

UNIVERSITY OF NEW HAMPSHIRE
2005-06 FACULTY SENATE

APRIL 17, 2006

MINUTES SUMMARY

I. Roll – The following senators were absent: Bartos, Burger, Carroll, Deem, Frankel, Kallianpur, Lugalla, Macieski, Morgan, and Vangundy. Those excused were Lyon, Naumes, Onosko, Robertson and Sharkey. Guests were President Hart, Joanne Curran-Celentano, Cliff Brown and Michele Holt-Shannon.

II. Remarks by and questions to President Hart – The president asked that faculty encourage students to participate in the annual “Take Back the Night” event consisting of a speech, candle-light march and speak out. She added that enrollment deposits by new students are 300 ahead of last year at this time. Prospective students were able to pay the deposit on-line this year. The president said that the plan for this year had been to keep enrollments the same as last year, due to such factors as space in residence halls. Although there is an increase demographically in the overall number of college applicants and also students tend to apply to more institutions, UNH is doing well when measured against comparator schools. The university may need to adjust its admission practices in the future. A professor asked if the president thinks that, when more students are added, there is not only additional pressure for residence hall space but also more need for faculty; and he pointed out that there is a proposal to eliminate fifteen or twenty faculty. The president replied that the answer depends on where the enrollment pressure is and in what part of the university the additional students will study. The greater number of students could be partly due to the economy and partly in response to the good job the university is doing in its education, research, and marketing efforts.

III. Minutes – The senate unanimously approved the minutes of the last Faculty Senate meeting.

IV. Speech and civility – Ruth Sample of the senate’s Student Affairs Committee said that the committee was charged with evaluating a possible response to last year’s controversies about free versus uncivil speech. Areas of concern involved The Main Street magazine, a student poster in a dormitory, and a student web log that referred to several members of the community in a violent and sexually-offensive way. The committee consulted with officials on and off campus, researched the matter, and recommends that the university not institute an official speech code. The committee said that it is unlikely that any such code would garner widespread support among faculty, that it is unclear that such a code would pass constitutional muster, and that it is likely that a speech code would be found illegal in the courts. **The Student Affairs Committee recommends the following motion: that (1) there should be an open discussion among faculty in the fall regarding a speech code, (2) the university should sponsor a series of conversations about free speech and civility on campus, and (3) after the above discussions have occurred, the university should conduct an email poll of faculty about a speech code.** The committee said that, since bad situations regarding speech will probably occur again, the university needs to prepare to deal with them. A professor suggested that the university should first establish speech standards without enforcement measures, so that it would be clear what was and was not acceptable. The Student Affairs Committee representative said that such standards could be developed during the open discussions recommended in the committee’s motion. The committee could also discuss the suggestion after the motion is passed. **The motion passed with many ayes and few nays and**

abstentions. The senate chair said that next year's Student Affairs Committee could organize the implementation of this motion.

V. Patriot Act charge – Bob Jolley of the senate's Library Committee said that the revised Patriot Act has a higher standard for demanding information from libraries, since the statement of demand must now show that there are reasonable grounds of relevancy to an authorized investigation and identify in particular the tangible things that are ordered to be produced, in order to prevent fishing expeditions in library records. In addition, a person may now consult an attorney to obtain legal advice about the demand for records or other items; and challenges to determine the lawfulness of the order are permitted. However, the reauthorized act still allows broad access to library records. The American Library Association's code of ethics states that protecting user privacy and confidentiality is an integral part of the mission of libraries. Libraries must conform with the law and provide records when requested by a federal agent with a proper order, but a library is under no obligation to keep all records. However, once asked for specific records, the library cannot destroy those records. The American Library Association recommends that (1) libraries avoid creating unnecessary records and avoid retaining records that are not needed for efficient operation of the library, (2) libraries ensure that records are destroyed or archived on schedule, and (3) libraries be aware of practices that place information in public view, including postcard overdue notices, sign-in sheets for computers and such. The senate's Library Committee encourages the UNH library to establish guidelines in keeping with the American Library Association recommendations as soon as possible. The University Librarian is gathering information and will issue guidelines soon. The senate's Library Committee will keep the senate informed of progress on this matter. The committee does not know if the library utilizes video surveillance for security, but the committee could inquire if such tapes exist and if they would be counted as library records.

VI. Shared governance motion – Bill Stine of the senate's Academic Affairs Committee said that some faculty were concerned that deans might be instructing departments to create Discovery Program courses. Therefore the Academic Affairs Committee prepared the following.

Preamble: The development of new university-wide educational initiatives (e.g., the Discovery program) often calls on departments to develop courses or programs in coordination with those initiatives. Recognizing that

“When an educational goal has been established, it becomes the responsibility primarily of the faculty to determine the appropriate curriculum and procedures of student instruction (AAUP *Statement on Government of Colleges and Universities*),”

and that

“The allocation of resources among competing demands is central in the formal responsibility of the governing board, in the administrative authority of the president, and in the educational function of the faculty. Each component should therefore have a voice in the determination of short- and long-range priorities (AAUP *Statement on Government of Colleges and Universities*),”

the Academic Affairs Committee would like to offer the following motion. The Faculty Senate re-affirms the principle that the choice of how any given department participates in university-wide educational initiatives is primarily the responsibility of the faculty.

Further, if more resources are needed than the local systems can produce, deans and other administrators will work with departments to find ways to make new resources available.

A faculty member proposed a **friendly amendment** which was **accepted, to change the word “AAUP” in both instances to “Joint”**, because he said that the reference is to the 1966 Joint Statement on Government of Colleges and Universities (jointly formulated by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges). **The main motion, with the friendly amendment, was approved unanimously.**

VII. Grade distributions – The university has been releasing professors’ grade distributions to a commercial firm which publishes the distributions on the internet. At a past senate meeting, many senators said that this was a miscarriage of the right to know and violated the professors’ right to privacy. The Agenda Committee discussed this matter with the university counsel and two weeks ago presented to the Faculty Senate the following motion.

Inasmuch as professorial grade distributions are a single indicator among many indicators of faculty teaching performance and insofar as these distributions have been used by some chairs and deans to assess the performance of individual faculty, be it resolved that grade distributions of faculty must be entered into the individual personnel files of individual faculty and that the grade distributions must be treated by deans and department chairs as personnel records with all protections of privacy implied. The administration is advised to suspend public dissemination of grade distributions, as these are personnel records.

When asked for input on the motion, the university counsel wrote why he predicts that, if the commercial firm were to sue the university on the basis of right to know, the judge would grant the petition to require the university to disclose the grade distribution reports. At today’s senate meeting, a professor said that the university counsel was responsible for the decision to make the grade reports public and that the counsel’s current recommendation could be an attempt to justify that decision. The professor questioned whether the right-to-know law covers people or corporations from out of state. However, another faculty member said that he is against the motion because he believes that faculty should be willing to let anyone see the grade distributions. In response to a query from a professor, the senate vice chair said that a review of the questions and process of the student evaluations of teaching will be necessary next year. Until that review is completed, the Faculty Senate cannot consider the possibility of allowing student evaluations of teaching to be put on the web. Currently those evaluations are available only in hard copy at the university library. Summary data is on the computer but is not broken out by professor. However, the grade distribution data is more easily available on computer.

Another senator said that he also is against today’s motion and that he submitted a motion to the Agenda Committee that called for putting, on the transcript beside the grade, the student’s rank in the course. He believes that the rank would become more important than the grade. The senate chair said that the senate will be taking up a complete overhaul of student evaluations and that this proposal could be considered at that time. Another faculty member said that some institutions report the median grade next to the student’s grade in the course. A senator said that the university sometimes brings in outside lawyers if needed and that faculty could ask the university counsel

about his willingness to defend vigorously the university's stand on this matter. Would there be a risk of significant financial loss, for damages or for legal fees? Another senator quoted from page thirteen of a legal document on the Union Leader versus Manchester, including a sentence saying that the public must have a legitimate interest in the information.

A professor said that it is not in the best interests of the students to allow pressures toward the watering down of courses. If faculty want good student evaluations for promotion and tenure, would there be a tendency toward easier grading? He recommends no action on this motion now, pending a thorough review of the whole matter. In response to a question about whether department chairs and deans use the grade distributions in faculty performance evaluations, a professor said that faculty in his department are concerned about pressures from administrators to maintain certain grade distributions which relate to retention of students. Another senator said that he has had administrators discuss with him his grade distributions and that faculty have received a letter from the dean about grade ranges. Another professor said that one of her departmental colleagues was told that she would have to change her grading before tenure application. A professor from WSBE said that faculty have been told in faculty meetings that the average grades in WSBE courses are lower than the grades in other colleges and that this might hurt the WSBE students. The senate chair said that today's motion could be voted up or down or could be tabled and added to next year's discussion. A senator said that the matter is important but that grade distributions and student evaluations should be dealt with at the same time. A professor said that, in the long run, it is not good for students for the university to facilitate a system which makes it easy to select courses based on hoped-for easy grading and that a for-profit corporation is inappropriately exploiting the openness of the system. **A motion to table the main motion was made and seconded.** Has any other public institution taken a stand on removing grade distributions from public use? **The motion to table passed with many ayes, two nays and no abstentions.** The senate chair said that the matter will be considered next year.

VIII. Discovery Program implementation – The Discovery Program is designed to be a central feature of the undergraduate experience, with a purpose of exposing students to a range of categories that help to define the organization of knowledge and distinctive modes of inquiry. In the fall, the Faculty Senate will vote on the Discovery Program categories which would, if approved, take over from the existing General Education Program categories, for students who first enter the university in 2007. The first-year experience would include first-year assessments in mathematics and information technology, English 401, a small-capacity Inquiry 444 course, and university dialogue. The dialogue topic in 2006 will be energy and in 2007 will be democracy. The first-year experience will come up for a senate vote at a later time.

Students would have to take courses in all ten Discovery Program categories, but up to two categories may be filled by courses which also fulfill another category. All departments were asked to provide a department liaison to work with the Discovery Program Advisory Committee to (1) facilitate course approval for Discovery Program categories, (2) develop an electronic form for conversion of existing general education courses to Discovery Program categories, (3) review the wording of the categories and definitions such as what is a lab and who would teach the courses in the Discovery Program, and (4) set criteria and deadlines for submission. The committee hopes to receive most course submissions by May 31 and to have by fall a list of the courses which would fulfill each category and the courses which may fulfill two categories. The course proposal form may be accessed at <http://www.unh.edu/academic-affairs/discovery/conversion/conversion.html>.

In the fall, the senate vote will be on the Discovery Program categories and not on the Inquiry 444 courses; and the motion then would need to make that clear. A professor expressed concern about the Discovery Program statement that “As with General Education, the Discovery Category courses will normally be taught by tenure track faculty. Other instructors may be appointed to teach Discovery Category courses by department/division chairs and program coordinators responsible for the assessment of the course or program.” The professor said that this wording should be made compatible with the faculty contract which states that those decisions would be made by department chairs and deans, rather than by program coordinators. Another senator said that reappointment of instructors should be a departmental decision and that the Discovery Program statement does not make that clear.

Some faculty are concerned that they are being asked to work on course proposals for a program which is not yet approved and that the course approval process calls for essays explaining how the course is to function. Cliff Brown replied that the committee does not expect lengthy essays and that two or three lines and a reference to the syllabus might be sufficient. In order for the senate to know whether the Discovery Program categories will be feasible, it is necessary for work to be done on course conversion prior to that vote; but the course conversion form is not difficult to prepare. This work will help the Discovery Program Advisory Committee and the Faculty Senate find out if there are enough resources for this part of the program. The program categories and definitions are still in draft form, and faculty input is welcome.

A professor expressed concern about additional faculty time needed to teach all the students expected to enroll in the small-capacity Inquiry 444 courses, and he suggested that additional faculty would be needed. He said that is the most difficult issue and asked why it is not being dealt with first. The senate chair said that the Agenda Committee will discuss that suggestion. It would be possible for the Faculty Senate to decide this fall to address that suggestion before voting on the categories. Cliff Brown said that the senate could approve the categories and then decide later not to approve the Inquiry 444 component; and in that case, the new categories could be used in the General Education Program. Joanne Curran-Celentano said that in 2003 the senate endorsed the Discovery Program implementation plan which included the sequential order for phasing in the components of the proposal and evaluation of each component prior to a decision on final approval by the senate. She said that the committee has forty-five courses for the categories now. She has discussed with the administration the concern about resources; and the purpose of the phased-in implementation plan, with votes on each component, is to see what resources are needed.

A senator said that she had proposed an interdisciplinary course but found out that the two instructors would have to teach fifty rather than twenty-five students and that both faculty members would need to be present at all times and have expertise in all parts of the course. A professor said that the category “Social Identity and the Individual” is new and asked what the category means and what department would present the courses. Cliff Brown replied that the category would cross disciplinary boundaries and not be grounded in one department and that courses in other categories might also count for this category. He said that the committee that originally proposed the Discovery Program wanted the category. The senate’s discussion will give the Discovery Program Advisory Committee a comprehensive view of faculty senators’ concerns about the Discovery Program. Also, the senate chair said that these minutes and the concerns of the senators will be available for review when the vote comes up in the fall. Today’s meeting was adjourned.