I. Roll – The following senators were absent: Beane, Chandran, Fraas, Gunlogson, Lanier, Morgan, Rodriguez, Schram and Simos.

II. Minutes – The minutes of the last senate meeting were approved unanimously.

III. Remarks by and questions to the chair – The senate chair said that the University of New Hampshire and Franklin Pierce Law Center have announced that the two institutions have approved an affiliation agreement, the first step in a multi-year process toward full merger. At the present time, there is no tuition reduction for UNH employees taking FPLC courses; and the UNH diploma will not show FPLC courses. Merger may come later after approval of the affiliation by the American Bar Association and the New England Association of Schools and Colleges. FPLC has one of the top intellectual property programs in the world. There is great potential for UNH programs such as business and engineering to work with FPLC’s programs, especially in the areas of intellectual property and public interest. FPLC will maintain its campus in Concord rather than moving to Durham, and UNH is pleased to have a stronger connection in Concord. The affiliation calls for the formation of two integration committees (academic and administrative) which will make recommendations for how best to maximize the benefits of the two schools coming together. The senate chair said that both committees will have UNH faculty representation and that the academic integration committee will address the question of the tenure status of the FPLC faculty.

IV. PAT and OS concerns – On behalf of the Agenda Committee, Larry Prelli presented the following motion: “The Faculty Senate stands in solidarity with our colleagues in the EE/PAT and OS, who have suffered wage freezes and feel continual pressures on their benefits. These circumstances have undermined a sense of well being and respect among the university community. We urge the administration to lift the wage freeze and maintain, if not enhance, all benefits.” The past senate chair said that this motion expresses a sentiment of solidarity and is not a bill of particulars. A senator said that he wanted more specifics in order to vote for the motion. The motion presenter said that the staff are under considerable constraint, that ambiguity is an effective strategy to keep control of people, and that the elected leaders of the PAT and operating staff have stated that they are under significant pressure regarding benefits and the wage freeze. The motion passed with thirty ayes, one nay and six abstentions.

V. Report from the Library Committee, on open access and intellectual property rights – Val Dusek, the chair of the senate’s Library Committee, said that in the last senate meeting the Library Committee had proposed a motion that the Faculty Senate recommends the use for publication of open access journals where feasible and supports the establishment of self-archiving in an institutional repository for scholarly work. Some untenured faculty have expressed concern about how publishing in open access journals might affect their prospects for tenure. However, this motion would not prevent concerned faculty from publishing in standard
journals instead of or in addition to publishing in open access journals. The journal should be peer reviewed in any case. The past senate chair said that the dissemination of knowledge is changing and that faculty members need to find their own way in their own discipline. A senator said that many journals require up-front payment, and so the motion should be modified to say that the Faculty Senate recommends the use for publication of open access journals where feasible and where institution support is available for publication costs and that the senate supports the establishment of self-archiving in an institutional repository for scholarly work. Senators agreed that this payment can be a big burden, especially for the less well-paid faculty. A past senate chair said that the motion should be in two sentences as follows. The Faculty Senate recommends the use for publication of open access journals where feasible and supports the establishment of self-archiving in an institutional repository for scholarly work. The senate also encourages the administration to provide support for publication where feasible. The motion to amend passed with twenty-eight ayes, three nays and five abstentions. The amended motion passed with thirty-five ayes, one nay, and no abstentions. Senators agreed that the last sentence of the motion refers to support for both standard and open access journals.

The Library Committee chair said that the committee is not yet ready to make a recommendation about the blackboard issue, because the committee has not been able to contact Bob Dalton. Senators said that Bob Dalton has been ill and just passed away and suggested that the committee should contact Maria Emanuel about the blackboard matter.

VI. Reports from the Research and Public Service Committee, on earmarks and on listings with faculty information on line – Research and Public Service Committee Chair Jeff Diefendorf said that the committee was informed last term by John Aber and Jan Nisbet that UNH wants to avoid reliance on earmarks. This kind of funding is often not sustainable; and with Senator Gregg retiring, New Hampshire will have a junior congressional delegation. Therefore UNH is making an effort to seek more reliable, longer-term funding, especially through the regular appropriations processes in Washington. This was one reason for hiring the Van Scoyoc consulting firm, which has met with faculty across campus and is already working with Jan Nisbet’s office on some initiatives. Jeff Diefendorf said that, for now, no new committee or senate work is needed on this charge.

Regarding the on-line database of faculty research, the RPSC chair said that the senate heard about this in early fall in Sherry Velucci’s report. The key person working on this is Terri Winters of CIS, and she has been working with Sherry Velucci, Jan Nisbet, Jeff Diefendorf and others last term. Now Terri Winters has a mock-up and has provided the following link which should enable senators to see how this might work: http://enigma.unh.edu/researchprofiles/. This is a work in progress. There are a number of issues to consider as this project goes forward such as (1) what data will be included (all publications, current projects, other items on the curriculum vitae?); (2) from what sources (department web sites, curriculum vitae, direct input by faculty?); (3) who inputs data (faculty member, department administration, automatic uploads from colleges?); (4) who maintains the database; (5) who has access and to what data (front end to public, closed end to whom?); and (6) what is the relationship of the database to other things (annual reviews, post-tenure reviews, promotions, merit evaluations?). Senators are welcome to
try out the mock-up and send comments to the RPSC regarding the database and the issues listed above. Jeff Diefendorf said that the RPSC will stay in touch with Terri Winters on this matter.

Jeff Diefendorf is serving as the representative of the senate, on the new Research Council created by Senior Vice Provost for Research Jan Nisbet. This council has considered the database mentioned above and a new interim policy on compensation and time and effort. This policy applies to all tenure-track and research faculty and covers the academic year, summers, additional compensation, etc. Some issues raised include compliance with federal rules on grants and actual time spent on activities outside of the grant (such as teaching and grant writing) and the application of normal personnel policies (such as maternity leaves) for people on grants. Ted Howard will be in touch with Kathy Cataneo on these matters. Where will the funds come from for the research faculty’s non-grant-funded time?

The Research and Public Service Committee has also been concerned with policies on university institutes, institutes, centers, and interdisciplinary schools. An interim policy on university institutes was discussed in the senate in previous years and never approved by the Faculty Senate, but the policy was implemented anyway. The committee is pressing John Aber, Jan Nisbet, and Lisa MacFarlane on these matters and expressing the need for details and clarity on how university institutes, institutes, schools, and centers relate to each other and to departments, programs, and colleges. There are many concerns such as funding, compensation, allotment of time, impact on promotion and tenure, hiring procedures, etc. The RPSC is asking the provost to use real examples, such as the Center for International Education, to explore problems. How will the departments get enough hours of work from faculty for the core curriculum, if the faculty want to belong to such groups? The RPSC has asked the administration to finalize a flow chart which will show all such bodies. A senator mentioned that a draft of the policy says that departments should have a memorandum of understanding with related institutes, schools or centers. A senator suggested that, if the faculty work load set by the department chair were to be changed, that would be a bargaining issue. A professor said that, if earmarks become less available, funds may be more difficult to find; and thus amicable agreements between departments and these groups may be harder to forge. A senator said that EOS has over ten years experience in dealing with these issues, but another faculty member said that sometimes there have been problems in dealing with these groups.

VII. Reports from the Campus Planning Committee, on the wind tunnel, on large lecture halls, on the business school, on the WSBE calendar, and that the Oak Room issue will be held until after work to rule – Anita Klein, the chair of the senate’s Campus Planning Committee, said that, regarding the committee’s charge on the wind tunnel, she talked with campus planner Doug Bencks and Joe Klewicki, who is the dean of CEPS. Anita Klein reported that the design of the wind tunnel was finished in January and that the facility is expected to be completed next summer and will be located behind Gregg Hall and adjacent to college woods, with funding mostly but not entirely from outside grants. Anita Klein said that she will ask Doug Bencks to give information on how the utility costs will be paid when the building is operational. She added that there are a number of faculty in the engineering disciplines who are interested in using the wind tunnel in their research and that many outside researchers will probably want to use the facility as well and will pay user costs.
Regarding the charge to review the availability and quality of large lecture hall space, the CPC found that there is a standing committee which is attached to the university’s Space Allocation, Repair and Renovation Committee and the university’s Office of Campus Planning and which makes available some funds each year to renovate such class rooms. Faculty Senator James Malley is serving on that committee and will try to ensure that the new large lecture hall spaces can accommodate the new technology needed for teaching. Also, the new WSBE building will help with the availability of large lecture halls.

Regarding the charge to consider whether the WSBE calendar with quarterly courses impacts the students in other colleges, the CPC found that WSBE has several graduate programs that run on other calendars such as quarters or hold classes on weekends and thus are not in sync with most UNH courses. WSBE administrators said that those programs were only designed for WSBE graduate students and that the change went to the Graduate School and not to the Faculty Senate for approval. However, it would be hard to change this approval now. UNH-Manchester also has some graduate courses which run on the quarterly system. The past senate chair said that the Faculty Senate is responsible for approving changes to the university calendar and that faculty must be vigilant so that such changes do not happen in the future without the appropriate shared governance. Another past senate chair said that the Agenda Committee should discuss this matter with the administration so that this will not happen in the future. A senator said that any future merger with Franklin Pierce Law School or the creation of a new nursing school could affect the calendar and should be approved by the Faculty Senate.

The senate’s Campus Planning Committee did not investigate whether the closure of the Oak Room was a violation of shared governance but sought to work with David May of Dining Services to find an alternative to the Oak Room, as a quiet place for faculty and staff to meet for lunch. In February, the CPC voted not to proceed with this activity as it was perceived that working with Dining Services would be a conflict of work to rule.

VIII. Report from UCAPC, on schools – Elizabeth Slomba, who is the UCAPC chair, said that the committee gave a report to the 4/20/2009 Faculty Senate on the draft document prepared by the provost’s office and entitled “Interdisciplinary/Professional Schools at UNH” and worked with the administration regarding senate concerns expressed on that date. Today she noted that professional schools seem to be less of a priority to the university administration than interdisciplinary schools. The UCAPC chair said that the committee did not receive from the administration the revised draft of the policy on schools in time to work on it and that this should be a charge for UCAPC for next year. The committee is concerned that the administration seems to think new schools will not cost additional money, whereas the committee believes that there will be additional costs for administration and staff for new schools. Are the schools necessary, and how would such costs be funded? The UCAPC suggested that the schools policy should deal separately with interdisciplinary and professional schools and that information on funding should be included. A past senate chair said that, if subvention funds are considered for this or other purposes, the university should clarify how the funds will be allocated and what is the faculty role in decisions about that allocation. He added that the faculty should look carefully at the RCM review and the plan to run a phantom version of RCM changes next year.

IX. Report from the Professional Standards Committee, on background checks – Ed Hinson,
who is the chair of the Professional Standards Committee, said that the PSC was charged to check on the administration's response to the 5/5/08 senate motion XII-M16 regarding the university policy on background checks. On 12/10/2009, the PSC met with Sharon Demers, who is the assistant vice president for human resources, to discuss questions pertaining to the faculty component of the UNH Background Check Policy, scheduled for implementation on 7/1/2010. Prior to the meeting, committee members had reviewed relevant Faculty Senate motions and other related documents, as well as Sharon Demers' "Faculty Senate Response -- Background Checks" document of 12/22/2008, which had been drafted to address concerns and questions contained in senate motion XII-M16.

Discussion centered on issues of privacy, due process, similar practices in other educational settings, potential liability to UNH, and fair treatment of effected individuals. Committee questions included the following, with the answers in parentheses. Can candidates see the report on which they are being judged? (A: It is available for purchase from the same firm generating the report for UNH, and UNH will provide a copy to the candidate upon request.) What constitutes "disqualifying information"? (A: a felony conviction.) Does the open-ended consent form, when signed, give UNH the right to conduct additional future checks? (A: technically yes, but UNH would notify the subject if this were to be done and request a new release.) Who has access to background check results when they are stored at UNH Human Resources? (A: Although these records are kept apart from the personnel files, the same human resources office staff can access each.) Will credit and financial checks be performed on faculty candidates? (A: "Credit checks have only been requested for those positions that have a primary responsibility for oversight of university funds including income and expenditures.") Does the proposed policy require or foresee changes to the UNH-AAUP contract? (A: No.) Will a hiring department always have a voice in any situation in which a check uncovers adverse information? (A: Yes, there will be consultation among UNH-HR, the Dean and the department chair).

Sharon Demers indicated instances where faculty concerns had been addressed through changes (or intended changes) to the policy. In particular this included the current automatic disqualification of candidates within five years of a felony or violent misdemeanor conviction (to be changed to possible disqualification). Overall, the PSC believes that, in the matter of background checks, the administration has in good faith taken the views of the faculty into account in the development of the policy and, when differences have remained, has given considered reasons for these differences. Analysis of the policy indicates, however, that it is all too possible for those authorized to conduct such checks to do so randomly or otherwise, in order to try to uncover improprieties. The PSC therefore urges the administration to adhere rigorously to its stated plan, to invoke checks only in the hiring process and in job changes in which new and significant financial responsibilities are assumed, and in every instance to give notice to and obtain consent from all individuals subjected to such checks.

Ed Hinson said that background checks are to be done only when an employee is hired or when responsibilities change significantly. A past senate chair suggested and the PSC chair agreed that the senate’s Agenda Committee should draft a motion, for discussion at the next senate meeting, regarding the ideas in the last two sentences of the above paragraph.

X. Adjournment – The meeting was adjourned.