

UNIVERSITY OF NEW HAMPSHIRE
2007-08 FACULTY SENATE

FEBRUARY 11, 2008

MINUTES SUMMARY

I. Roll – The following senators were absent: Barcelona, Barrows, Dowd, Nimmo, and Park. Excused were Afolayan, Chavda, Echt, Gardner, Hamlin, Hinson, and Walsh. A guest was Kevin Linton from Student Senate.

II. Remarks by and questions to the chair – The senate chair met with Alan Ray and others to explore recent issues of concern expressed by the senate. Dick Cannon, Anthony Zizos and Mark Rubinstein will meet on February 14 to discuss some of the senate's concerns about the loss of university vans for field trips. The administration has indicated that faculty who use their own vehicles on field trips should ask their insurance company whether a rider on their personal insurance is needed. Automobile insurance policies for the personal vehicle are the primary and only policies covering for injuries to the employee and others, as well as damage to their vehicles or other vehicles. The administrator indicated that part of the mileage payments are intended for this purpose. Also the administration says that students who choose to transport themselves to or from field trip sites assume the ordinary risks attendant to self-transporting.

Regarding study abroad and shared governance, the senate's Academic Affairs Committee and the administration will write a joint report that specifies what was learned in terms of consultative process and procedures which could serve as a guideline for addressing future issues.

The Central Budget Committee notes that Facilities Services has been split into two units: (1) Energy and Campus Development, in which energy costs and renewal and repair costs are increasing significantly at 14.1 percent and 9.1 percent respectively, while the remainder of that unit's budget is increasing at 6.1 percent and (2) Facilities, Operations and Maintenance, in which the proposed budget increase is 3.72 percent and charge-out rates are 4.19 percent, plus an additional annual budget line of \$183,000 for equipment and \$227,000 for more staff to operate heavy equipment. Regarding responsibility management, the hold harmless figures for FY 2009 will stay at FY 2008 levels, and a formal proposal for FY 2010 and beyond will be presented to the Central Budget Committee by the end of 2008. The university president is proposing a substantial UNH Foundation budget increase, of which one million dollars would come from the UNH general assessment and 2.4 million dollars from USNH, both in continuing dollars. The intent is to expand the UNH Foundation and improve the university's fundraising and endowment. The other UNH units would have their central contribution increased by an average of 1.8 percent for this purpose. A senator said that the UNH Foundation would hire twenty new people, at a time when most faculty hiring is on hold.

III. Minutes – The senate unanimously approved the minutes of the last Faculty Senate meeting with an amendment to modify the next to last sentence of item IV to say that "Tenure track faculty members have teaching, research and outreach responsibilities and tend to integrate these activities. However, the university has promoted research and institutes and may increasingly rely on contract faculty to teach courses. These former groups of individuals typically have responsibilities in only one of those three areas. This may be an important factor contributing to the perception that research is not being fully integrated into the other aspects of our institutional mission."

IV. Senate bylaws change – **Mimi Becker moved and Grant Drumheller seconded that the Faculty Senate should change its bylaws to include the new departments resulting from the COLSA reorganization and remove the former COLSA departments from the bylaws, and the new departments should elect new senators.** Except for the Thompson School, the former departments in COLSA will cease to exist on June 30, and thus the terms of their current senate representatives will end. Three of the four COLSA departments are expected to have more than twenty tenure-track faculty and thus will be entitled to two senate representatives. The initial election in such departments will be for one senator with a one-year term and the other senator with a two-year term, so that future terms may be staggered. COLSA is expected to have the same number of senate representatives next year as this year. **The motion passed unanimously.**

V. Shared governance and work to rule – **The Agenda Committee proposed that the senate pass a motion saying (1) that it is with sad exasperation that the Faculty Senate faces the current impasse, (2) that this situation of intransigence has led the university to become ungovernable under the principles of shared governance, (3) that therefore the Faculty Senate refuses to permit the administration to move forward on any initiative affecting academic policy, (4) that it is the considered opinion of the Faculty Senate that academic governance must rest pending resolution of impasse, and (5) that the senate views all efforts at action on academic policy as violations of shared governance until a contract is signed.** The senate chair indicated that it is the usual practice to hold such motions until a subsequent senate meeting, so that the senators can review the motion and discuss it with their colleagues. A professor suggested that, since the next senate meeting is the same day that the bargaining unit will meet with the mediator, the senate should reconsider the above motion in four weeks, rather than two.

Regarding whether or not the senate should meet during work to rule, last year the Faculty Senate passed a motion stating in part that the “Faculty Senate will take no decisions and no actions during this period of work to rule, and the Faculty Senate expects the university administration to take no decisions and no actions on all those areas over which the faculty has primary or co-equal responsibility. Should such actions be taken, the Faculty Senate will be prepared to take appropriate action including but not limited to motions of censure and no confidence.” The senate has thus indicated that, although it will not do business as usual, the senate must continue to monitor and take action to safeguard shared governance. A former senate chair said that, since the senate will not pass policy that requires collaboration with the administration and will not make decisions in bodies that engage both administration and faculty, the Agenda Committee thinks that it is appropriate to attend senate meetings in order to prevent violations of shared governance but not to attend committee meetings for other purposes. A senator pointed out that the Faculty Senate was constituted in a previous period of contract negotiations, in order to provide a representative forum for discussion among faculty. Another senator stated that the Faculty Senate has continued to meet during all the previous negotiations. An Agenda Committee member said that, although each faculty member will make his or her own decision, now is the most important time to come to the Faculty Senate, in order to make the correct decisions to safeguard shared governance at this critical juncture.

A professor asked if the president’s letter states accurately that the “1966 Statement on the Joint Government of Colleges and Universities articulated by the AAUP, ACE, and the Association of

Governing Boards -- and endorsed by the Faculty Senate -- makes it clear that faculty participation is critical to the effective operation of a university. The Statement does NOT offer the option of withdrawing from shared governance.” A senator pointed out that the letter should refer to the “1966 Joint Statement on Government of Colleges and Universities” rather than to the “1966 Statement on the Joint Government of Colleges and Universities”. Another senator added that, although the Preamble of the Faculty Senate Constitution states that the “The principle of shared governance in universities is long established by tradition and was formalized in 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)”, a preamble is a broad statement of purpose and that the methods are described in the body of the constitution, not the preamble. The senate constitution specifically states in item five that a “vacancy results from a senator leaving the university or voluntarily resigning due to illness or other personal reasons. A senator who is absent due to work to rule and has not resigned is still a member.” Therefore the senate constitution clearly allows for such actions by individual senators.

Another professor said that, when adhering to work to rule, faculty only do the specifically required work and do not go beyond that. How do we define “required work”? The preamble of the senate constitution says:

The Joint Statement affirms that the academic institution is a "joint effort," requiring communication and consultation among all constituencies, and addresses the distinctive responsibilities of trustees, administration, faculty, staff, and students in university governance.

The distinctive responsibility of the faculty is the academic mission of the university. In particular, the joint statement asserts that, "The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances and for reasons communicated to the faculty."

This constitution provides for the faculty to exercise this responsibility through an elected Faculty Senate. This Faculty Senate is designed to work in close communication and collaboration with the Board of Trustees, principal administrators and the Council of Deans, the PAT and Operating Staff Councils, and the Student Senate, each of which have their own distinctive responsibilities as well as overlapping areas of concern.

Also, the constitution states that the purpose of the senate is as follows: “The Faculty Senate will be the legislative body that reviews and develops policies concerned with the academic mission of the university.” The professor concluded from this that the rule in question is to do shared governance with the administration. He said that, since shared governance is essential for the university, how can faculty withdraw from shared governance? Secondly, how can one party withdraw from a responsibility and then say that the other party cannot act on the shared responsibility? Also, item 9 of the senate constitution says that collective bargaining issues “may

be discussed, but no official action may be taken.” The professor said that voting for the proposed motion would be taking such action.

Some senators responded that, although the professor quoted the constitution correctly, one cannot infer from the constitution that faculty are required to do shared governance at all times or at the usual speed. A professor said that faculty have the primary responsibility for all matters of academic policy, as stated in the senate constitution and the 2005 senate motion, and that responsible people may disagree on whether faculty have an obligation to act on all policies the administration sends them. However, faculty may be able to agree that, if the administration changes academic policy without appropriate faculty input, that is a violation of shared governance. Another senator added that, while faculty want to do shared governance, in the present circumstances and against the wishes of the faculty, shared governance and its spirit of collaboration have become so difficult as to be impracticable at this time. A professor stated that faculty are not trying to prevent administrators from doing their own function but rather to prevent the administrators from taking over the faculty function of deciding on academic changes. A senator said that the Faculty Senate should continue to meet and address issues of importance to faculty. Another professor said that, since shared governance depends on mutual trust and good will and since that relationship has been damaged in recent months, shared governance is very difficult to carry on with the usual efficiency at this time. He added that, therefore, shared governance should pause until mutual trust and good will can be reestablished.

A senator said that another example in a list of instances where the administration has tried to change academic programs without appropriate faculty approval is the push towards virtual schools at UNH. Such proposed changes are supposed to be shared in advance with all the department chairs, to see what interactive consequences may exist; but this has not been done; nor has the matter been brought to the Faculty Senate for input. Regarding the motion, a professor suggested using other wording besides “intransigence” and asked if the motion is redundant because of other previously-passed senate motions. A senator said that the motion does not say who is intransigent but simply indicates that faculty want the situation of intransigence to disappear. After discussion of the pros and cons of all these matters by the senators, some professors suggested reinviting the university president to come to the Faculty Senate to discuss shared governance and recent financial decisions and mitigations.

The senate discussed the meaning of motions of censure and of no confidence. The latter is a statement that the group voting has no confidence in the person’s ability to act effectively, whereas a motion of censure would be a condemnation of a particular action. Because this is a public sign that the group voting has a real problem with a particular person, this could have a severe impact and should only be done rarely and for clear cause. A senator said that today’s proposed motion says that faculty are responsible for changes in academic policy and will not permit the administration to take over that function in the faculty’s stead and that, if faculty do not, because of terrible conditions, act on an issue at this time, the administration cannot make the decision on that matter. It is important to distinguish between the senate’s business, which is academic policy and shared governance, and for the senate not to act on bargainable matters. The senate chair and vice chair meet with the president once a month and the same with the provost. After further discussion, **Mimi Becker moved and Jeff Salloway seconded to table the motion; and they accepted a**

friendly amendment to specify that the motion would be tabled for four weeks. The motion to table for four weeks passed with three abstentions.

VI. Adjournment – Today’s meeting was adjourned.