

TAMU Faculty Senate Special Meeting Minutes

July 19, 2023

3:00pm

Via Zoom

<http://faculty senate.tamu.edu>

The full video recording of the meeting can be accessed on the Faculty Senate website:

<https://faculty senate.tamu.edu/Faculty-Senate-Meeting-Recordings>

CALL TO ORDER

Speaker Hammond called the special meeting to address issues with tenure, hiring, and DEI to order at 3:00 pm CST. the meeting was conducted via Zoom.

SPEAKERS COMMENTS

Speaker Hammond presented her comments:

“Right now, we are at a pivotal moment of Texas A&M University history. The world is watching us, and it is important that we act and that we are on the right side of history.

For those that don't know what is going on, let me give a brief overview. Dr. McElroy is a full professor with tenure at the University of Texas. She was recruited to lead the newly reinstated Journalism program at Texas A&M University. Despite her having a slightly non-traditional background with outstanding academic and field experience, the Department of Communication strongly supported her being hired as a full professor with tenure on arrival to lead the new program because of her impeccably impressive qualifications. Dr. McElroy was provided a contract with the standard language stating, “pending approval by the regents.” Dr. McElroy agreed to accept this position and she signed the contract with significant fanfare including balloons and a highly publicized event.

Recently, she was offered a very different position without the opportunity for tenure which was unacceptable to her. What happened between then and now is open for debate. But what is not open for debate is the significant media coverage with a perception of unethical actions concerning Dr. McElroy's hiring process.

Before I give the general narrative that is being spoken both by faculty at Texas A&M University and by others across the nation, it is important for me to state that I only know what others know by reading the same news articles that others have read. What I do know is that faculty are very upset by the recent actions.

The current narrative surrounding these events as told by the news media is that Dr. McElroy was hired based on her merit, but that her offer was removed or changed because of her opinions on DEI and/or because of her demographics due to outside interference.

I repeat again, the narrative that I just read is only a narrative. I have no access to any facts beyond what I have read in the newspapers. But this narrative is the narrative that faculty currently believe. And without any other narrative being provided, this is the narrative we are working with at this moment.

So, what does this narrative mean for us? Why is everyone so upset by the recent actions and who is at fault? First off, I do believe that anyone has the right to their own opinions and to speak their opinions to whomever or wherever they so choose. The world is always going to be filled with dissenting opinions, that is one of the great things about free speech.

What is not okay is that the university is presumed to have gone back on a contract. And what is even more not okay is the perception that the reason that the initial contract did not go through was not because of merit, but rather because of the opinions and/or demographics of the candidate.

The law clearly states that merit should be the number one priority when it comes to hiring, promotion, and tenure, and not demographics and/or opinions of the candidate.

Dr. McElroy's experience is beyond reproach, and there has never been a single question in terms of her expertise, experience, and her excellence in being a good fit for this position. The fact that she was initially offered the tenure position based on merit has never been in question. And that is what the biggest issue has been over the recent events.

Again, I repeat, the overwhelming perception by the faculty of Texas A&M, faculty across the nation, and journalists across the nation, is that she was offered a tenured position at Texas A&M University because of her merit, and then that offer was altered because of her opinions and/or demographics. This is unacceptable.

I mentioned before that I don't have access to any details besides the information in local and national news outlets, but even if the current narrative is not well precise, the fact that such a narrative could exist, and exist so strongly is a huge issue. In order for Texas A&M University to continue to exist as a respected R1, AAU, and land-grant public institution, the world must be able to trust that the hiring processes at Texas A&M University are fair and equitable.

Right now, the faculty and the world has lost trust in Texas A&M University. And that is a huge problem.

Respect and Integrity are core values of Texas A&M, and while I believe that those values are both important to both our President and our Chancellor, I know also that many faculty have voiced that they have lost trust that Respect and Integrity remain true core values of Texas A&M after past events.

I love Texas A&M University. I want us to be able to get past this point and return to a point of trusted excellence in the academic community, meaning teaching, research, and service to the public good. But that is going to require a lot of effort on behalf of a lot of people, including Texas A&M Administration, the System Administration, and the Board of Regents. I know that everyone in the A&M community wants A&M to be a pre-eminent, trusted institution of excellence. I just hope we have what it takes to get back to that point.

Now, before I pass the mic over to President Banks, whom I hope, in her leadership role, can help us, guide us to where we need to be. I want to mention one more thing.

As speaker of the Faculty Senate, I am very aware of many instances of inappropriate over creep of outside influence into our course curriculum. I would like us to save that for another meeting. I fully recognize the importance of what is going on in that arena, as well as its potential relationship to events at hand. And I promise to dedicate significant time to fully address those issues as well. However, I do not want that to serve as a distraction from what is important in this current situation, which is that a faculty member was hired based on merit, and then presumably unhired because of her opinions and/or demographics.

This concludes my speaker's comments. Now let us move onto our guest speaker."

GUEST SPEAKER

The guest speaker was Texas &M University President Banks. Her comments were as follows:

„Thank you for the opportunity to come and speak to all of you and I appreciate your comments Speaker Hammond. And I too am ready to take action as needed to put us on the right track.

I will say, it has been a difficult week for Texas A&M. I'm saddened by the negative attention that we have received, it's been detrimental to our shared goals and vision. I'm sorry, very sorry, sincerely sorry that Dr. McElroy will not be joining us. We all had great hopes of her joining us and leading the journalism program that was just established in fall of 2022.

We are in a very unfortunate situation. And I'm here today not to give speeches, not to give comments but to listen, answer questions, and to join in conversation with you to decide how we move forward and answer any questions you may have about where we are at this point.

We want to make sure that everyone feels welcome at Texas A&M. It's extremely important to me and I've mention that many times in speeches and also conversations. However, it may not appear so to those outside the university at this time due to the media attention. We must recognize that. I must own that as the President of this university.

But I want to correct it. This is an amazing university, I'm so proud of what we have done in the past. I just do not want this to derail our success and our movement forward. But it will take more than just me to change the direction of the college. It will take all of us to agree to the next steps and to move forward in a unified way after shared conversation.

So, if it's acceptable Speaker Hammond. I would like to stop comments now and listen and answer questions and truly move to a point where we can discuss actions at this time.“

Comments and Questions were made by the following:

Speaker-Elect. Angie Hill Price – College of Engineering, I agree with you Speaker Hammond, everyone has the right to free speech and I think that is very

important. But no one has the right to have that speech taking into consideration when they are not part of the formal process. These outside organizations that are saying because we're voters, because we're tax payers, we have a right. You have a right to have your voice heard, it doesn't mean you have a right to have your voice acted upon outside of the process. We have a very clear, formalized process for everything at the university and if the President or the Regents want to vote against someone's tenure package, they have the ability to do that. They have the ability to do so at any stage of the process, but it should be within the process. Not we don't want to see this go forward so let's make it go away. No matter what your political views or meanings are, you should be afraid of this whether your one extreme or the other or in between you should be afraid that someone can make a call and influence the hiring, tenure, promotion or anything related to our faculty. That goes against the heart of what we are as an institution and processes to make sure that voices are heard and if administrators or the Regents or whomever want to make those decisions, they can but they need to do it in the sunshine and in public where everyone can hold them accountable for their decisions.

President Banks Response: I agree with you and wrote you in a recent letter that I don't believe that outside influence should impact any aspect of hiring or other processes we have at the university. I've worked very hard as a dean and president to make sure we have SAP's and rules that make sense and has been discussed broadly throughout the senate but also throughout the university. I believe we have excellent procedures, rules, and SAP's at this time. So I do agree with you, now I will say that as president, I do receive a great deal of input as many of you would imagine. On so many issues, on every decision, I receive input from many different stakeholder groups. However, it's my job, my responsibility to ensure that input doesn't effect any decision that is made at the university regarding steps forward in our basic actions.

I will say what is important for me and everyone to remember, is that Dr. McElroy recieved an offer for tenure upon arrival submitted by the university. She came to campus, she signed that agreement. That agreement has not been revoked and is still in place. And I think it's important to remember that there was no change in that offer, she could have accepted that offer at any time. And we were excited about her coming. In fact, we scheduled a workshop on the vision of the Journalism Program for August with the assumption that she would be here. So, as I said before, I'm disappointed that she won't be here. The faculty voted

overwhelmingly to provide her an offer which was done and we believe we had an agreement at that time.

So Speaker Hammond, I just want to make a point to say that agreement was not revised, revoked, it was in place with signatures from officials at this university, the dean, and the department head and Dr. McElroy.

Dr. Price to reiterate again, outside influence should not impact our university operations.

Rajesh Miranda – School of Medicine, Thank you Dr. Banks for coming and taking questions from us and I feel like Speaker Hammond, I'm basing my comments on what I read. It doesn't make sense to me that there was this series of events of an offer of full tenure on arrival followed by an offer of a one-year appointment. I think that the university and you, Dr. Banks have not done a good job in communicating with the faculty what happened and what the pressures were. And I'm a great believer that sunshine is really important in order to promote confidence. Frankly, from the outside this looks like a lynching. And it's hard to ignore the racial atmosphere it's very hard. I think you need to take that into account and indeed if you were being subjected to a lot of pressure, I think you owed it to the faculty to resign if that were the case. But you have not resigned so I'm assuming that there are other things at play. We're very interested in hearing your explanation of intervening events.

President Banks response: As I stated, it was my understanding that Dr. McElroy had signed the offer. We had accepted her agreement to come to Texas A&M, August 1st. I don't get involved in the day to day negotiations and usually if there are negotiations or discussion of changes or other types of arrangements, that's done at the dean's level and department head level, you all know that. So based off of what I understood at all points, she was coming, Dr. McElroy was joining us August 1st. Whether there were arrangements or discussions beyond that, I wasn't involved in those conversations. I can't tell you for sure what happened or who said what, that is not something that I know. What I do know is that Dr. McElroy received an offer of full professor with tenure with the approval of the Board of Regents. I can't really respond to the period in between from when she accepted and when there were problems when she ultimately decided to reject the offer. I was so convinced that she was coming that in fact, we arranged a workshop for her to present in August which she had agreed to from what I understood from others. I had no information that the negotiations were not on track.

Adam Haney – Texas A&M at Galveston, Thank you Dr. Banks for coming in to speak with us and answer these questions. I'm still trying to get my head around the timeline of it. As you said, there was an offer extended with tenure contingent upon Board of Regents agreement and Dr. McElroy accepted that and then, another offer was made. I'm still trying to understand the X-factor in that and if Dr. Anand or Dr. Sams can speak to that if you yourself are not aware of that event. Could someone please explain what happened to prompt the additional offers?

So you have no offer of a record of an offer being made or accepted? Who guides this process?

So are you saying this came from Dean Bermudez and didn't follow the proper channels?

Vice President NK Anand response; Usually when an offer is made, it comes to our office for review. In this case, we did not get that for review. When the second offer was made, we don't have that either. We have all of the documentation and letter to that. That is all I can say.

The process, especially with a tenure upon hire they send us a copy for review and we say yes this aligns with our requirements and regulations and go ahead. Since this happened, we have taken an additional step and added a line for my signature.

In this case, an offer was made and executed and we found that in the Interfolio portal.

To our knowledge it didn't even go to the dean's office and was executed at the department head level. The second offer, the APT offer same thing happened so by the time we got involved it was after the fact. This was handled at the department level.

Chat Questions read by Secretary Klein:

Q: Can the President confirm what has been covered and reported in the Texas Tribune as being accurate?

Banks: I don't have the article in front of me. But what I can tell you is if there was a statement that the initial, accepted offer was revoked, that is not true. The initial offer was never revoked or pulled back and there was never an agreement of revising that offer. In terms of statements made by Dr. Bermudez, I was not in those conversations. I will say that Dr. Bermudez felt that the negotiations were on track.

Q. Do you think Dr. Bermudez should have resigned?

Banks: I believe administrators make their decision as to when it is the right time to step down and I respect his decision and I accepted his resignation.

Maria Irene Moyna – College of Arts & Sciences, the article which I just shared with Senator Klein, I meant to send it to everyone. The final offer that she claims to have received came to her on July 9, 2023. Who was it signed by? Where is a copy of it?

So does that mean that they changed their minds of their own accord?

This is a the one-year contract that we are talking about not the APT contract that was a five-year contract which was renewable.

She shared these letters with the Tribune so these letters exist somewhere presumably on Texas A&M letterhead or the Tribune wouldn't have used them. I would imagine journalism impact they would only use what they feel is authentic.

President Banks and Vice President NK Anand response: It was signed by the department head and maybe the dean but it did definitely not come to our office.

We did not receive or approve the offers. We can't find any documentation that there was a five-year contract offer made. We haven't seen copies of those contracts so you would have to ask the editors of the Tribune to share those with you.

Raymundo Arroyave – College of Engineering, I have been in such committees in the department level while NK and Kathy ran the college and in my mind, what is happening now is a complete surprise. Every hire I was involved in at the department level, there was full control over the offer all of the way to the dean's office. So the fact that right now there was apparently a rouge offer from the department head or the dean and the President and the Vice President for Faculty Affairs was not aware of this is very surprising to me. This was a very high-profile offer to a very high-profile program that was being resurrected at Texas A&M. We don't exhibit a very good level of confidence to the outside world. People that are interviewing for position in Engineering, how are they going to believe in the seriousness of Texas A&M when this fiasco is going on. Apparently no one knows who made the offer, no one knows how many offers were made, nobody knows

who signed which offer and nobody knows who wrote those offers, right? And frankly, we look incompetent. I don't have confidence in our ability to hire the best people that we need to take the university forward. And I speak as a member of the search committee for the Vice Chancellor for Engineering position. I question if I should be a member of that committee anymore because I don't trust the administration and their ability to hire the best. Frankly, I'm extremely disappointed in what is going on right now at the highest levels of my university and I've very saddened.

Vice President NK Anand response: The APT faculty position was signed by the department head and there is a space for the dean's signature but there was no signature.

President Banks : I will just say that I'm embarrassed that we are in a situation where we have an offer that was released without the proper approvals, I'm surprised by that as well. I think we both were. However, we honored that letter. We honored all of the letters as it was no fault of the candidate who was very, very qualified that our administrative structure broke down. And as I said before, if you can look at my history of running a rather large college, it had never occurred to my knowledge while I was dean and evidentially while I've been president. I take responsibility for it as I should as the president of the university. We will ensure that all deans and department heads in the future understand the process before an offer is made. We believed that we had communicated that in that past. Obviously, we did not do an adequate job as in this case, procedure was not followed. I will say again, that the offer letter that was given to Dr. McElroy through this process which was maybe not complete was absolutely honored by our university. Because the error lied with our university and certainly not with the candidate.

Grace Townsend – Texas A&M University at Galveston, Was the executive search team involved in this search?

So the offer letter only originated in the department is that correct?

So even though we brought her in, it was by a department that was being built? I know from dealing with searches that every hire has to route through to your office Dr. Anand so I'm not sure how this one fell through the cracks.

Vice President NK Anand's response: No, they are only involved when hiring deans or provosts.

Yes, that is correct. The APT offer was made at the department level and the tenure position was offered at the department head and signed by Dr. Bermudez. It was still stuck in the department level in the Interfolio portal, it didn't even make it to the college and it didn't come to us. We downloaded the contract from the portal after the fact.

We have added a line to include my signature to make sure this sort of thing doesn't happen again.

President Banks: No it came from the departmental home which would have been an existing department.

Chat Questions read by Secretary Klein:

Q. What department was the department head with?

N.K. Anand: Communications.

Q. President Banks states that the offer letter is still enforced. If Dr. McElroy were to accept the offer with the original terms is the job still hers?

President Banks: My view is that the offer is still open. I believe you are stating the Texas Tribune. It's my understanding that she rejected that offer. So we would have to correct that, certainly would be happy to have conversations at that point. Quiet frankly, I truly wish I would have had the opportunity to talk to her before she made the decision she made. If I would have had a little warning before, I would have called her directly and talk to her about her concerns. And I'm just sad that I didn't have the opportunity to do so because I believe we have lost a very, very good hire.

Q. What do you feel gave Dr. McElroy the impression that the first offer had been withdrawn?

President Banks: I have no idea because that was never my understanding or anyone else in my office. I was not at any of these conversations. Certainly I and others assumed that offer was valid and that she would show up on August 1st.

Q. Did Dr. McElroy provide any reasons as to why she rejected the offer that is still standing?

President Banks: We have not been contacted by Dr. McElroy. I assume you can judge by what you are reading in the media as to why she rejected the offer. But, we have not yet received communication.

Q: Who made the first offer and was that offer changed?

President Banks: We've addressed that and the offer was not changed.

Q. Was the original offer officially acted on by the Board of Regents and rejected or approved?

N.K. Anand: No she provided three names of recommendation and the hiring committee decided to hire her with tenure on arrival. There was no formal discussion.

Kathryn Falvo – Texas A&M University at Galveston, Thank you for coming and in the interest of shared governance, I'm very grateful you are here. Certainly seems like there is a lot of confusion. I've heard the words confusion, puzzled that indicate that there is a lot of big gray space for a lot of faculty and administrators in the process of how this happened. There is a process that is written down in pretty much black in white, we're all confused as to where it is that the breaks happened. We're dealing with a time when the Legislative is talking openly about the type of work that this professor does. So I don't know what conversation there was about DEI and her hire. I don't mean that she is a black woman, I mean the fact that she focuses on black women in her work but it does feel that we need to address that. So I'm wondering if Dr. Anand or President Banks can discuss if DEI was discussed during her hire?

Can I ask for a point of clarification? Was this for this hire that you are referring to or a different hire?

So you're not aware of any discussion that occurred regarding DEI and this candidate?

President Banks response: Not to my knowledge. I was aware that she had writings that referred to DEI but her work was not primarily in DEI. We had a meeting with the deans on June 20th. I had a meeting with all of the deans as well as the vice presidents in Rudder tower to discuss the issues around DEI at least our implamentation plan. There was a question in that meeting, I have an faculty candidate who has published work in DEI can I continue to persue this individual and hire them? The answer was definately yes. What should I tell them? Just

make them aware that the state of Texas we have the state law which is SB17 and we are now looking at implementation plans and deciding how to move forward with that law. So things will be changing on campus although we can't say at this time what that will be. But I think it is important that the candidates know about the changes that are coming, particularly if they haven't been notified by their institution.

No, this is referring to DEI, SB17 on our campus. Some of the people that are on this call were probably in that room.

Not that I'm aware of because her work was pretty straight forward and not related to DEI. However, I'm sure Dean Bermudez as was instructed to do with all new hires would have talked about SB17 and changes on our campus.

Dale Rice – College of Arts & Sciences, I will note at the beginning that I am a member of that department, Communication and Journalism. I am very concerned that some of the previous conversations could lead someone to believe that this was somehow a rouge action by our department to make a hire that was not known widely and I just want to say that is as far from the truth as could possibly be. We were very open in our invitation to Dr. McElroy to come to campus and she met with people across campus. I'm fully aware that from the system level on down people were very much aware that we were talking to Dr. McElroy and that we were hopeful that we would be able to bring her and that we had support at all of those levels. So I just don't want the impression that somehow our department went rouge in all of this when I think that is absolutely not the case.

President Banks response: I would say that I agree with you Dale. The department followed all processes to the department. The only challenge to us is that it just wasn't put through our system. As I stated before, we acknowledged the offer letter, we made the offer and celebrated her acceptance. So we're not saying that the process wasn't followed in process of the hire and the interview. You are right there was absolutely nothing wrong with the process. It was just the last step of receiving approval.

Rajesh Miranda – School of Medicine After listening to both of you, I have come away with feeling a little more confused than I did at the beginning. The gaps in the knowledge as to what was happening at the higher levels. What we do know is that there are groups gleaming that they were successful in derailing this process. And so we have to understand that they have some knowledge into this that we don't. My question is that have you sat with either Dr. McElroy or Dr.

Bermudez to find out what it was that they were told. Why did Dr. Bermudez feel that any offer that he made could be pulled out at a moment's notice. What was he told that bypassed your chain of command and what did Dr. McElroy hear from him. I mean it just seems like there has not been an opportunity to speak with her and just be frank with her.

President Banks response: So my understanding from Dr. Bermudez is that he was as surprised as other people and that he thought as I did that the hire was on track. With regards to Dr. McElroy, certainly I'm open to doing so, however, there is a possibility of legal action right now, so OGC has asked that we not contact her directly at this time. I'm hoping that we can do so in the future. But right now, OGC prefers that we not talk to her directly and we have been talking to her legal council.

Vice President N.K. Anand: No outside agency has contacted me, neither for or against.

Chat Questions read by Secretary Klein:

Q: Can the names of the committee members at the college and department level be known, is this public information?

President Banks: Speaker Rice, you would have to address it from the department level but I think it was open information as to the membership of the search committee and I'm sure it included faculty.

Dale Rice Response: The search committee at the department level are public and were involved in a lengthy search process that lasted more than a year and brought other candidates to campus as well and it was a very open and transparent process.

Q: If she would accept the offer, could she still expect tenure approval?

President Banks: She would have to go through the process. Let me be clear, tenure on arrival doesn't mean that you don't have to go through the process. I was in that situation when I arrived. But before that offer was even approved, I had to provide names of three letter writers, as well as had to prepare a tenure document at that point the document itself must go through the department tenure and promotion committee with an official vote. Then that moves to the

college level, university level, then President's office, the Chancellor's system, then it would go to the Board of Regents for final approval.

Q. Could the Board of Regents meet to expediently accept her tenure on arrival so she could join us on August 1st if she were to reconsider? How can we make this situation right?

President Banks: We don't even have a tenure document. We will follow the process before we even move towards the system.

Q. If Senator Rice is correct. They why was the offer changed presumably from tenure to non-tenure. More specifically, who got the department to change the letter?

President Banks: I can't talk to any conversations. But let me say again, the offer was not changed. There was evidently from the media a second offer but the offer that she received and signed is still valid. I want to make sure that everyone understands that we did not revoke or revise the original offer.

Q. Why hasn't the university publically and officially responded to these speculations? Why was the university so opaque about the processing of the media?

President Banks: So we did produce a document that listed facts that the offers were not revoked as well as two or three statements.

Vice President Ballabina response: We did prepare a response for the media and they took part of that response and not others and shared it. In follow up to this meeting, we can share that response with everyone on the call. It listed steps in the process and that we regret that this happened.

Jorge Alvarado – College of Engineering, Is it fair to say that no one in administration was responsible for managing this situation from beginning to end? It went from one office to another office and it got lost, is that fair to say? Do you think it is appropriate to reach out to Dr. McElroy to tell her that the offer still stands.

But there was a signing ceremony with balloons.

How did we get to this point?

Do you think it's appropriate to reach out to Dr. McElroy and ask her to join A&M even with all of the negative media coverage? Should we make that effort?

President Banks response: We have processes that we follow and the only process that wasn't followed was the process to receive approval by the Vice President for Faculty Affairs. The Board of Regents doesn't get involved in offer letters. They become involved when offering tenure.

We have to improve the process and I take responsibility for that. What can we do to insure that this doesn't happen again.

Why didn't our department head and dean understand the process. Again that's on us. We are trying to education everyone about the process. OGC prohibits me from speaking with her at this time.

OGC is handling this at this point and there is legal council involved at this point.

Vice President Anand response. We have templates for all kinds of hires and the department did follow the template. The template of the offer letter clearly states that must receive approval by the Texas A&M University System Administrators and Board of Regents. The next step would go through the department head, to the dean's office, to the Faculty Affairs office. Then we send it to the President's office who sends it to the Chancellor's office and then the Board of Regents for approval.

Yes but just like President Banks signed on without tenure, Dr. McElroy accepted the offer without tenure. Some people refuse to sign until their tenure is approved which could take 6,8,9 months.

Jyostna Vaid – College of Arts & Sciences, Thank you Dr. Banks and Dr. Anand for being available. To me there is an underlying question that we seem to be skirting around and I want to know if you can tell me Dr. Banks what you can tell me and future prespective hires about whether A&M respects some aspect of research on Diversity. From what I understand, SB17 exempts research and instruction on Diversity and I feel that contributed to the confusion and the debakal we have seen here. I would just like to know what the administrations stance was on potential faculty that do research on DEI. And faculty that may decide that A&M is not a place that values what they do?

President Banks response: I feel strongly that we will ensure that senate bill exemptions are honored. Research is exempt from Senate Bill 17 we will allow

research, curriculum, student organizations and recruitment are protected. We are in the process of requesting guidance from OGC on the process of following the guidelines. OGC's plan is to have answers to questions about SB17 by the end of July.

Raymundo Arroyave – College of Engineering, I remain as confused as many of us., because you have been superbly competent leading our university. And this seems like a difficult situation where no one knows who did this hire. Some point in the chain of command there was some input from external forces and extra offers were made. All faculty are working very hard to elevate Texas A&M but through some very unfortunate event, we have ruined Texas A&M reputation. I have an extensive network of colleagues and I was so upset that I conveyed what was going on to this in my social network. Now everybody knows that Texas A&M is not very serious when trying to recruit top talent. This is going to affect us in the short term, medium term and long term. And I seriously doubt our ability to retain our trajectory by being able to recruit outstanding faculty due to the fact that we have lost all credibility in this matter.

Those responses were before the debacle happened correct? If you ask those people that were 90% positive are probably 100% negative.

President Banks response: I understand the frustration but I want to make a point that we can't stop people from taking credit. And I will say something that is interesting is that we have been talking about outside influence but we have received hundreds of social media comments maybe even more that were overwhelming positive. I'm very excited about the future and we are going to make sure this doesn't happen again. The Journalism program will still continue.

Vice President Ballabina response: 90% positive media response after the signing of Dr. McElroy.

You are correct. The reaction since all of this has broken has become very negative.

Vice President NK Anand Response: With SB 17 going on, we were successfully able to recruit two high-profile appointments into his department, Mechanical Engineering and we are in the process of hiring another high-profile candidate into the School of Medicine.

Rebecca Burns – School of Nursing, Thank you Dr. Anand, and President Banks for being here today and talking with us. I don't believe in spending hours in

beating up the process, it's about moving forward. If it was about denying this didn't happen or shoving it under the rug but it's not, you both have been very transparent about what has happened. There is no system that is perfect, there are some things that we need to work on. Most of the time in healthcare, well 99% of the time it is a system problem. No one intends to hurt anyone's reputation, or job opportunity. To me it is about moving forward. I understand the legality issues. And I feel moving forward, it would be better focused on moving forward. There is probably a good idea of how this happened and to insure it never happens again.

Vice President Anand Response: Several times I heard, I don't know who said what or who raised the issue about transparency, sunshine and trust and so forth. Let me say that as soon as I got back from my vacation, we requested all documents and provided all documentation to the Office of Graduate Council (OGC). In terms of sunshine, there is a FOIA and all of you can request information and let the chips fall where they may. When we give information to faculty, we expect for it to be used in the right way. If character and trust is lost everything is lost.

Chat Questions read by Secretary Klein:

Q: Can Dr. Banks confirm that she has met with the Rudder Association as reported and can she tell what conversation she has had since this has arisen?

President Banks: I have not met with the Rudder Association . I'm surprised that they would even state that given that I haven't.

Q: President Banks wrote in her letter, I agree outside influences can be problematic during faculty searches and appointments. We have a clear and successful processes and policies documented in our standard rules and procedures that should be strictly followed for all faculty related deliberations. The rules and SAP were designed to ensure that faculty searches were conducted in a fair and unbiased nature with faculty input at all stages.

The confusion arises because of the term outside. We do not know what constitutes outside or inside entity for faculty hiring and promotion. I ask that the administration clearly define these terms.

President Banks: What we consider outside is based on the AAU definition is outside the governance structure, which includes, Board of Regents, Chancellor, System all aspects of administration within the university.

Q. What assurance can you give to any potential hires who have concerns that the Board of Regents won't approve their hire if they have taught or done research on topics that the Rudder Association doesn't like?

President Banks: I think the Board of Regents will take the guidance of the university and the faculty committees within the university. I do admire and respect all of the members of the board and I assume they will not have bias when reviewing tenure cases.

Q: I think the underlying question from faculty is how prospective faculty members are supposed to conduct DEI related research as it is now considered a disqualifier as being considered here as a hire.

President Banks: I've been very clear that SB17 research is exempt so there is no reason to consider it outside the bounds for tenure.

Q: Who wrote the second and third offer letters? Who put them in the system? Who made them available to Dr. McElroy? In short who is responsible for derailing this hire by maintaining a consistent chain of miscommunication?

A. Vice President Anand reponse: The tenure letter was signed by the department head and the dean. The second letter which was two parts a three-year directorship was signed by the department head. I have asked a number of times if they have a five-year contract we have not been able to find one.

Q. What steps are we taking to improve the image of the Aggie community?

President Banks: We are right now we are discussing that very thing. I ask Speaker Hammond and others to help us. We have released a statement to the media but it will take much more. We must find a way to communicate that we are a welcoming institution. We support all in their research and academic pursuits. We want excellent recruitments. I can't tell you the steps right now but hopefully a partnership with the senate, Senior Faculty Advisory committee, with CPI we can develop next steps.

Adam Haney – Texas A&M University at Galveston, Can someone close the loop for me on this. If the process is broken and so many people were not made aware of this. How can we say with certainty that there weren't outside influences? If no one is willing to take responsibility other than you Dr. Banks?

President Banks response: I can say that the process to give her and accept the offer occurred and she accepted the offer. We assumed she would be speaking at

the workshop in August. It's my responsibility to make sure that input for outside influence do not effect the way we conduct operations at this university.

Speaker-Elect. Angie Hill Price – College of Engineering, President Banks, you mentioned that the Board of Regents are not outside influences so is there a way to definitively state the the regents or regent did not try to influence this decision by communicating with someone in the college to say make this go away or change the offer we're not going to approve it.

President Banks response: I wouldn't know, but I trust these regents. They are excellent individuals and outstanding citizens. I can't imagine a situation or scenario where they would call into the university to change the university process.

Speaker Hammond stated that President Banks has to leave for a meeting at 4:30pm and that she suggests any further questions are put in the chat and perhaps we can reach out to her for further comments. Thanked President Banks and her cabinet.

All non-senators are asked to jump off of the Zoom meeting and jump onto the Livestream unless we decide to make it non-public.

Debjoyti Banerjee – College of Engineering, made a motion to move the meeting into a closed session.

Jorge Alvarado – College of Engineering, why do we want to have a closed session. It should be open to the public in the spirit of transparency.

Trevor Hale – Mays Business School, seconded the motion.

Raymundo Arroyave – College of Engineering, The point of this meeting is to rescue the reputation of this university. We need to be open in the way we deal with this matter. We are sending a message that we the faculty aren't standing for the acts of the administration.

Rajesh Miranda – School of Medicine, Some people may be scared of retribution but we need to be brave and keep this meeting open.

Peter McIntyre – College of Arts & Sciences, I believe it is very important to keep it open.

Irene Moyna – College of Arts & Sciences, We have a second on the motion to keep it closed.

Dale Rice – College of Arts & Sciences, We need to hold a vote.

Adam Haney – TAMUG, I ask that we vote no on the motion and maintain an open meeting. We can't criticize the administration for being opaque and then hold a closed meeting.

Mark Sicilio- School of Medicine, I also agree to keep it open.

Katherine Falvo – TAMUG, I'm speaking from several colleagues that I represent who are not in the room who would like an open meeting.

Secretary Klein launched a poll yes to make the meeting close a vote of no will leave it open as it. The results were 15 for 58 against. So with that decision the meeting will remain open.

Secretary Klein then read the following resolution to be discussed and voted on: Senate Resolution on Outside Influence on Faculty Hiring and Promotion

Whereas Texas A&M University is a member of the Association of American Universities (AAU) and an R1 academic institution with a national reputation, and

Whereas recent events have called into question the state of academic freedom at our university, and created a national perception that outside influence has interfered in the appointment of Dr. Kathleen McElroy as a full professor with tenure at the university, and

Whereas this national perception has caused significant damage to the reputation of Texas A&M University, and

Whereas this perception of the absence of faculty independence could jeopardize our standing in the AAU, and

Whereas the recent interference in curricula matters further calls into question faculty ability to preserve departmental, school, and college accreditation, and

Whereas these events are making it increasingly difficult for Texas A&M to retain and recruit talented faculty, and for current faculty to do their jobs,

Now therefore be it resolved that the Faculty Senate of Texas A&M University requests that the President, Chancellor, and Board of Regents make clear public statements that emphasize outside interference in faculty matters is not acceptable, and

Be it further resolved that the system and university leadership resist outside influences and stand up for the faculty against inappropriate outside pressures, or the perception thereof, and

Be it further resolved that the system and university leadership support the creation of definitive processes that ensure that faculty continue to have an appropriate institutional role in shared governance as advocated by the American Association of University Professors.

Speaker Hammond – I have received several messages about fear of retaliation if the meeting is left open. Remember that you still have the ability to post questions anonymously to Secretary Klein. That has not gone away.

DISCUSSION ON THE RESOLUTION:

Carolyn Cannon – School of Medicine, I found the resolution to be very well written and I don't think there is anything that will jar the administration whatsoever because the asks are what they have already articulated in this meeting. But one of the questions that I have is how can one ensure that this will never happen again, when one has no clear idea of how it happened in the first place, which is what the administration has asserted. They have no idea, they were not involved and they have no idea of what happened. Without having made a root cause analysis in the interval between the time that this occurred and the time that they knew that they would be speaking with us today. If they ratify that yes they need to change things which they have already said but they haven't assured me that they can rectify anything without knowing what went wrong to begin with. So I

don't think that this resolution will have the intended impact and I suggest that we potentially include some specific asks.

The School of Medicine caucus discussed some potential asks one of which is now null and void because it was asking the Board of Regents to expediently approve the hire to send the clear message from upper administration that they in fact want her here and want to undo any appearance of the contrary.

And also to establish perhaps a named Kathy O. McElroy program in Journalism so it acknowledges that she was very appropriate for this role and at the very least, we can acknowledge that something did happen by having a named program or scholarship.

Do we have confidence that the administration with what we have heard is going to accomplish what they say they would like to?

Marie Irene Moyna – College of Arts & Sciences, I'm not satisfied with what we know. There needs to be a thorough investigation as to why this was not moved ahead in Interfolio. I was a head of department at some point and I have an idea of what may have happened. Because when things don't move forward in Interfolio, there are usually phone calls going back and forth so there is no trace. Maybe it was that, maybe it was something else. But unless we know what happened and who was at fault and until the person or persons at fault are punished, things will continue to go like this. Some people's heads have rolled, I don't know if those were the right heads to roll.

Speaker-Elect Angie Hill Price – College of Engineering, I think this resolution is a starting place and not a finish. I agree with finding out the root cause and knowing what will happen. But I don't feel we will ever know. As things come clear and apparent, I believe we may have an additional resolution that may come out of it.

Speaker Hammond commented, I agree with Speaker-Elect Hill Price, this resolution isn't meant to be the end, this resolution is meant to be based on the information that we have right now. And what do we do with what we know now without any potential missteps on our part.

Raymundo Arroyave – College of Engineering, I disagree that this resolution is all we should do today. I believe they are splitting hairs and that they know more than what they are saying. There is stuff you can do to not leave a paper trail. This resolution is very weak. We should ask that a committee be formed with a

member of the senate to investigate and find facts. And the people that were responsible need to be held accountable. I feel that some people were used as scapegoats.

Peter McIntyre – College of Arts & Sciences, I believe the motion as we have it was made before we heard what we just heard which was breathtaking. The contract still stands and is in force and they have not received a formal rejection of the offer. They have no knowledge of the two downgrading offers. Which leads me to believe we are not being told the whole truth. The Faculty Senate should undertake a fact-finding committee to meet with the players who actually put their signatures on the contracts and understand from those individuals what went on. The assertion of the importance of retaining integrity from outside influence and simply giving the administration something they can agree with and admit no fault.

Blanca Lupiani – School of Veterinary Medicine and Biomedical Sciences, I agree with those comments and I would like to add that the Interfolio comment that the administration gave is just an excuse. It has nothing to do with Interfolio. They did not answer the question on what happened with the first offer with the tenure on arrival and what happened later on with an offer being changed probably due to external influences.

Mark Burge – School of Law, I don't want to throw lots of cold water on the idea of fact finding. We may not be able to do that as long as there is a threat of litigation. There is not a lot of information we can get into and every single door would be closed due to the attorney-client privilege. We can do general fact finding but not specific fact finding in regards to what happened with Dr. McElroy. Here, we are not going to be able to do much fact finding with regards to Dr. McElroy as long as there is a threat of litigation. It's just the reality of our situation.

Jorge Alvarado – College of Engineering, A&M is 147 years old and I'm surprised that our President and Vice President made excuses that this offer didn't make it from point A to point B. Basically they were hiding behind technicalities instead of addressing the issues at hand and managing this process. No one called the professor and said we're working on this case don't worry we will get you hired. What happened even though the president said the offer still stand. I suggest we try to pass a resolution today.

Raymundo Arroyave – College of Engineering, I think that the resolution, I understand that the legal ramifications may lead the committee not to be able to find facts. But we should still act for it. I also feel we should add to this resolution that we are still skeptical. I'm unwilling to take at face value anything that Kathy or NK said. We all have a bunch of PhD.s and I don't think any of us can actually diagram what happened. There are so many questions that I have and feel that they were extremely cautious in what they stated. I have worked with NK and Kathy at the Department Head level and they never missed a letter of offer and the fact that they missed this one for this particular candidate makes me wonder.

Dana Gaddy – School of Veterinary Medicine and Biomedical Sciences, It comes to plausible deniability. If you don't go searching for information because you don't want to know. Then you can come to the Senate four days later and say I don't know. They both knew that they were going to come here and have to answer questions and for them to both choose to not ask questions. Dean Bermudez gives his resignation and they don't ask the questions that they know they are going to be asked about? It's plausible deniability for them to be able to stand up here and say I don't know. I'm insulted as a full-professor faculty member this institution. I'm an alumnus at this place, and I'm a faculty member at this place and I'm ashamed to wear my ring. It's outrageous for them to come here and provide insufficient information and hide behind the fact that they didn't choose as the leadership to get the information necessary to answer our questions. That was a choice on their part. If they didn't know, get the information they had a week. I don't think this resolution is well-written and is completely inadequate. I find complete lack of confidence in their continuation of leadership at this university.

Robert Carpenter – School of Medicine, We don't have any facts but we do need to have some form of contration or at least some in symbolic meaningful way that we say this is important to us as a university. There needs to be an acknowledgement that something wrong happened whatever it was and we are going to bring them forward and change the culture. Naming the program or chair after Dr. McElroy who should be a professor at out university.

Rajesh Miranda – School of Medicine, To follow up with Dr. Carpenter. I would also support adding to the resolution that a chair or professorship should be named in her honor. I feel that we need to ask for an investigation. The third thing I would like to ask is that the university may be precluded from talking to Dr.

McElroy, but there is nothing stopping the Faculty Senate from speaking to Dr. McElroy and learning her side of the story. The administration can refuse to not answer but there is nothing stopping Speaker Hammond from inviting Dr. McElroy to answer questions of the senate.

Larry Fickel – School of Architecture, First of all I just want to address, if you take your Aggie ring off everytime you run into an Aggie that doesn't follow core values than you might as well take it off and put it in a drawer. Not all Aggies follow core values. Whether you believe that or not. We're being lied to on alot of fronts. Everyone is asking the Interim Dean and the Head of Communications to fill in the holes that are left by President Banks and Dr. Anand. There are some holes there, whether they would get filled in or not I don't know. But I don't know that we even know enough to pass a resolution that is meaningful in any way. It's not going to change their approach to the world. I don't see any point to the resolution.

Michael Howell – Bush school of Govnerment and Public Service, I wish to make a motion to send the amendments back to the Executive Committee for revisions. This was seconded by Larry Fickel with the School of Architecture.

Further discussion was made in regards to this motion.

Angie Hill Price – College of Engineering, I think we need to get clarification procedurally from our Parlimentarian since we had a motion and the motion was tabled.

Tianna Uchacz – Parlimentarian, the motion to committee is debatable and amendable. So it can amended to give specific time period or certain things need to be considered by the Executive Committee.

Raymundo Arroyave – College of Engineering, I do not understand this motion. We have a good first draft. Some of us are proposing amendments to the resolution. Some of us have expressed lack of confidence in administration with hiring, recruitment, tenure and promotion. That can be added to the resolution without sending it back to the Executive Committee. I oppose this motion. We should amend the resolution and pass the resoluion during this meeting. We may not have the attendance to pass the amendments if we wait.

Adam Haney – Texas A&M at Galveston, I agree with Senator Arroyave, I think it's incredibly important that we take action today. I don't want to get bogged

down by amendments. This is not the end of the conversation. This is merely the beginning the discussion. I absolutely do not want to send it back to the Executive Committee.

Speaker Hammond- Agrees with Senator Haney that we need to take action today and just to let everyone know, it is possible to move to add an amendment to the resolution. Send suggestions for resolutions to Secretary Klein and understand this isn't the only resolution that we can pass.

Jorge Alvarado – College of Engineering, I agree with the last two senators. I think it is very important to keep the momentum going and we don't need to wait a week or month for amendments.

Dale Rice – College of Arts & Sciences, I agree that we need to act now. We need to add a fact finding committee. However, rather than asking for this, it might be better for the senate to simply say that we're establishing a fact finding committee to get to the bottom of it. If we vote to continue with the resolution. If we defeat this resolution, I would suggest you give everyone a 5-10 minute recess to put into writing some proposed amendments.

Speaker Hammond Comments: Just for information, in the last Executive Committee meeting they had discussed creating of a senate committee to move forward with an investigation and to make sure what ever happens is agreeable to the entire faculty senate.

Jyotsna Vaid – College of Arts & Sciences, I agree that we need to take action today and that the existing motion is too weak. We need to update the resolution in light of today's meeting. We should add that even though we appreciate the president making herself available today although we are still skeptical of the answers provided. Instead of focusing on asking for something from the administration we should do something that is within our control.

Senator Vaid was then interrupted by the Parliamentarian. We are working on deciding if we are sending it back to the Executive Committee.

Rajesh Miranda – School of Medicine, If Speaker Hammond would agree to open an independent investigation and invite Dr. McElroy to testify that I feel we should not send this back to the EC but should work on it. The language as it stands is weak I agree but our actions would be much stronger.

Michael Howell – Bush school of Government and Public Service, still believes his motion to send it back to the EC is much quicker than trying to amend the resolution today.

Samaritan Sinah – College of Arts & Sciences, Can we ask Dean Bermudez and the head of Communication to attend the next senate meeting to answer some of the questions not answered by President Banks and Dr. Anand. Senator Sinah was interrupted as this wasn't part of the motion but a suggestion.

Andy Tag – College of Arts & Sciences, Wanted to call into question if we were going to send this back to the Executive Committee or not.

Secretary Klein started a poll on whether or not the Senate will continue discussion whether or not the Resolution will be sent back to the the Executive Committee. A no vote indicates discussion should continue.

Votes: 60 in favor and 8 against. So as a result the Senate will move to voting on the resolution.

Secretary Klein conducted a Poll on sending the Resolution back to the Executive committee a Yes vote indicates sending it back to the EC, a no vote indicates continuing with amendments.

Votes:

32 in favor and 37 votes against. So discussion of the Resolution continues..

Dale Rice – College of Arts & Sciences, Proposes an amendment to the Resolution.:

Be it futher resolved, that the Faculty Senate appoint a fact-finding committee to investigate the circumstances surrounding the failed appointment mentioned above.

Comments on the Amendment on the table:

Farzan Sasangohar – College of Engineering, I'm wondering how effective a fact-finding committee would be. Can we even pursue people and get information.

Speaker Hammond, When I was thinking of a committee, I wanted to senate to be happy with the descision which may include fact-finding.

Raymundo Arroyave – College of Engineering, We can request through FOIA documents but all information may not be in writing. This should not preclude our decision to form a committee.

Kathryn Falvo – Texas A&M University at Galveston, suggests that we mention who will serve on the committee and ask some administration (President Banks) as a member to ensure they are held accountable in finding out what happens.

Raymundo Arroyave – College of Engineering, What happens if the president is involved with what has happened? I think that is a very bad idea.

Rajesh Miranda – School of Medicine, agrees with Senator Rice’s amendment. Thinks we should invite Dr. McElroy and the Rudder Association to speak with the senate.

Dale Rice – College of Arts & Sciences, feels that adding administrators to the committee could be a potential conflict of interest.

Mark Burge – School of Law, We as the Faculty Senate can ask whoever we want for information and to serve on a committee, but the Office of General Council may well advise members of the administration not to speak about this topic with anyone. Dr. McElroy’s attorneys might do likewise and advise her not to speak.

Farzan Sasangohar – College of Engineering, Due to the lawsuit, it’s very tricky who and what we can ask.

Michael Howell – Bush School, Moved for a vote on this motion or to vote to continue past the 6:00pm hour.

Secretary Klein conducted a poll on voting on the amendement. A no vote indictates continuing discussion.

Votes: 56 in favor and 6 against. The amendment by Senator Rice will be voted on.

Secretary Klein conducted a poll on Senator Rices amendment. If you vote no you are opposed to the amendment.

Votes: 54 in favor and 10 against. Amendment passed.

The meeting will continue past the 6:00 pm hour, per Parliamentarian no need to vote to continue the special meeting.

Additional comments prior to adding amendments

Carolyn Cannon – School of Medicine, the reason we would make an amendment to form a fact-finding committee is because we don't have confidence in the comments that the administration gave. The amendment should state this.

Raymundo Arroyave – College of Engineering, We don't find the explanation satisfactory we're skeptical in the explanation that President Banks and N.K. Anand gave.

Kathryn Falvo – TAMUG, How do we interact with the administration and give them the opportunity for trust? We may be past that point. I would move that we discuss this as soon as possible.

Adam Haney – Texas A&M University at Galveston, Proposes an amendment. Be it known that the Faculty Senate remains skeptical and lacks confidence in the answers provided by the administration.

Raymundo Arroyave seconded the motion to add this amendment.

Secretary Klein conducted a poll on adding Senator Arroyave's amendment to the Resolution.

Vote: 49 in favor 6 against. The amendment has passed.

Secretary Klein conducted a poll voting on accepting the Resolution as amended.

Votes: 55 in favor 5 against. The Resolution passed as amended.

Senator Tag seconded the motion to end the meeting at 6:30pm.