

UNIVERSITY OF NEW HAMPSHIRE
2007-08 FACULTY SENATE

SEPTEMBER 24, 2007

MINUTES SUMMARY

I. Roll – The following senators were absent: Afolayan, Calculator, Dowd, Park, and Robertson. Excused were Barcelona, Barrows, Hamlin, Nimmo and Onosko.

II. Remarks by and questions to the chair – The Agenda Committee has declined to provide nominees to the Athletics Advisory Committee and the Diversity Council until work to rule is over. However, the Agenda Committee will meet with Dick Cannon and Sharon Demers to discuss the new policy on background checks, because that policy change could have a special impact on faculty. The committee may bring this matter to the senate later. After today, Ed Hinson will be the senate parliamentarian.

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

IV. Shared governance with regard to study abroad programs – David Richman said that the motion on shared governance unanimously passed by the Faculty Senate on December 12, 2005, reads in part as follows.

As we make and support choices among alternative uses of our limited resources, the Faculty Senate 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. A good budget system serves academic priorities; it does not define them.

The Faculty Senate reaffirms as well its commitment to the principle that the faculty has primary responsibility for curriculum, subject matter, methods of instruction, research, artistry, 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, or delegated by the president to other administrative officers should be exercised adversely to the reasoned view of the faculty only in exceptional circumstances and for reasons communicated to the faculty.

Below is an excerpt from a letter that David Richman, together with all those who served as on-site directors of the London Program, received from Doug Lanier, Professor of English and current on-campus London Program Director, describing an administrative decision that seems to violate the principles and practices of shared governance outlined in that motion. As Doug describes it, this appears to be an administrative decision made without consulting the concerned faculty, made for financial reasons and without reference to academic goals, and made against the reasoned opposition of concerned faculty. Although the Agenda Committee is not talking specifically about the London Program and sees it only as an example, the Agenda Committee thinks that the Faculty Senate is legitimately concerned not with the merits of the case but with the means by which this decision was made: with what goals, in consultation with whom, and taking account of the reasoned opposition of concerned faculty in what manner? The Agenda Committee has asked the senate's Academic Affairs Committee to investigate the means by which the decision was made. Questions which the Academic Affairs Committee may probe may include but not be limited to the following. By what processes was this decision reached? How were academic goals taken into account? To what extent and by what means were concerned faculty consulted? What response

was made, if any, to reasoned opposition of concerned faculty, if any? Doug's letter reads in part:

In 2006, the administration (without prior consultation) decided to change how study abroad programs can charge their students. These changes affected all study abroad programs, not just the London Program.... In 2006, the administration began requiring us to charge students according to UNH's in-state and out-of-state tuition rates, even though those don't correspond to what Regent's College charges the students. There were many negative effects of this change, most of which I predicted at the time.... It is, in accounting jargon, a structural problem. But that problem has been created not by financial mismanagement of the program or by Regent's College or even by the terrible exchange rate for the pound, but by the administration's changing of long-standing budgeting rules. As far as I'm concerned, those rules make no sense, but no one asked me (or any other study abroad coordinator, many of whom are also facing these problems).

The Agenda Committee proposes the following motion. The rationale is that the Office of Academic Affairs appears to have made a decision about payment of tuition and fees for Study Abroad Programs in violation of principles and practices of shared governance, as outlined in the motion unanimously passed by the Faculty Senate on December 12, 2005. The Agenda Committee presents for discussion the following motion:

On behalf of the faculty, the Faculty Senate moves that implementation of the administration's decision, regarding the rates by which tuition and fees are charged for Study Abroad Programs, be suspended until the Academic Affairs Committee has completed its investigation of that decision and has communicated its findings and recommendations to the Faculty Senate and the Faculty Senate has acted on those findings and recommendations.

Since this is a motion from a committee, no second is needed. Because the decision to change the rate structure strongly affects these academic programs, the decision should be made with faculty input under shared governance. Matters affecting the curriculum should be decided on by faculty in collaborative decision making with the administration. Some senators pointed out that faculty leading study abroad programs must be much more involved in financial matters than faculty working on the Durham campus, because much of the study abroad learning takes place outside of the classroom. Are we asserting a new right to set tuition and fees? The concern is not the amount of the fees but that the relevant faculty, such as the members of the University Committee on Study Abroad, were not consulted. This is not a claim of a new right but rather a failure to consult about cascading consequences regarding an academic program.

Although some universities nationally are beginning to charge variable tuition, based on the costs of different units and how much in demand their courses are, in a land-grant institution there are rules on how education must be available to the citizens of the state regardless of the ability to pay. The new fee structure has already been implemented in many but not all Study Abroad Programs. Some of the programs are based on memoranda of understanding with the host country or host institution. There are different kinds of Study Abroad Programs, and this is a very complicated situation. The senate's Academic Affairs Committee should find out if there was a violation of shared governance and, if so, what would have been the proper consultation process. Probably the University Committee on Study Abroad and also the directors of the Study Abroad Programs should have been consulted. Informing them of a fait accompli is not shared governance. Faculty should expect the

administration to deal with this matter as laid out in the motion passed by the Faculty Senate on December 12, 2005, and quoted above.

A professor said that faculty have put a great deal of time and energy into all the Study Abroad Programs and that it is an insult to radically change the ability of those programs to function, without consulting the concerned faculty members. The point of shared governance is to maintain a consultative effort among faculty and administrators. Is consultation enough or is oversight needed? The language of the 2005 motion addresses this by saying that, on academic matters, “the power of review or final decision lodged in the governing board, or delegated by it to the president, or delegated by the president to other administrative officers should be exercised adversely to the reasoned view of the faculty only in exceptional circumstances and for reasons communicated to the faculty.”

The Agenda Committee has already referred the issue to the senate’s Academic Affairs Committee for review. Today’s motion would state that “implementation of the administration's decision, regarding the rates by which tuition and fees are charged for Study Abroad Programs, be suspended until the Academic Affairs Committee has completed its investigation of that decision and has communicated its findings and recommendations to the Faculty Senate and the Faculty Senate has acted on those findings and recommendations.” Should the senate move to stop these changes? This raises some practical issues. Many of the students are already paying the new fees, and changing in mid-stream could have unknown consequences. Fact finding and recommendations should be done first. The maker of the motion said that the fact that the senate is seriously considering asking the administration to cease and desist on this matter should suggest to all readers of these minutes how very seriously the faculty senators take an apparent violation of shared governance. He suggested that, having made this clear, the senate could table the motion for now. The Academic Affairs Committee has the charge. The Faculty Senate voted unanimously to table the motion at the present time.

V. Senate functioning during work to rule – A former senate chair said that he has served for many terms on the Faculty Senate and has also served on the AAUP Executive Committee. He said that, as members of the faculty, all of us have views on the contract negotiations but, as a Faculty Senate, we should not take any action whatsoever on bargainable issues. [Item 9 of the senate constitution states that “Collective bargaining issues may be discussed, but no official action may be taken.”] When senate chair, he frequently told the administration: “If you are making a decision that affects faculty, consult the faculty before you make the decision” and also that there needs to be a smooth, reasonable and fair contract negotiation so that faculty and administration can have mutual trust and cooperation.

He said that the 9/10/07 senate minutes explain how the senate operates under work to rule. When not under work to rule, the senate and the Agenda Committee meet frequently with the president and the provost. Also the senate standing committees consult regularly with their corresponding administrators. However, under work to rule, the senate and its committees do not meet with administrators unless that is needed for a special reason of importance to faculty. Senate committees can choose to meet with administrators on issues of special concern to faculty. In general unless faculty decide to make a special exception, decisions on academic matters should be frozen during work to rule. Last fall, the Faculty Senate passed motions on this; and the senate is carrying through on those motions. For example, the decision on implementation of the Discovery Program will be held in abeyance by the senate until after work to rule is over. Most of the senate

committee charges will also be held until work to rule is finished, and each senate committee will consider if any of its charges should be exempt from work to rule. The Faculty Senate now must be especially vigilant to see that decisions on academic matters are not taken by the administration without shared governance. The senate chair and vice chair do meet with the administration during work to rule and will reiterate the above during those meetings. Please review the three senate motions on work to rule, passed on 10/30/06 and 11/13/06 and available on the Faculty Senate website.

Under work to rule, the senate committees review their charges and decide which should be postponed until after work to rule and which should have a special exception for immediate action. For example, charges on shared governance or academic freedom might be acted on right away; and faculty might choose to participate in searches for senior administrators. It is also very important to nominate members for the Central Budget Committee. While faculty are declining to participate in many issues during work to rule, faculty need to strike a delicate balance and be vigilant that no important academic decisions are taken by the administration without faculty input. As stated in the first of the three motions last spring, faculty:

expect the principles enunciated by the president to be followed by administrative officers at all levels so as to give the faculty its central voice in these matters....” 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.

VI. Other business – The university is currently conducting a search for a new dean of the library. During work to rule, faculty may choose to participate in searches for senior administrators. The search committee has a list of candidates for airport interviews and expects on campus visits in mid to late October, with meetings to get to know the candidates. Please contact Brigitte Bailey with any input. A former senate chair suggested that faculty may wish to ask the candidates about the extent to which the dean of the library will be willing to consult with faculty before making decisions.

VII. Adjournment – Today’s meeting was adjourned.