

UNIVERSITY OF NEW HAMPSHIRE
2000-01 FACULTY SENATE
MARCH 19, 2001 MINUTES SUMMARY

I. Roll – The following Faculty Senate members were absent: Bornstein, Dennis, Draper, Gross, Halstead, Macieski, McCann, Morgan, Reardon, and VonDamm. Excused were Afolayan, Malarte-Feldman, Shippee-Rice, Smith, Trowbridge and Tucker.

II. Communications from the Chair – The Agenda Committee proposes that the Faculty Senate host a series of three lunch meetings with members of the Board of Trustees. These meetings would be similar to those held recently by the chancellor; and each meeting would include a few faculty and a few board members, so that people can get to know each other on a person-to-person basis. The board members may visit a laboratory or research facility after the lunches, which will be held at noon on April 6, 18, and 27.

Pictures of the faculty award winners will be presented in the Dimond Library fifth floor faculty lounge on March 29 at 3:00 p.m.; and refreshments will be provided. After today's Faculty Senate meeting, there are only three more senate meetings scheduled for this semester; and so senate committee chairs should contact the Agenda Committee to get each committee charge on the senate agenda. The senate chair also asked that senators remind their colleagues to fill out and return the Faculty Senate and Professional Standards Committee election ballots, to the senate office.

III. Intellectual Property Policy – The Intellectual Property Policy was first written in 1980 and revised in 1990, and many changes in the policy are needed now. Sections are being added on definitions, on student works, on equity interests, and on commercialization of technology; and the policy also did not cover matters relating to the internet. In addition, there is much more activity about patents now than in the past. For example, a new spin-out company called Chaoticom has recently been developed to introduce Chaotic Compression Technology, which deals with data compression and encryption. The Center for Technology Certification does license agreements for technology and has agreements with many universities. License agreements establish the obligations of each party and set up the division of fees and royalties. Clarity is important at the outset on such issues as the division of royalties and whether student research is inventive by the student or directive by the professor.

Page seven of the policy draft lists exempted scholarly works which may remain the property of the creator. Some faculty members expressed concern that the rights of faculty are not being protected by this policy draft and that the rights of faculty to their intellectual production may even be eroded. A professor asked why the faculty would be restricted from court action to resolve disagreements about intellectual property. Since a disagreement might occur between a faculty member and the administration, it does not seem fair to have one of the parties of the disagreement be the judge of the disagreement. Faculty suggested that a lawyer should review the policy draft from the faculty point of view, but it is not clear which body should arrange such a review: the Faculty Senate, the

AAUP, or some other entity. The AAUP usually deals with changes in working conditions, benefits, and compensation of faculty; and royalties could be considered compensation. Don Sundberg said that his office and also the senate's Research and Public Service Committee will review the policy draft in light of the comments today. Faculty should send any further input to him or to Tony Tagliaferro, the Research and Public Service Committee chair.

IV. Update on Moore Fields – Ted Howard, who chairs the University Lands and Property Use Committee, said that a review is currently required for any proposed change in the use of university land. The thirteen members of his committee formulate recommendations about the academic use of lands and send recommendations to the UNH Advisory Committee on Lands and Property, which in turn sends recommendations to the president. Three or four members are on both committees.

The Moore Fields are on route 155 towards Lee. The Seacoast Soccer Association would like to provide the up-front capital to create some soccer fields to be used by both the university and the association. An expert tested the land, and a site plan was prepared. After the site plan was put on the web, faculty sent a great deal of input about this plan. COLSA has classes which use Moore Fields, but the classes would be able to use other lands nearby. Also, Animal Sciences uses Moore Fields to produce feed for the dairy herd and to absorb the manure from the herd. A change might be made from a wet to a dry system of manure dispersal, but that change would require additional funding. The Board of Trustees has approved this capital investment. \$250,000 has been authorized for the improved manure management system, and part of the cost would be transferred to those who want to develop the soccer fields. Manure must be dispersed on productive crop land so that the nutrients do not go into the water table. The university is negotiating to acquire some nearby land for feed growing and manure dispersal. The committee wants to see a more detailed site development plan and to check all pertinent regulations. Plans for the land acquisition and the manure dispersal change would continue whether or not this site plan is accepted. The committee is satisfied that the academic impact of putting soccer fields on Moore Fields would be minimal.

A faculty member expressed concern that the additional parking needs in that area might make parking more difficult for the university community. Ted Howard said that the Seacoast Soccer Association plans to use the new soccer fields on weekends and late in the day, and so the parking impact would not be great. There are also plans now to add to the West Edge parking lot. The added driving time to disperse the manure at a further distance is also being considered in the cost accounting of the proposed change. The new crop land would have an equivalent value for crops, and that land would continue as open space and no longer be available for housing construction. Some of the proposed soccer fields would be natural grass and some would be artificial turf, as required by athletic rules. Ted Howard asked that faculty contact him with any further input.

V. Referendum – The senate referendum will be a direct vote of the faculty and will be sent via campus mail to the list of faculty who were included in senate elections. The Agenda Committee presented a revised referendum draft; and after some discussion, the

senators approved it. The senate chair said that he will add a bulleted item about whether faculty are satisfied with the role of the Faculty Senate in representing faculty concerns about the academic mission of the university. A time limit for return of the referendum will also be added. All names will be removed after the referendum is tallied. The chair asked the senators to encourage the faculty in their departments to fill out and return the senate referendum.

VI. Amendments to the Senate Constitution – The Agenda Committee presented a number of motions to amend the Faculty Senate Constitution and Bylaws. Motion one includes minor housekeeping changes and modifications to adjust the wording to conform to previously passed senate motions. Motion two removes the reference to a faculty secretary, since the senate has never used a faculty member as secretary. This motion also formalizes the position of the senate chair of the previous year as an ex-officio member of the Agenda Committee. Motion three makes explicit the current policy on representation by proxy. **Motions one, two and three were unanimously approved.**

Motion four attempts to clarify “official action”, by amending item 9 of the constitution to say “Collective bargaining issues may be discussed but no senate motion may be voted on, relative to collective bargaining.” The framers of the senate constitution included item 9 so that faculty would not speak with two voices during collective bargaining, since faculty have designated the AAUP to be the sole bargaining unit for the faculty. A bargaining issue could affect academic issues, and some senators feel that the Faculty Senate should be able to express its opinion. Other senators suggested that bargainable issues should be dealt with by the senate only when those issues are not under negotiation. As requested by senators at the previous senate meeting, the senate chair asked the university attorney and the AAUP what is covered by collective bargaining and what is the purview of the Faculty Senate; and the university attorney and the AAUP agreed that bargainable issues cannot be defined in advance. After considerable discussion, **the senate decided to keep item 9 of the constitution as is; and motion four to amend item 9 of the constitution was defeated with twelve ayes and sixteen nays.**

Motion five clarifies the process for replacing an Agenda Committee member (in item 5 of the constitution) or another committee member (in item 2.A.), when a vacancy occurs. The motion now specifies that vacancies would be due to resignations, deaths, or other such situations and that a work-to-rule faculty member who chooses not to participate in committee meetings does not vacate the seat. The middle paragraph of this motion states how a department dissatisfied with its senator could replace that person with another faculty member by a two-thirds vote. Some professors felt that the replacement vote should be a majority vote or that the type of vote should be up to each department, while other senators felt that a two-thirds vote was appropriate. A decision was made to designate as motion six the middle paragraph of motion five. **The new motion five, consisting of paragraphs one and three of the original motion five, was approved with all ayes except one abstention.**

A motion was made and seconded to amend motion six (the former middle paragraph of motion five), to change “by a two-thirds vote” to “by a majority vote”. A friendly amendment was offered to modify that amendment to say “by at least a majority vote to be determined by the department”, but that proposed change was not accepted as a friendly amendment. The motion to amend motion six to “by a majority vote” was defeated, by a large number of ayes and 5 nays. Currently the senate constitution does not provide any mechanism for a department to remove and replace its senator. **Motion six, which was originally paragraph two of motion five, received a vote of eighteen ayes and ten nays.** [Due to a procedural problem, this motion will be revisited at the next senate meeting.]

VII. Adjournment – Today’s meeting was adjourned.