

UNIVERSITY OF NEW HAMPSHIRE
2007-08 FACULTY SENATE

OCTOBER 22, 2007

MINUTES SUMMARY

I. Roll – The following senators were absent: Barcelona, Calculator, Chavda, Dowd, Lane, Park, Tenczar, and Walsh. Excused were Barrows, Brunet, Echt, Hamlin, Miller, Robertson and Zunz.

II. Remarks by and questions to the chair – Robert's Rules of Order say clearly that a motion may be introduced again at any future session. Sometimes tabling a motion indefinitely is used with the intention of suppressing an issue and avoiding a vote on a matter permanently; and so if the senate wants to table but not to suppress an issue, the senate might state its intention to revisit the motion in the future.

Many old and new committee charges await the completion of the contract negotiations. Members of the Agenda Committee note that the university is subsidized to an incalculable extent by the generosity and good will of its faculty. Generally, faculty work well beyond rule, always exceeding the letter of their contract. It is precisely this generosity and good will that is lost to a protracted, blighting contract negotiation. One manifestation of what is lost can be seen in the growing number of committee charges that will remain frozen until this period of work to rule ends.

The Agenda Committee is looking into the guidelines for field trips, and departments which have field trip guidelines could share the guidelines with the committee. Due to work to rule, the Agenda Committee has declined to attend a Customer Service Forum offered by Hospitality Services. Regarding the gas line which will obtain energy for UNH from a landfill near Rochester, fifty percent of the EcoLine has been laid, with the expectation of completion before the winter freeze. In fiscal year 2007, total giving to UNH was 12.6 million dollars; and that is the tenth year in a row with over ten million dollars in gifts. Fifty percent of UNH athletes had a 3.0 or higher GPA in the spring semester.

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

IV. Report from the senate's Academic Affairs Committee – Larry Prelli, the Academic Affairs Committee chair, said that the committee has completed its charge to investigate the process used in the selection and implementation of a tuition-based model for financing managed study abroad programs. The goal of this charge was to ascertain whether the process violated the principles of shared governance as expressed in the motion passed unanimously by the Faculty Senate on December 12, 2005, and forwarded to the university president on 12/20/05. The committee reviewed a variety of documents in order to find the salient facts of the case. The Center for International Education (CIE) provided the minutes of monthly meetings held by the University Committee on Study Abroad (UCSA) from September 21, 2005, through March 6, 2007; and various individuals provided email correspondence and documents related to the committee's charge. Additional information about the process was solicited in writing from former and present directors of the CIE, members of the UCSA during academic years 2005-2006 and 2006-2007, directors of managed study abroad programs during academic years 2005-2006 and 2006-2007, the Office of the Vice President for Academic Affairs, the Office of the Vice President for Finance and Administration, and the Office of the Dean of the College of Liberal Arts. The Academic Affairs Committee determined that it had gathered sufficient evidence to adjudicate the relevant issues.

The committee arrived at two findings concerning the process involved in the selection and implementation of the tuition-based model. The first finding is that the tuition-based model became the de-facto policy without prior consultation with the directors of the managed study abroad programs. This is the “sequential finding” since it is based on analysis of the sequence of communicative interactions and other events during the period under review. The formal policy was adopted by the Dean’s Council on March 21, 2006, and by the university’s Central Budget Committee on April 4, 2006. The Academic Affairs Committee finds that the policy had in fact and in deed been implemented *prior to* those actions. Documentary and testimonial evidence is consistent on this point.

The second of the committee’s two findings is that interactions between program directors and administrators focused on how the new policy could be implemented rather than on whether the model should be implemented. This is the “pragmatic finding” since it is based on analysis of the substance of the interactions, to determine the communicative purposes of the exchanges. When affected faculty raised concerns about the new policy, the administration of the College of Liberal Arts and of the Office of the Vice President for Academic Affairs responded by communicating with the faculty and with the UCSA via email and in meetings. Analysis of the substance of those communications disclosed evidence of good administrative leadership in their emphasis on *how* to implement the model, but there is no evidence of discussions that solicited or considered opinions from faculty about *whether* the model should have been implemented in view of concerns about possible academic consequences. Again, the documentary and testimonial evidence is consistent on this point.

The committee then set about interpreting what those findings meant in relation to shared governance and turned to the December 12, 2005, Faculty Senate motion on shared governance, for criteria to guide the committee’s interpretations. The December 12, 2005, motion says that “The Faculty Senate is the legislative body that reviews and develops policy concerned with the academic mission of the university.” Since study abroad programs are offered as part of the academic mission of the university, it is clear that it is appropriate for the senate to review new policy concerning those programs and to inspect whether the principles of shared governance apply to this case.

Based on the December 12, 2005, motion, the committee identified two principles to guide interpretation of the findings. First, meaningful shared governance on a new fiscal policy that could have impact on academics must occur before the enactment and implementation of that new policy. This is vital, in view of the relevant portion of the December 12 resolution: “[The Faculty Senate makes and supports] choices among alternative uses of our limited resources” but also “emphasizes that the standard by which fiscal decisions must be judged is their effect on academic goals of teaching, learning, research, artistry, and outreach, never vice versa.” The resolution sums up this central principle: “A good budget system serves academic priorities; it does not define them.” The sequential and pragmatic findings violate this principle because (1) there was no opportunity for involved faculty to offer reasoned feedback about the academic implications of the proposed policy before the policy was implemented and (2) the focus of the interactions aimed consistently at administering how the new model should be applied rather than assessing whether its implementation should proceed. This principle gets at the core of all genuine deliberation about new policy: that discussion must take place before the actions required of that policy are implemented, so that all interested parties can together assess possible costs and benefits. Otherwise, as in this case, there is administration but not the consultation expected of shared governance.

Second, the faculty's "primary responsibility" is for academic matters and the educational process. Only under "exceptional circumstances" should administrative officials or their designees "exercise power of review and final decision" in ways that are adverse to faculty efforts to exercise that primary responsibility. However, analysis of the evidence for this case did not yield any convincing finding that exceptional circumstances existed, to make quick implementation of the new model necessary. Therefore it is clear that the sequential and pragmatic findings show that faculty did not have the opportunity to exercise their primary responsibility. Based on application of these two principles to the findings, the Academic Affairs Committee concludes that the administration enacted a process, for implementing the tuition-based model for financing UNH-managed study abroad programs, which did not enable the faculty appointed to run these programs to discuss and evaluate the academic advantages and disadvantages of that model and, thereby, participate in shared governance.

The committee sees this conclusion as an opportunity for strengthening shared governance in the future. The committee is encouraged by recent administrative efforts, in the College of Liberal Arts and in the Office of the Vice President for Academic Affairs, to address concerns raised about managed study abroad programs. Both administrators and faculty want to see UNH provide excellent study abroad programs. Administrators and faculty alike appreciate that any academic program is constrained in part by the way in which it is financed. All would agree that shared governance involves two parties: the appropriate administrators and the appropriate and affected faculty, meeting to discuss issues that require an authoritative choice among alternative actions in pursuit of stated goals.

As the first motion, Larry Prelli moved and Grant Drumheller seconded that a minimum guideline for shared governance concerning new policies is that the process should begin with collaborative discussion of the problem that needs a remedy. Affected and appropriate faculty should be involved at this initial stage. The senate leadership can assist administrators with identification of affected and appropriate faculty to implement this guideline.

The rationale for this motion is to make an explicit shared-governance procedural guideline for new policy, in order to avoid future problems implementing shared-governance principles in situations of the kind examined in the Academic Affairs Committee's report on shared governance in the case of the tuition-based finance policy for managed study abroad programs. Consultation about the potential impact of administrative financial actions on academic programs or education should begin with identification and definition of the problem of administrative concern. The Academic Affairs Committee offers an illustration of how this procedural guideline could be enacted: "For example, if the administration is unsure whether a fiscal problem relates to academic matters, consultation with the Faculty Senate leadership will help clarify for both parties what matters do and what matters do not require shared governance." Moreover, the guideline can ensure that affected and appropriate faculty are involved early in the problem-solving process. Again, the Academic Affairs Committee explains: "If administrators are unsure which faculty members or groups are appropriate, the chair of the Faculty Senate can help them find the people who should be involved in the discussions." The committee also amplified the centrality of this procedural guideline for effective faculty governance: "This guideline is prerequisite for constructive deliberations among administrators and faculty about alternative perceptions of problems, about alternative possible remedies, and about alternative financial and academic advantages and disadvantages of proposed remedies. Without following this guideline insofar as new policy is concerned, there can be no shared governance."

After discussion, the mover and the seconder of the original motion accepted a friendly amendment to rephrase the end of the first sentence as follows: “that a minimum guideline for shared governance concerning new policies is that the process should begin with collaborative discussion of the problem, initiative, and/or issue that needs addressing and/or a remedy”. In order to allow the usual time for consultation with departmental colleagues, Mimi Becker moved and Marco Dorfsman seconded a motion to table the amended motion until the next Faculty Senate meeting. The motion to table passed unanimously.

Secondly, Larry Prelli moved and Charlie Caramihalis seconded a motion that the Office of the Provost provide a proposal explaining how procedures for shared governance will be incorporated in the process of analysis, review, and implementation of the tuition and fees policy for study abroad programs.

The rationale for this motion is that this motion is consistent with the intent of the October 8, 2007, Faculty Senate motion (# XII-M3) concerning study abroad fees. That motion states: “The Faculty Senate moves to request that the University Committee on Study Abroad and the program directors of all the UNH-managed Study Abroad Programs be asked to undertake a systematic review of the fee structure changes in Study Abroad Programs, in collaboration with the appropriate administrators at both the college and university level, and to come up with recommendations regarding the impact and advisability of such changes.” Thus, the present motion invites further articulation and clarification of procedures of shared governance within this review process. The present motion also is timely in view of the recent administrative decision to view the now current policy on tuition and fees for managed study abroad programs as an experiment that will be reassessed after the present three-year trial period, which currently is in its second year. An integral part of this experiment is the identification and evaluation of procedures for effective shared governance. Finally, the motion calls for collaborative action between the Office of the Provost and the Faculty Senate to further clarify and strengthen the procedures of shared governance. Today’s first motion offers a procedural guideline for implementing the principles of faculty governance as articulated in the senate motion of December 12, 2005. With this second motion, the senate invites the Office of the Provost to join us in dialogue about shared governance, as that office formulates its proposal. The Academic Affairs Committee report put the ultimate objective of this second motion in this way: “Ultimately, our aim is to arrive at a proposal that will serve as a useful heuristic model (not a rigid template) for a mutually-held view of procedures involving ‘shared governance.’”

Senators said that the administration should respond to these motions with procedures and not abstractions and that the December 12, 2005, motion should be followed. **In order to allow the usual time for consultation with departmental colleagues, Mimi Becker moved and Rochelle Lieber seconded a motion to table the second motion until the next Faculty Senate meeting. This motion to table passed with thirty-two ayes, one nay, and one abstention**

Finally, Marco Dorfsman moved and Anita Klein seconded a motion that the Faculty Senate thanks the Academic Affairs Committee for its report, in fulfillment of the charge on self governance and study abroad, and commends the committee members for their extraordinary efforts in completing that charge in a prompt, exhaustive and reasoned manner. This motion passed with twenty-five ayes, no nays, and seven abstentions. Today’s meeting was adjourned.