I. Roll – The following senators were absent: Beane, Chandran, Fraas, Graham, Harvey, Lanier, Morgan, Simos, Woodward, and K. Zhou. Guests were Jan Nisbet and Kathy Cataneo.

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

III. Remarks by and questions to the chair – The senate vice chair said that he will act today for the senate chair who is ill. Both the current and next year’s senate members are invited to attend the final senate meeting this spring, on May 3.

IV. Motion on background checks – The Professional Standards Committee chair said that the committee gave a report and brought a motion on background checks which was discussed at the previous two senate meetings. He presented a revised motion today as follows.

The Faculty Senate acknowledges the usefulness of background checks in protecting the integrity of the university and the well-being of its community. We urge the administration to apply these checks in a minimal and consistent fashion and to respect the full rights of all individuals subjected to such checks. In addition, as the policy applies to faculty, we expect the administration to adhere rigorously to its stated plan (to invoke checks only in (i) the process of hiring new faculty and (ii) changes of position 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. The senate understands that background checks would not be triggered by routine academic promotion, becoming department chair, or receiving a grant. Background checks would be triggered when required by law. Further, we request that the administration notify the chair of the Faculty Senate Professional Standards Committee of background checks for continuing tenure-track faculty with rationales for conducting each of the checks.

Gary Weisman moved and Larry Prelli seconded an amendment to change the motion’s first sentence to the following. “The Faculty Senate acknowledges that the UNH administration wishes to employ background checks with the goal of protecting the integrity of the university and the well-being of its community.” The amendment was approved with a vote of twenty-eight ayes, two nays, and three abstentions. A past senate chair said that there are nation-wide concerns about the position of tenure-track faculty changing and administrators possibly wanting tools to manage faculty more in the manner of corporate employees. A senator agreed but said that it is important for the senate to pass the motion which limits background checks for faculty. The amended motion passed with twenty-nine ayes, two nays, and three abstentions.
V. Reports from UCAPC on curriculum changes, on RCM, and on changing unit practices – Elizabeth Slomba, the UCAPC chair, said that the committee’s fifth charge was to become involved with the RCM review, specifically with reviewing inter-unit problems and the ways in which the concept of ‘mission-driven’ initiatives will influence the fiscal health of academic programs, and to report findings to the Faculty Senate. UCAPC recommends tabling this charge until next year. Regarding charge two, to consider whether units are inappropriately changing their practices in order to maximize enrollments and funds, UCAPC has requested faculty input and heard no concerns about this and considers this charge to be concluded. Regarding charge one, to monitor curriculum changes in order to track their impact on academic programs over time, UCAPC has requested faculty input and heard no concerns about this and considers this charge also to be concluded for this year.

VI. Request for re-affirmation of the commitment to diversity – The senate vice chair said that this request has been postponed until next fall.

VII. Report from the Campus Planning Committee, on parking – The CPC chair said that, in response to the committee’s charge to review concerns about parking services taking spaces regularly from faculty/staff lots and reserving the spaces for campus visitors and also changing faculty/staff parking spaces permanently to metered spaces, Erin Sharp has prepared a report based on information collected from Dirk Timmins, Steve Pesci and Dick Cannon. The report’s executive summary points out that there is tension between faculty/staff productivity and the university's Master Plan (for example the Master Plan's call for gradually moving more parking from the core campus to the outskirts of campus). Data provided by Transportation Services and the Campus Planning Office suggest that the availability of dedicated faculty/staff spaces has declined somewhat over the last five years (a loss of about 50 spaces), while mixed-use spaces have increased somewhat (+34). Faculty/staff permit sales have risen only slightly (+6) during this same period. There is a Transportation Policy Committee that includes faculty, operating staff, PAT staff, student, and town representatives. Transportation Services notes that they are operating under funding constraints, that a student transportation fee has been introduced at UNH, and that there are 200-300 empty spaces daily in the west edge parking lot. However, the Campus Planning Committee is concerned that use of west edge parking would negatively affect faculty and staff productivity by increasing commutes to and from campus. [The addition of fifteen to twenty minutes to the commute each way is the equivalent of adding almost seven hours of work every two weeks.] Many faculty have non-standard work hours which make parking a problem. A senator said that she teaches an evening class and can’t leave until 9:30 p.m.; yet she must arrive before 9:30 a.m. to get parking within walking distance, resulting in a twelve-hour work day. Faculty are also supposed to engage in work at field sites or with citizens off campus but can’t park within walking distance upon return.

Getting to the distant lots at night presents safety concerns. The CPC chair said that the proposed business school building will not have much parking nearby. The committee urges that the design of the new business school be modified to assure that faculty have safe access to nearby parking especially in the evening. She added that this should be extended to all buildings on campus. Also, currently there are no sidewalks from campus to the west edge parking lot, although such sidewalks may be completed by next winter. The main problem is that Transportation Services keeps removing inner-campus faculty/staff parking places or changing
them to special-purpose parking. The CPC chair said that now the entire long first row of parking in B lot is reserved for special uses. Priority parking is also given to construction workers and contractors. A former senate chair asked who made the decision that this is a walking campus, and he added that perhaps it is time to revisit that decision and ask the campus constituents about that. A senator said that, even if this is a walking campus, that should not include having to take a twenty-minute shuttle ride each way.

VIII. Reports from the Research and Public Service Committee – The Research and Public Service Committee was charged to consider the metrics for research productivity being developed by the Office of Research. The RPSC said that those metrics, recommended by the Blue Ribbon Panel on Research, are still a work in progress; and so the RPSC could not review them this year. The committee was also charged to review the research-related components of the Academic Plan. The committee chair said that this review will need to wait until those proposals contain more details and that this charge should be taken up again by the RPSC next year. Regarding the committee’s charge to review the final draft of the university institute policy, the RPSC chair said that there were policy modifications that were implemented without a Faculty Senate voice and that now there is need for further details about the current policy and a review by the RPSC next year. Regarding the charge to review the use of earmarks as a source of research funding, the RPSC chair said that this matter also is a work in progress in Jan Nisbet’s office. The committee indicated to her that there needs to be discussion on standards for hiring research faculty, particularly if they may teach, and also that each research faculty member should be based in an academic department. In addition, the RPSC chair told the senate today that, although the possibility of greater representation for research faculty has been raised, that issue is not ready for senate discussion.

IX. Effort certification policy – Jan Nisbet, who is the senior vice provost for research, said that President Huddleston approved the UNH Interim Policy on Compensation (IPC) on 10/8/09, to ensure quickly that faculty and staff are protected and UNH is in compliance with federal regulations governing compensation from externally-sponsored programs. Jan Nisbet said that now the IPC is being shared with constituent groups for input, with the goal of creating a final policy by the fall. The policy applies to all who receive any portion of their compensation from sponsored programs and can be viewed at http://www.usnh.edu/olpm/UNH/V.Pers/F.htm. A policy is needed because (1) federal agencies have increased the number and depth of audits and investigations into ways universities charge federal grants for the largest single expense of sponsored programs: salaries and wages (and associated fringe and indirect costs), (2) many universities have had costs disallowed (requiring payback to federal sponsors) and financial penalties, (3) UNH hired a consulting firm (Huron), specialists in the subject, to evaluate the university’s policies and procedures, (4) Huron identified some compliance gaps and recommended creating a UNH policy on “regular” compensation, as well as revising existing UNH policies on “additional” pay and effort certification, and (5) effort certification is a federal requirement for those who are compensated with federal funds, to verify whether the percentage of effort expended is equal to the percentage of compensation received.

Sponsored programs cannot be charged directly for salary or wage expenses that are charged as indirect costs or for time expended that does not directly benefit the specific sponsored program award during its project period. Anyone engaging in “unallowable” activities may not have
100% of his or her compensation charged to sponsored programs. Examples of unallowable
direct charges are grant application preparation, service to UNH (such as membership on
committees, senates or councils), and teaching unrelated to the grant. Each unit would have to
use its unrestricted funds to pay faculty/staff for these activities. “Total university effort” does
not refer only to the activities done in a forty-hour work week. Various percentages have been
discussed regarding the amount of salary the UNH units would have to pay for non-grant
activities. The federal people want the university to have a consistent policy for all grants,
whether federal or not. A person who is one hundred percent grant funded should have all his or
her work activities specified in the grant.

Jan Nisbet said that her office is developing some basic templates for grant proposals. A senator
said that there should be suggested standard wording for dealing with post-doctoral employees,
graduate students and undergraduate students; and Jan Nisbet agreed. In response to a question,
she said that the revised text of the policy on these matters will be brought to the Faculty Senate
for input in the fall. One proposal is that research faculty could be paid 95% from grants and 5%
from a UNH unit. The federal government says that 100% grant pay means the researcher
should work on the grant 100% of the time he or she works, no matter how many hours per week
that is. A professor said that it is outrageous for professors to be told what they can or cannot do
on weekends. Jan Nisbet said that there will be instructions on line and that effort certification
will take place at the same time each year. The policy should be clear in how it applies to both
research faculty and tenure track faculty. A professor said that going to less than 100% grant
funding is good, so that faculty with multi-year grants can have the flexibility to deal with
contingencies. A senator said that, if the opportunity comes up to teach one course, that should
be allowed; and Jan Nisbet said that her office will try to figure out a mechanism for that.

X. Reports from the Finance and Administration Committee, on RCM and on NAVITAS – The
chair of the senate’s Finance and Administration Committee has expressed concern that,
although his committee has agreed to report to the senate, the senate has not agreed to report to
the administration concerning NAVITAS during work to rule. In addition, the senate’s
Academic Affairs Committee, which was also charged to consider the advisability of a
partnership with NAVITAS, decided that this issue should be held until after work to rule.
However, if the FAC reports now to the senate and that report goes into the minutes, effectively
that might be considered reporting to the administration; and so it seems to the FAC chair that,
before the FAC reports to the senate, the senate should address whether or not it wishes to report
to the administration regarding NAVITAS. The senate could decide to discuss or not discuss
NAVITAS, or to take a sense of the senate that the minutes should not be construed as a report
by the senate on this matter, or to go into executive session, the minutes of which would go only
to senators.

The past senate chair said that negotiations on NAVITAS are proceeding and that next fall the
university may make a decision on NAVITAS approval. There are apparently no new issues or
dramatic changes in the process. The chair of the senate’s Academic Affairs Committee said that
his committee has decided not to work on this charge during work to rule and has recommended
that the Faculty Senate hold on this matter and make clear to the administration that, if it moves
forward with this partnership without Faculty Senate approval, such action would constitute a
violation of shared governance. Another member of the AAC added that there is some
skepticism about the NAVITAS proposal. The AAC chair suggested the possibility of hearing the FAC report but stating in the senate minutes that no action should be taken until both committees have reported and the senate acts on NAVITAS and that the issue should be frozen until that happens. The vice chair agreed that the senate might vote to act in that way. The past senate chair said that a task force with faculty members has engaged many faculty on the issue of NAVITAS, is laying the groundwork, and has not yet made a final recommendation. **David Richman moved and Gary Weisman seconded that the Faculty Senate take no decision at this time on the question of NAVITAS and that any report that the Faculty Senate hears on NAVITAS be construed simply as a report that the senate is hearing and constitutes neither approval nor disapproval on NAVITAS.** The motion passed with twenty-three ayes, no nays, and five abstentions.

The Financial Affairs Committee raised six questions and recommended that they be addressed before the university commits to the NAVITAS program. Further, the committee believes that the NAVITAS Task Force conducted a reasonable study of the potential relationship between UNH and NAVITAS. Many of the questions that the committee has raised were also raised by that task force. The FAC’s six concerns and questions about the NAVITAS program to bring foreign students to UNH are as follows. (1) It is unclear to what extent the NAVITAS students will displace out-of-state students, and this number should be presented before the university offers a final decision concerning its commitment to NAVITAS. (2) It is unclear to what extent the NAVITAS program makes sense financially; we would like real time monitoring of the cost and profits of this program as it goes forward. (3) We are concerned that the Faculty Senate have the ability to review and comment on the details of the proposed contract between NAVITAS and UNH, and between both and the student, before decisions are finalized. (4) We are concerned that NAVITAS students would be promised enrollment in departments that are over capacity, thus bypassing the departments’ enrollment policies. (5) Would students have access to NAVITAS counseling after they have been admitted to UNH? How would our relationship with NAVITAS impact the counseling of foreign students at the university as a whole? (6) Will NAVITAS be using UNH faculty? Will the faculty be employed within the context of the faculty member’s responsibility to UNH, or will there be a separate negotiation between NAVITAS and the faculty member? Similarly, under what conditions will graduate students be employed by NAVITAS as instructors?

A senator asked how university policy would apply if a NAVITAS student were to transgress against university policy in some way, such as cheating or assault. The past senate chair said that, since some of the FAC’s questions were brought also by the task force, the administration’s answers to some may be available in the on-line list of frequently asked questions. He believes that the NAVITAS students would be subject to the university’s conduct rules. The senate vice chair said that the FAC’s report on RCM will be presented at the next senate meeting.

XI. **Adjournment** – The meeting was adjourned.