

UNIVERSITY OF NEW HAMPSHIRE  
2007-08 FACULTY SENATE

MAY 5, 2008

MINUTES SUMMARY

I. Roll – The following 2007/08 senators were absent: Bachrach, Barcelona, Calculator, Chandler, Dowd, Hamlin, Hartter, Kaen, Nimmo, Onosko, Park and Walsh. Excused were Afolayan, Graham, Haskins, Slomba and Zunz. Victor Benassi and Lisa MacFarlane were guests.

II. Remarks by and questions to the chair – The senate chair welcomed the new senators and expressed his thanks to the outgoing senators. He stated that the chairs of the Blue Ribbon Panel on Research are eager to receive faculty feedback on the panel's three charges which are: (1) what does UNH need to do now to ensure the vitality of research, scholarship and creative activity for the next ten years, (2) what is the right mission and organizational structure for the Office of Research and, by extension, the right qualifications for a vice president for research, and (3) how do we ensure that research activities are integrally connected to and supportive of our broader academic mission? The senate chair also said that the university projects an eight million dollar deficit in the coming year; and therefore groups with wide faculty input will convene to deal with the budgetary problems. The goal is to preserve the academic mission while avoiding the declaration of a financial exigency, and the president will send a letter regarding this situation soon.

III. Minutes – The minutes of the last senate meeting were approved, unanimously except for two abstentions.

IV. NEASC self report – The senate chair said that Victor Benassi, who is a faculty member from the Psychology Department and a member of the committee which prepared the NEASC self report, is here to respond to questions about the report. The chair of the senate's Academic Affairs Committee said that his committee did not receive the NEASC self report until late in the semester and thus lacked the time needed to conduct in-depth deliberations and a careful appraisal of this important document. The committee neither supports nor rejects the report and states that under no circumstances should the committee's comments be used to infer its endorsement of any contents within the NEASC self report. The committee recommends that, in view of the time pressures, the senate should adopt a similarly agnostic position.

The committee has four areas of concern about the report. First, the report signals the possible role of outreach scholarship in shaping and changing the promotion and tenure process. However, the report must not be a substitute for the normal process of shared governance that is so fundamental to the legitimacy of any proposed change in faculty work expectations, promotion and tenure. The committee would like the authors of the NEASC self report to insert language which makes clear the preliminary and tentative nature of the report's proposal on outreach scholarship. Second, the committee does not believe that the report adequately addresses the issue of finding sufficient funds which

are needed to implement initiatives such as the Discovery Program. If monies are made available to support certain projects, funds will be withheld from other potential recipients of those resources; and any such decision must be transparent and done with full shared governance and faculty participation. Third, the committee is concerned that the report should better reflect the actuality of shared governance as it now is practiced at UNH and should acknowledge the efforts of both administration and faculty governance bodies in trying to work out a mutual understanding of what constitutes shared governance. Shared governance is a crucial quality in the ethos of the university and must be done before decisions are made. Fourth, academic freedom is both a value and a right secured through law and contract; and both academic freedom and the procedures which ensure due process must be guarded vigorously and defended whenever threatened.

A member of the Academic Advising Committee commented that advising was another concern, and the Academic Affairs Committee chair agreed. The issue involved the report's reliance solely on UNH alumni responses used as a basis for inferring the need for faculty to become more knowledgeable about advising issues. The concern was that this was a very slanted way to analyze advising concerns since the imputed advisor-student partnership said nothing about student responsibilities. Another senator expressed concern about a proposal to allocate budget resources for the central administration to fund interdisciplinary programs, and she added that the academic departments need to have the resources in order to participate in such programs. The chair of the senate's Research and Public Service Committee agreed that there was not enough time to review the NEASC self report in detail, and she added that what the document is supposed to focus on needs to be clarified. The document should have a fuller introduction and should follow the same format for each of the three focus areas. Although to "recognize and reward faculty mentoring of undergraduate research" is a good recommendation, the document should explain that this is one choice that people can make and that it should be encouraged and recognized as a part of a faculty member's workload. In addition, the paragraph on integrating undergraduate research into the undergraduate curriculum should mention the capstone experience of the Discovery Program as a final step in that integration, in addition to the two courses that now exist. The Research and Public Service Committee recommends changing the part of the report which refers to paying "particular attention to the ways in which....RCM may affect the ability to enhance undergraduate research" to wording such as: "develop a way of assessing the impact of both RCM and the implementation of the Discovery Program on the ability to enhance undergraduate research."

The committee suggests a clarification of the relationship between the "Revised Strategic Actions for the Engagement Goal" list and the subsequent list called "Projections, Progress and Change." Also the designation of centralized or decentralized for each strategic action should be deleted. In the document, the concept of engagement should be expanded to include outreach to local, state, national and international bodies, service on government panels, translation of science to policy, etc. In order not to leave out other important initiatives, in the section on providing "input and leadership to the national conversation about engaged scholarship and engagement", the committee recommends

deleting the phrase “with a particular focus on advancing the Outreach Scholars Academic model”. Additional suggestions are listed in the Research and Public Service Committee’s report. A professor said that there should be clearer incentives for faculty to engage in outreach scholarship. The chair of the senate’s Student Affairs Committee did not list any additional suggestions. Victor Benassi said that he would take the faculty concerns back to the drafters of the report to NEASC.

**Mimi Becker moved and Anita Klein seconded a motion that the Faculty Senate requests that the NEASC Interim Report accurately reflect the concerns raised and advice offered by the Faculty Senate and its Academic Affairs, Research and Public Service, and Student Affairs Committees. The senate passed this motion unanimously.** The senate chair said that he has already forwarded the reports of the senate’s Academic Affairs and Research and Public Service Committees.

V. Background check policy – The Professional Standards Committee of the Faculty Senate recognizes a practical need of requiring background checks for new hires and current employees moving to positions considered sensitive. However, the committee has a number of concerns regarding the ambiguity of some elements of the policy. The committee finds the “Disclosure and Authorization Form”, as presently written, to be inadequate and would not recommend adopting it. The policy seems too comprehensive and also vague about who will determine the appropriate level of check, where the collected information will be kept, with whom it will be shared, for how long the information will be kept, and for how long the authorization will be in effect. Criminal, credit, and other areas of the background check are lumped together; and there is not a clear sense of the precise limitations of the background check. It is not clear to the committee why a credit check is necessary, and there is not enough information about how the process will extend confidentiality protections. The background check policy seems too broad. Different sensitive functions may require different authorization levels. The policy leaves some gray areas that could be subject to abuse. The committee chair said that, while it is already legal and common practice to do criminal background checks of the public record and these do not need endorsement from the senate, the extension of these checks would be problematic.

The Professional Standards Committee chair said that, in all the documentation, there are no references to the faculty or to academic freedom. Very few faculty hold positions involving large financial transactions; and those are under the oversight of the Business Service Centers; and while many faculty work with hazardous substances, faculty do so under the auspices of both departmental and university safety policies. Criminal background checks would likely not reveal any information not already gleaned through the very thorough checks that most departments perform in hiring and promoting colleagues; and credit checks should be the rare exception, especially since the BSCs have a strong oversight role in financial transactions initiated by faculty members. The policy refers to a decision-making process between Human Resources in consultation with departments, but there is no clear sense of who would hold what information and of what competence would be necessary to interpret such information. In addition, the

committee questions why departments should be billed for these checks. If USNH mandates these policy changes, USNH should perhaps fund them.

The Academic Affairs Committee of the Faculty Senate supports the overall purpose and intent of the background check policy but also recognizes that the American Association of University Professors may identify issues directly related to current contractual arrangements. Assuming that the administration will contact and collaborate with the AAUP, the Academic Affairs Committee also wants to elucidate a number of concerns, including possible legal ambiguities in the criteria for interpreting the results of a background check. Item C 4.2.3.1 states that “candidates are automatically disqualified if they have been convicted within the past five (5) years for any felony or violent misdemeanor (crimes against persons, simple assault, sex offenses, weapons violations, child abuse, domestic violence).” The committee wonders whether automatic disqualification is legally justifiable since, presumably, the individual in question has already paid his or her debt to society. The committee recommends a legal review of the relationship of this policy to the individual rights of the persons applying for employment at UNH.

Second, this policy runs at cross purposes with the increasing trend of securing personnel through independent contractors rather than hiring staff members to work specifically for UNH. How do we know that independent contractors will follow procedures as rigorous as those specified in the university’s proposed policy? If Human Resources is responsible for implementing the UNH policy, who is responsible for ensuring the suitability of personnel hired from independent contractors? This concern is all the more magnified given the rapid turnover of personnel in outsourced positions. If the purpose of the background check policy is to make sure that employees in sensitive positions are properly vetted, then separate or unclear standards for hiring personnel through independent contractors might frustrate that purpose.

Third, the background check policy could complicate the hiring of adjunct, per-course instructors who may be hired as late as one week before the new semester. Consideration should be given to hiring decisions that require timely action. Fourth, the documents reviewed did not include information about the process of consulting with a professional organization to conduct the background checks. Are there professional standards or “best practices” in that sort of profession? If so, how do our arrangements and practices compare with those standards? Fifth, the committee is concerned about ensuring confidentiality when background checks are done, given the sensitive nature of the information solicited. In similar situations, have procedures or processes been enacted that could mitigate that concern? Any procedures and processes, for guarding confidential information, that are implemented should undergo periodic review to make sure that they are used effectively.

Sixth, there is considerable ambiguity about the conditions under which faculty and graduate students could be subjected to a background check. Administrative language in the documents distinguishes between the “status positions” of professional staff and the operating staff positions of per-hour wage earners. Yet the word “faculty” does not appear once in the policy document. One might conclude, from reading the policy

document alone, that faculty members are not included in the policy. Presumably however, this policy also applies to faculty and graduate students occupying security-sensitive positions. For that reason, the committee recommends the formulation of criteria for what constitutes “security sensitive functions” that are specific to the research, teaching, and service efforts of faculty and graduate students. Moreover, unless those criteria are specified and examined by the AAUP, the Academic Affairs Committee believes that the proposal should not move forward.

Finally, the committee does not understand why the University of New Hampshire’s proposed “Disclosure and Authorization Form” specifies that the candidate must undergo a credit assessment to work at UNH, while applicants who sign the Arizona State University’s “Faculty Consent Form” do not. Why would there be need for information beyond that provided through reference checks and criminal background checks? The “frequently asked questions” document anticipates this concern by assuring readers that they will not need a credit rating and disclosure of personal finances, but the committee does not feel assured and is seriously concerned about this matter. Why is the designation of “credit history and reports” included among the resources for executing a background check? A professor said that the AAUP is very concerned about this proposed policy, especially in regard to academic freedom and conditions of employment. **Jeff Salloway moved that the Faculty Senate commend the work of the Professional Standards Committee and the Academic Affairs Committee, regarding background check policy, and gratefully accept the reports. The senate passed that motion unanimously.**

VI. Honors Program – The senate’s Academic Affairs Committee evaluated a proposal from the University Honors Program to raise its standard for student participation from a grade point average of 3.2 to 3.4. Nearly forty percent of undergraduates are now eligible for university honors participation at the 3.2 standard, but only twenty-seven percent would be eligible at the 3.4 standard. Thus if 3.4 is approved, the University Honors Program would maintain the same high standards as in the past. Standards for honors in the major would remain up to the departments’ discretion. With the unanimous support of the University Honors Committee and the Academic Standards and Advising Committee, **the senate’s Academic Affairs Committee recommended that the Faculty Senate pass the following motion: that the University Honors Program maintain its academic standards by raising the minimum grade point average for university honors from 3.20 to 3.40. The senate passed the motion unanimously except for one abstention.**

VII. Report from the Professional Standards Committee – The chair of the senate’s Professional Standards Committee said that next fall the committee will review a rewrite of the university’s Scholarly Misconduct Policy. Also, faculty have expressed concern that the faculty contract provides protections and an appeals process, for faculty who are suspended for cause and without pay, but that the process is unclear for faculty who are suspended with pay. A professor asked that faculty write to the AAUP campus leadership regarding this concern, so that it may be included in the next negotiation process.

VIII. Report from the Academic Affairs Committee – The committee chair said that one of the Academic Affairs Committee’s charges concerned more effective cross-college communication of potential curricular revisions, before making a decision which might affect the other units or their students. On behalf of the Academic Affairs Committee, its chair made a motion that the Academic Affairs Committee ought to work with the provost and the curriculum committees to locate a mechanism that will make distribution of proposed curricular changes across the schools and colleges as routine as communication of actual curricular decisions is within the schools and colleges. **A friendly amendment was made and accepted to change the motion to: the Academic Affairs Committee ought to work with the provost and the curriculum committees to locate a mechanism that will make routine the distribution of proposed curricular changes within and across the schools and colleges. The amended motion passed unanimously.**

The committee chair said that, even when following work to rule, the Academic Affairs Committee met five of its twelve original charges plus two additional charges assigned near the end of the spring semester. Of the remaining seven original charges, two were carried over to the 2008/09 academic year, two were returned to the Agenda Committee for further clarification, and three were returned to the Agenda Committee for consideration of an alternative venue. Two charges that the Academic Affairs Committee considers resolved relate to the new financial policy on study away. The committee also reported today on its charge on the background check policy. The committee resolved the charge regarding academic standards and advising, by determining that there is no need for action, because the committee does not see a need for concern about concealed and inappropriate decision making within current practices, since decisions seem to be made with faculty recommendations in a transparent way, with frequent reporting to the department chairs. The committee also handled two charges assigned near the end of the semester, reporting on the NEASC self study and approving an increase in the grade point average required for university honors.

Next year the Academic Affairs Committee intends to review the Academic Plan and to make recommendations on the implementation of the Discovery Program. The committee would like more information on its charges number eight and nine and would like its charges number four, six and seven to be reassigned to other entities. The senate unanimously expressed appreciation for the report of the Academic Affairs Committee.

IX. Motion recognizing Steve Fan’s contributions – **David Richman moved and Larry Prelli seconded the following motion in honor of Steve Fan:**

**Professor Stephen Fan, Chair of the Chemical Engineering Department and Chief Negotiator for the UNH-AAUP chapter, is retiring at the end of this semester after forty-seven years of distinguished service to the university community. He has served as chair of the Chemical Engineering Department for nearly thirty-six years. In the larger university community, Professor Fan has served as Academic Senate Chair, as president of the UNH-AAUP chapter, and also on a number of important university committees, such as the**

**Grievance Committee and the Scholarships Committee. For the past eighteen years, Steve has served as chief negotiator of the UNH-AAUP. He has been a champion of faculty rights and has unselfishly devoted large amounts of his time to ensure that faculty at UNH are justly compensated. His knowledge and attention to detail during negotiations have been of great benefit to the UNH faculty. He is thoroughly impartial, fair, and honest and has been a very inspiring leader and a voice of reason, especially during difficult negotiations.**

**The Faculty Senate recognizes and applauds Professor Fan's contributions to the university and its community.**

**The motion passed unanimously, by acclamation.**

X. Shared governance – The senate chair asked senators to read the senate's document on shared governance and send input to him, in preparation for a retreat this summer with administration and Faculty Senate representatives and a goal of confirming a joint understanding of the shared governance process. Senate attendees will include some members of the Agenda Committee and some standing committee chairs. If any 2008/09 senator would like to participate, please contact the senate chair.

XI. New business – The senate vice chair expressed his sincere thanks to the four current and former senate chairs, Mimi Becker, David Richman, Jeff Salloway and Bill Stine, who are here today and have done such good work for the senate. The vice chair said that the outgoing chair, Bill Stine, is a thoughtful and generous colleague who can analyze a situation and immediately separate the urgent from the irrelevant and visualize solutions reflecting a clear understanding of the institution.

XII. Adjournment – The 2007/08 senate meeting was adjourned.

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MINUTES SUMMARY

I. Roll – The following 2008/09 senators were absent: Bachrach, Bailey, Barber, Barcelona, Beane, Chandler, Dowd, Fraas, Glauber, Hartter, Irani, Nimmo, Onosko, Park, Salvio, Tagliaferro and Walsh. Excused were Aber, Afolayan, Graham, Haskins, Kenick, Pringle, Slomba and Zunz.

II. Election of officers – In May of each year, the outgoing senate chair conducts an election by the senate members for the next year's Agenda Committee members, for one-year terms. Additional candidates may be nominated from the floor, if they have agreed to serve if elected. The 2008/09 senators unanimously approved the slate proposed by the 2007/08 Agenda Committee as follows: Marco Dorfsman as chair, Paula Salvio as

vice chair, and Karen Graham, Anita Klein, David Richman, and Barbara White as members at large. Bill Stine will be an ex-officio member as past chair.

III. Remarks by and questions to the chair – The senate chair welcomed the new senators and mentioned some issues for the coming year such as the Discovery Program, the plan for research, and shared governance. This summer the senators will be invited to a visioning seminar to identify future agenda items for the senate. The senate leadership will participate in a retreat with the central administration, to work on issues of shared governance.

IV. Adjournment – The meeting was adjourned.