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Faculty letter tests A&M System's ethics policy

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An ethics investigation is under way into a letter signed by two key Texas A&M faculty members and posted on a university website in which they expressed opposition to allowing guns in classrooms.

An A&M system lawyer said the effort violates a policy that bars employees from using their official authority to achieve a political purpose.

The authors of the letter are Dean of Faculties Antonio Cepeda-Benito and Bob Strawser, speaker of the Faculty Senate. Cepeda-Benito and others familiar with the situation confirmed that the university was conducting the review.

They both disagree they were attempting to influence legislation, and make a distinction between opposing specific legislation and opposing guns in classrooms.

On Thursday, Cepeda-Benito took the letter off the dean of faculties website pending the inquiry, he said, after his office received a call from Texas A&M President R. Bowen Loftin's office.

Jason Cook, a Texas A&M spokesman, said a pair of anonymous complaints -- one in an e-mail to Loftin; one through the EthicsPoint system -- have been filed regarding the letter.

"I am unable to discuss any individuals involved or actions taken to date, given that this concern involves personnel matters," Cook said.

In a letter sent to faculty under Faculty Senate letterhead dated Feb. 28, Cepeda-Benito and Strawser update colleagues about campus efforts regarding legislation that would allow concealed handgun license holders to carry in campus buildings.

The letter -- penned by Strawser -- states allowing guns on campus is "a frightening prospect" for many faculty and adds, "Like Antonio, I also considered whether or not to express my own opinion on this important matter. As Speaker of the Faculty Senate, while I also wish to be perceived as neutral and open to all, I feel that I cannot remain silent."

It concludes, "For a number of reasons, I am totally and unequivocally opposed to allowing guns in classrooms and other University buildings."

A university rule states Texas A&M can't endorse support or promote "partisan political activity" and that "it is the intent and expectation of Texas A&M University that all faculty, staff, and students avoid any behavior that could reasonably be interpreted as official University endorsement, support or promotion of political candidates or partisan political activities."

Andrew Strong, the Texas A&M System general counsel, said the issue falls on the use of taxpayer resources, namely the Texas A&M website on which the letter was posted, even though it was identified as personal opinion.

"The question is, were or are system or taxpayer resources being used to advance a political position?" Strong said. "If I wrote a letter saying these are my personal opinions, but submitted it under office of general counsel letterhead and signed it as the general counsel, I am giving the perception to the public that my personal opinions are supported by or endorsed by the office of general counsel."

He added, "My understanding is that whenever there's a report [to EthicsPoint], we have to institute an investigation."

'This isn't a political issue'

Strawser declined to discuss the incident, but provided a statement in which he said his role as Faculty Senate speaker is to advise the president, and that the letter he co-authored was a reminder for faculty to participate in the debate.

"These efforts were attempts to obtain information for advising the President, not to 'lobby,'" Strawser wrote in an e-mail Sunday.

In an interview, Cepeda-Benito said the letter was simply an effort to guide faculty to a forum where they could express their views on a matter of high importance to them. He said he and Strawser didn't state opposition to the legislation, but rather stated generic opposition to guns in classrooms.

"If this was about abortion or gay rights, those are a little bit removed from the business of the university," he said. "But this is an educational matter. People are trying to make this a political issue, but for faculty, this isn't a political issue. This is a matter of going to work with fear in your heart, or going to work to teach and not being afraid about whether people have guns in their pockets."

Cepeda-Benito has a similar letter that only he signed, in which he also expresses opposition to guns in classrooms, that remains posted on the dean of faculties website. He said he was not asked to take that one down.

Strawser and Cepeda-Benito's letter has similarities to one sent Feb. 24 by University of Texas Chancellor Francisco Cigarroa to Gov. Rick Perry, in which the chancellor -- on UT System letterhead -- without taking a stance on the legislation, states, "I must concur with all the concerns and apprehensions expressed to me, that the presence of concealed weapons, on balance, will make a campus a less-safe environment."

Strong said the letter at A&M that was taken down is a "much stronger statement in opposition to the legislation than what Cigarroa said in his letter."

"Factual statements or expressions of concern or optimism regarding the effect or impact of contemplated legislation are more than appropriate," Strong wrote in an e-mail late Sunday. "That is the type of feedback that our legislators expect."

The president of UT's flagship Austin campus, William Powers, also has stated he's opposed to handguns on campus.

But leaders within the A&M System -- whose chief is Chancellor Mike McKinney, a concealed handgun license holder and former Perry chief of staff -- are keeping their guns holstered on the issue.

Loftin, president of the flagship College Station campus, recently told a local radio station when asked that he worried about how campus law enforcement would tell the "good guys" from the "bad guys" in a shootout, but didn't state an opinion on guns in classrooms.

McKinney, a former legislator, said he understands how difficult lawmakers' jobs are and "they don't need me piling on."

"As an official, as a state employee, in my official position, I am prohibited from having a stance on a piece of legislation, and I have told all my presidents the same thing," he said.

Texas A&M University's faculty and students, however, have registered their opposition to guns on campus.

In April 2009, as lawmakers debated concealed carry legislation that ended up failing, a Texas A&M Faculty Senate survey found that 83 percent of 1,052 who responded opposed the legislation. Also that month, 54 percent of some 10,500 students who voted in a campus-wide referendum didn't support guns in campus buildings.

In December, the Faculty Senate in a unanimous voice vote opposed changing state law. And last week, 57 percent of more than 13,600 students who voted in a referendum again opposed the concealed carry legislative efforts.