. Prokai seconded the motion. The motion was carried with a unanimous vote of the Senators.</p>	<p>Dr. Moss said a formal request would be made on behalf of the Faculty Senate to the General Counsel’s office to come and address the Senate.</p>	
<p>Employee Appreciation Week</p>	<p>Dr. Moss mentioned that the Faculty Senate has been asked by Jennifer Trevino, Chief of Staff – Vice President of Administration, to poll their departmental staff on their ideas for Employee Appreciation Week. Ms. Trevino provided a list of questions that could be used with discussing this with department staff. Dr. Moss read over the questions and asked that the Senators share these in their departments and report back to Shay with their findings by March 31, 2014.</p>	<p>Shay will forward the questions to all Senators so they can share them with their department staff. She will then compile the information and forward to Ms. Trevino.</p>	

Approved for distribution 04/11/2014