I. Roll – The following senators were absent: Beane, Chandran, Fraas, Lanier, Morgan, Shetty, Simos, and K. Zhou.

II. Minutes – The minutes of the last senate meeting were approved unanimously, except for one abstention. Also unanimously except for one abstention, the seventh sentence in item IV of the 3/1/2010 senate minutes was changed to the following. "The senate chair replied that she spoke with Monique Couillard, who is the chair of the Operating Staff Council. The staff are not given specific details about cuts but, according to the senate chair, are continuously threatened with a reduction in benefits.”

III. Remarks by and questions to the chair – The senate chair said that the results of a report conducted to evaluate the competitiveness of USNH’s total employee compensation package were reviewed with Mercer, the company hired to do the study, during a recent meeting of the USNH Board of Trustees. The senate chair said that the cost of these consultants was about $85,000 to gather information about benefits at UNH and some comparator groups, which even included companies such as L. L. Bean. She added that the campus climate survey was used as an indicator, even though many people have expressed concern about the quality of that survey.

The senate chair said that, in meetings with administrators and at the Central Budget Committee meetings, faculty have asked the administration to address how central mission critical decisions can be made more transparently and with greater faculty input. Faculty are concerned that what constitutes mission critical should be decided by a review body with appropriate faculty representation and shared governance and that any request for central funds should be accompanied by documentation as to why the matter is mission critical and then the decision should made by a group with significant faculty representation, because the academic programs are often taxed to provide those funds.

IV. Motion on background checks – The Professional Standards Committee chair said that the committee gave a report and brought a motion on background checks at the last senate meeting 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 background checks should not be triggered by receiving a grant, becoming a department chair, or receiving routine academic promotions such as from associate professor to full professor. The university's business service centers would provide a measure of security and
accountability sufficient for expenditures in such instances. Sharon Demers has indicated that credit checks have only been requested for those positions that have a primary responsibility for oversight of university funds including income and expenditures. A senator said that the wording in some grants requires a security check. Marco Dorfsman proposed and Barbara White seconded an amendment as follows. “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.” Background checks, however, might be needed for faculty in charge of such projects as a large field program abroad. Many other universities have instituted some form of background check. The amendment passed, with twenty-nine ayes, no nays, and four abstentions.

Background checks will be routine for new tenure-track faculty hires who start employment on or after 7/1/2010. Others, such as non-tenure-track faculty and graduate teaching assistants, who teach in the classroom, are already subjected to the checks. Some students may be minors. A senator suggested deleting the first sentence of the original motion and modifying the former second sentence to begin: “The Faculty Senate urges the administration to apply these background checks...” However, other senators spoke against this change; and the senate voted with twelve ayes, eighteen nays, and five abstentions against that amendment. Bill Stine suggested and Gary Weisman seconded an amendment to add at the end of the motion a sentence to say that “the Faculty Senate requests that the administration notify the chair of the Faculty Senate's Professional Standards Committee, about background checks for continuing tenure-track faculty with rationales for conducting each of the checks.” Although this notification would not include the name of the person who would have the background check, information in the rationale could possibly make the person identifiable; but the Professional Standards Committee chair could be expected to respect confidentiality. After discussion, Sharon Potter made and Bill Stine seconded a motion to table these matters until the next senate meeting. The motion to table passed with seventeen ayes, sixteen nays, and two abstentions.

V. Effort certification policy – Ted Howard presented the following talking points provided by Kathy Cataneo, who is the executive director of sponsored research. 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. Now the IPC is being shared with constituent groups for input, with the goal of creating a final policy by June of 2010. 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.
The Interim Policy on Compensation addresses these Huron recommendations by (1) defining the institutional base salary and the total university effort, (2) stating the UNH limitations on compensation from sponsored programs, consistent with federal regulations, and (3) stating what are allowable and unallowable activities to charge to sponsored programs. 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 gathering data for and writing competitive proposal applications, service to UNH (such as membership on Faculty Senate, search committees, strategic planning committees and PAT/OS councils), and teaching unrelated to the grant. Each unit would have to use its unrestricted funds to pay faculty/staff for these activities. This may limit participation by some types of employees in some activities.

Ted Howard said that “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. Some funds might be taken from the overhead returns. He stated that the federal people want the university to have a consistent policy for all grants, whether federal or not. He asked whether an administrator should come to the senate to discuss these issues and then the senate might consider a motion about the policy. The senate agreed that the Agenda Committee should consider a response to that question.

VI. Report from the Library Committee, on intellectual property rights – Val Dusek, the chair of the senate’s Library Committee, stated that the administration said that, in 2006, the AAUP and the university president approved the draft intellectual property policy. That policy has a provision that any intellectual property developed as a university employee and using university resources may be used but not sold by the university. This would include on-line course content that any faculty member puts on blackboard. The Agenda Committee will consider the possibility of bringing to the senate an expert who can represent and advise the faculty on these issues.

VII. Reports from the Professional Standards Committee on harassment training and on disclosure policy for conflict of interest – The Professional Standards Committee chair said that there had been harassment training presented as mandatory, to which many faculty objected, and that the administration then withdrew that training program. Therefore the committee believes that its charge regarding this matter is now moot. Regarding the disclosure policy for financial conflict of interest, the committee suggests that the Agenda Committee decide whether or not to invite Jan Nisbet or Julie Simpson to speak to the senate on this matter.

VIII. Report from UCAPC on proliferation of statistics courses – The chair of the University Curriculum and Academic Policies Committee said that the committee does not believe that the proliferation of statistics courses is an RCM issue. The committee has shared its views on this matter with the senior vice provost for academic affairs.

IX. Adjournment – The meeting was adjourned.