May 6, 2013

MINUTES SUMMARY

I. Roll – The following senators were absent: Connelly, Guo, Harrist, Hartter, Kazura, Peshkova, Scherr, Shannon, Shore, Simos and Veal. A guest was John Aber.

II. Remarks by and questions to the provost – The provost said that he had wanted to thank the outgoing senators for their work and to thank the faculty in general for the mutual work he and they did together during his four years as provost. His retirement has been previously announced for the end of June. He said that the discussion in the senate today may differ from the usual. He thanked the Professional Standards Committee and its chair for reviewing and making a recommendation recently on a professional ethics case. The provost said today that the PSC’s recommendation was advisory to the administration and is part of the process described in the collective bargaining contract. He added that there may be a grievance regarding the provost’s decision to dismiss the faculty member, and details may become more publicly known at that time. The accused professor has admitted to intentionally lowering the student evaluations of another faculty member. After review, the PSC members unanimously agreed that the professor’s conduct constituted moral turpitude and “evinces a gross disregard for the rights of others, is a clear and intentional breach of duties owed to others and to the university by virtue of employment at UNH and membership in the profession, in which such an act is considered contrary to the accepted and expected rules of moral behavior, justice, or honesty, and evokes condemnation.” The provost said today that the press release distributed by the university was worded correctly but that the articles in local media and in the Chronicle of Higher Education were incorrect. UNH has sent statements to the news media asking for a correction. The university’s news release on the case is available on the UNH website. The provost said today that the PSC did good work which is appreciated. He said that he chose a sanction after thinking about the effect on all members of the university community, including the students.

A former senate chair said that faculty understand that the provost is not bound to accept faculty recommendations. However, shared governance is important; and the Faculty Senate Constitution states that the “principle of shared governance in universities is long established by tradition and was formalized in the 1966 Joint Statement on Government of Colleges and Universities (jointly formulated by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges)…. The distinctive responsibility of the faculty is the academic mission of the university. In particular, the joint statement asserts that ‘The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, 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 should be exercised adversely only in exceptional circumstances and for reasons communicated to the faculty.’” The former senate chair said that the provost has not explained...
the exceptional circumstances and reasons for him to go against the vote of the Professional Standards Committee regarding what sanction should be imposed.

The provost said that he followed the requirements in the collective bargaining contract, which is legally binding. Another past senate chair asked if there was a flaw in the recommendations of the Professional Standards Committee. The provost replied that he appreciates the good work of the PSC and that the committee’s work was not flawed. He said that this is not the first time that the administration has decided differently from a recommendation. The provost said that the PSC’s recommendation contained a range of possible sanctions and that he chose from that range. Another former senate chair stated that the required procedure was very clear and that the PSC recommendation was for suspension and not termination. The provost replied that the PSC represents the tenure-track faculty and that there are other constituencies to be considered, such as the students. He added that, if there is a grievance, the arbitrator will make the final decision. The PSC chair said that the Professional Standards Committee did not write its recommendation as majority and minority reports, although there was a follow-on statement supporting each of the positions that were taken. It was stated that the PSC voted five to one for suspension.

The PSC chair said that, in the hierarchy of law, the collective bargaining contract and university policy are parallel and must not conflict. A professor said that there is no conflict between the collective bargaining contract and the principle of shared governance formalized in the 1966 Joint Statement on Government of Colleges and Universities and stated in the Faculty Senate Constitution. The provost said that his decision was not solely based on the PSC recommendation. A former senate chair said that, although the provost is not obligated to accept a recommendation from the faculty, his not following the faculty recommendation could be a violation of shared governance. The provost replied that this is not a violation of shared governance and that the PSC recommendation is not binding. The provost said that his decision reinforces the university’s commitment to uphold and teach ethical behavior and that the accused professor’s conduct disregarded the rights of his colleague, undermined the evaluations submitted by the students (a prime source of data for employment decisions for all instructors), and corrupted an important process by which the faculty’s teaching effectiveness is measured.

The provost compared this termination decision with tenure decisions, which are recommended by departmental faculty with the final decision being made by the provost. A senator said that the information available seems contradictory and that the senate needs all the facts. The provost replied that this is a confidential personnel matter. A professor said that in his opinion there has been a distortion of the facts and that this undermines faculty governance and is a stain on the reputation for truth and fairness. The provost disagreed. The PSC chair said that he had read the news release just before it was sent out and that he did not see any falsehood in that release. He said that a Manchester newspaper changed the wording, which resulted in an incorrect statement in the news story, and that The Chronicle of Higher Education followed that version. A PSC member said that the PSC chair has done an excellent job in dealing with this case.

III. Remarks by and questions to the chair – The senate chair said that he has very much appreciated the senators’ work on the committees. He commended the senators for their good work and asked them to communicate with their departmental colleagues that the work of the senate is very important for academic freedom and shared governance.

IV. Minutes – The minutes of the last senate meeting were approved with all ayes except for four abstentions.
V. Academic Affairs Committee’s motions on the status of lecturers – The AAC chair said that the discussion on the motions on lecturers, at the last senate meeting, was very good. He said that the AAC report was concerned with the full-time non-tenurable staff at UNH, regarding both the situation of lecturers and the effect their growing numbers may have on tenure-track faculty and on students. The AAC chair suggested that some of the nine motions could be left over for the committee to consider in the upcoming academic year but that the senate could vote on some today. On behalf of the AAC, he presented motion one as follows. “We call on the administration to make it a top priority to halt the substitution of lecturers for departing professors. The practice should now be the other way round. When lecturers resign, tenure-track professors should be hired, with some exceptions where appropriate, to replace them. (This motion is in accord with the first recommendation of the Professional Standards Committee: ‘The default for replacing all tenure-track faculty when a vacancy occurs will be the selection of another tenure-track faculty member. Deviations from this default position should be accompanied by an explanation to the impacted department/division and the chance for the chair to respond. This applies to single hires and cluster hires.’”

This year there are 609 tenure-track faculty, down from 663 in 2005. Using 2005 as a base year (100%), the last year for which we have statistics, the number of lecturers rose to 143% in 2012 and to 156% this year, while the number of tenure-track faculty has declined to 92%. The number of lecturers at UNH rose dramatically between 2010 and 2011, from 134 to 170, and in 2013 is up to 191. Lecturers are now 27% of the FTE tenure-track faculty including librarians and were less than 16% in 2005. Lecturers teach about 36% of the courses that are taught. A senator said today that, even though the university is under financial stress, the administration should carefully consider and clarify its priorities in this matter. Motion one passed with thirty-two ayes and one nay.

The AAC chair said that motions two and nine should be tabled for possible reconsideration next fall. He presented motion three as follows. The AAC welcomes “the steps taken by COLA to increase lecturers’ salaries annually and to establish a practice by which lecturers will be offered contracts for increasing lengths of time. Though some flexibility may be necessary, we ask that these steps serve as the model for all the colleges.” That motion refers to annual salary increases rather than to increases in annual salary. A professor said that, when considering all these motions, senators should think carefully about the fact that, although we want to help the lecturers, there is only so much money available. The effects of such motions could be bad for the other faculty. Motion three passed with thirty-one ayes, three nays and one abstention.

On behalf of the AAC, its chair presented motion eight, which after friendly amendments was as follows. “We move that as of the fall semester the Faculty Senate invite two non-voting representatives from the Lecturers Council to attend Faculty Senate meetings, with the right to speak on any subject.” A past senate chair said that the Faculty Senate has a history of inviting people to the senate with the right to speak but not to vote. Jim Connell moved and Carolyn Mebert seconded an amendment to say that the Faculty Senate would welcome representatives from similarly-constituted bodies of research faculty and clinical
faculty in the future when they have organized themselves. After discussion, which included comments on the differences between lecturers and research or clinical faculty, in their roles and the amount of student contact, and a suggestion to consider the research and clinical faculty at a later time, that amendment failed with almost all nays except for two ayes. The senate vice chair said that he commends the Academic Affairs Committee for its report on the status of lecturers at UNH but believes that the issues dealt with are complex, because there are many different kinds of non-tenure-track faculty across the UNH colleges. He said that he disagrees with motions five through nine and will vote against those motions, because they are stand-alone statements, when he believes that a comprehensive approach is a better course of action. He intends to present a motion later as follows: “to establish for the 2013-2014 academic year an ad-hoc committee for the purpose of reviewing the status of lecturers, clinical faculty, and research faculty regarding their participation in governance, teaching, research, and service at UNH.” After further discussion, motion eight passed with twenty-nine ayes, four nays and two abstentions.

The AAC chair presented a modified motion four as follows: “Lecturers should receive a letter regarding future employment at least six months before that employment begins.” A senator said that some departments do not know how many sections or courses will be needed until early spring. Another senator said that the motion would provide moral suasion but would not be a requirement for departments which are unable to follow the motion, and the AAC chair agreed. Another senator said that employment decisions may be based on teacher evaluations which are not available until the end of the previous semester. Motion four passed as stated above, with thirty ayes, two nays and two abstentions.

VI. New business – David Richman moved and Ihab Farag seconded a motion of no confidence in the provost, because it is important that the Faculty Senate be able to establish relationships with principal administrators who accept and do not violate the principles of shared governance, as formalized in the 1966 Joint Statement on Government of Colleges and Universities. The senator who proposed the motion also stated that a second cause for the motion of no confidence was the misleading press release. In motion XII-M2 passed in 2007, the Faculty Senate created procedures for a motion of no confidence. Those procedures are as follows. (1) The motion of no confidence is tabled. (2) A conference by the Agenda Committee of the Faculty Senate with appropriate administrators and/or faculty is held. The case may be resolved by mutual agreement among the aggrieved parties, dismissed, or referred to the Academic Affairs Committee. (3) If referred, the Academic Affairs Committee of the Faculty Senate informally inquires into the situation, attempts to mediate a mutually agreeable resolution and, if no resolution is reached, makes a recommendation concerning no confidence to the Faculty Senate’s Agenda Committee and the Faculty Senate. (4) In that case, the motion of no confidence is debated and voted upon by the Faculty Senate. A senator asked if the motion of no confidence would become moot when the provost leaves that office at the end of June, returning to faculty work. The Faculty Senate chair said that the Agenda Committee and perhaps the Academic Affairs Committee could consider whether or not the issue should be moot.

Barbara White moved and Jim Connell seconded a motion “to establish, for the 2013-2014 academic year, an ad-hoc committee for the purpose of reviewing the status of lecturers, clinical faculty, and research faculty regarding their participation in governance, teaching,
research, and service at UNH.” This motion passed with all ayes except for two abstentions.

The senate chair said that Sallie Ricker, who has been the senate’s program coordinator for about twenty-three years and will retire at the end of July, has contributed hugely to the success of the senate and its leadership. He said that he very much appreciates what a marvelous program coordinator she has been; and he presented to her a star-shaped award etched with the words “for extraordinary service in grateful appreciation from the UNH Faculty Senate”, as well as an accompanying envelope. The senate vice chair expressed thanks on behalf of the whole senate to the Faculty Senate chair, for his excellent and knowledgeable leadership of the senate over the past year and presented him with an engraved gavel. The senate chair also thanked the vice chair for his strong contributions to the senate’s efforts this year and said that he thinks the senate will be in good hands next year.

VII. Adjournment – The meeting of the 2012/13 Faculty Senate was adjourned.  

UNIVERSITY OF NEW HAMPSHIRE
2013-14 FACULTY SENATE

May 6, 2013

MINUTES SUMMARY

I. Roll – The following senators were absent: Guo, Kaen, Kalinowski, Kidwell, Morgan, Onosko, Scherr, Shannon, Sheriff, Shore, Simos and Ware.

II. Election of officers – The slate presented by the Agenda Committee was Todd DeMitchell as chair, Alberto Manalo as vice chair, Willem deVries as past chair, and at-large Agenda Committee members Rosemary Caron, James Connell and Deborah Kinghorn. The proposed senate chair said that he thought that he should not serve as senate chair, because he was the chair of the Professional Standards Committee and had seen the professional ethics press release just before it was sent to the media and because the motion of no confidence relates, in part, to the assertion that the press release is a cause for a vote of no confidence. The proposed senate chair felt that he was too close to the issue of the press release; however he offered to serve as senate chair during the summer. An Agenda Committee member said that a better solution would be for the proposed senate chair to serve as chair but to recuse himself temporarily whenever the motion of no confidence is addressed. Another senator agreed, saying that the senate has not indicated any concern about any action by the Professional Standards Committee or its chair. Other nominations were invited from the senate floor, but none were proposed. Carolyn Mebert moved that the senate elect the slate as presented by the Agenda Committee. The motion passed with all ayes except for two abstentions.

III. Adjournment – The meeting was adjourned.