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2020-2021 FACULTY SENATE XXVI - August 30, 2021 Minutes Summary

Faculty Senate

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UNIVERSITY OF NEW HAMPSHIRE
2020-2021 FACULTY SENATE XXVI

The fundamental function of the approved minutes of the Faculty Senate is to accurately document actions taken by that body. Additionally, the minutes traditionally seek to provide context by capturing some statements of Senators, faculty in attendance, and guests. The minutes do not verify the veracity, authenticity, and/or accuracy of those statements.

Meeting called to order at 3:10 PM on August 30, 2021, via ZOOM

MINUTES SUMMARY

I. Roll - The following senator was absent: John DeJoie. The following senator was excused: Petar Ramadanovic. The following were guests: President James Dean, Wayne Jones, and Kate Ziemer.

II. Call to order - Kevin Healey, chair of the Faculty Senate called the meeting to order and welcomed President Dean to provide remarks and take questions.

III. Remarks by and questions to President Dean - *President James Dean shared the following remarks which are provided in transcript form:*

It's great to see everybody again and to feel the buzz of activity around campus. I think it's been increasing over the last couple of weeks. Certainly, this past weekend and even this morning, I felt a whole new level of activity. For those of you who haven't been around over the weekend, we had very successful student move-in days and orientation activities. I have to say we do this really well as a university. I'm really grateful for this and all credit goes to the Student Affairs team and to the University Police team. It is easy for this to come off badly. Last week was very hot, 90 + degrees and I think it went really well. The new students all seem very excited to be here.

I also wanted to mention that both Provost Jones and I visited with the new faculty last week for their orientation and they also seem very excited to be here. Their early comments in both formal and informal sessions were very, very positive about what they see at the university and how happy they are to have joined. I'm going to come back to that again at the end of my remarks.

I'll begin by addressing the elephant that's not only in this room, but in every room, everywhere, which is COVID. I believe you've all seen our plans for the year. Many of you attended the town hall meeting that we had last week. You know that we have multiple levels of protection against COVID - vaccination, masking, testing, isolation, and quarantine.

Some good news, in terms of vaccination, is that today 80% of our students have reported to us that they are vaccinated, and the number could be higher. And approximately 87% of those who live on campus have told us that they are vaccinated. By comparison, 68% on faculty and staff have told us they are vaccinated. So, the majority of people who will be on campus and the vast majority of people who will be in your labs and classrooms, have reported to us that they are vaccinated. We do have a verification approach for vaccination. We don't just accept it at face value. I'm just getting a note that actually more students have gotten vaccinated. We gave students the opportunity to be vaccinated in the Whit over the weekend as they checked in. And I think about 40 additional students got vaccinated over the weekend.

We also have, as you know, masks and testing protocols in place. We prepared spaces for isolation and quarantine. Our early testing results are promising. As you know, we have asked everyone in the

community to do a so-called arrival test even if they didn't leave in the summer. And from what we know this morning – with the vast majority of people on campus - our test positivity rate is far less than 1%. We thought that it might be higher because we have people coming from all over the place, but the test positivity rate is far less than 1% . I'm sure that there will be challenges ahead. There have been challenges for the last year and a half on this and there will be new challenges ahead. But we've actually learned a lot over the past year and a half, and I believe that we are ready to face those challenges. I imagine you'll have some specific questions for me when we get to Q and A.

Changing topics, I spoke earlier today to the faculty and staff at Granite State College. And I'd like to tell you what I told them, which is that we're really at the beginning of the planning process for the integration of Granite State College and UNH and that faculty as well as staff will be deeply involved in the planning for that to happen. I also mentioned that our focus in planning for this integration is on student success and well-being. If it rings a bell for you, it is probably because it is the first of our four strategic priorities. This is a common denominator between our two institutions of Granite State College and UNH. I'm optimistic about that planning. I thought we had a very productive set of conversations in the Zoom meeting just a little while ago. We're putting the committees in place, and I think we're going to be able to do that integration very well.

A lot of times I talk about pragmatic day-to-day kinds of things but since it's the beginning of the year and I've been thinking about where we are as a university - students, faculty, and staff - I want to speak at a little more abstract level about our culture. I shared some of these same thoughts with the students on Saturday in a very different environment, a pep rally environment in Wildcat Stadium. I think it's just as important that I share these thoughts with you. In some universities, including some where I've been, people seem to believe that they will rise by stepping on other people. If you are familiar with the long time ago Stephen Covey book, you might recognize this as an attitude of scarcity, which is that there's only so many good things to go around. So, a good thing for you means less good for me. I would have to say that in my now three years here I've not seen that attitude very often. In fact, I mostly seen the opposite, that we rise together by supporting one another. And lest you think that is just empty rhetoric let me give you a few very specific examples. We rose together last year when you, the faculty, went to extraordinary lengths to help students in your classes continue their learning despite the pandemic. We rose together last year even further when many faculty, and officially as the Faculty Senate, supported the Student Emergency Basic Needs Fund, which was able to help over 400 students last year who ran into emergency needs that could have really wrecked their academic career. It didn't because of you. We rose together when faculty helped one another master online teaching and learning and the level of collaboration among you last year was wonderful to see. I will mention a more recent example - over the weekend, hundreds of students volunteered to help their fellow students and their parents move in, often rising literally, in this case, in elevators and stairways, again in very high heat - all volunteer, all weekend. And I will say we rise together when we look past our differences - and there could be lots of differences – to form one UNH academic community dedicated to the ideals of public higher education. And that is what I think really typifies this faculty in this community. I hope that as we begin this new academic year and we slowly, slower than we had hoped, emerge from COVID you will continue to help one another, as well as our students and our staff, to rise together. You inspire me every day by what you do. And I'm very, very proud to serve you as your president. Thank you. And on that note, I'm happy to take some questions.

Q & A

Question from UNH Manchester Senator: I have a question about the merger, very much in the spirit of cooperation and working together. As you likely know, the provost received a letter recently from Senate leadership and the leadership of both faculty unions voicing some serious concerns that we've got about governance, about curriculum, and about workload issues around the UNH and Granite State College merger and in that communication asking for faculty representation on the steering committee that is already doing substantive work in determining what the mission and goals of that merger will be and how the work of that merger will be carried out, and by whom. And we have once again been rebuffed and rejected in our representation on that committee. It seems to us, among other things, that violates some of those core principles of shared governance and some of that attitude about cooperation and working together that you just articulated. So, my question is this, why are you so resistant to including us on that committee?

President Dean: I appreciate the question. I will have to say that I have not been involved in all the details of forming all the committees, but I know that there's multiple committees.

Manchester Senator: Steering committee is the question.

President Dean: I think that if the issue is how are we planning for the integration, I think it's fair to say that there's quite a number of committees and our plan is to have faculty involvement. This group that we're looking at now, the Faculty Senate, is the representative body of the faculty from the standpoint of shared governance. And we have every intention of including faculty as we worked through all the decisions associated with the merger.

Manchester Senator: Why will you not articulate why you will not allow the Senate to appoint a representative to the Steering Committee?

Provost Wayne Jones: We are putting faculty on all of those, including the Steering Committee. I did get that message over the weekend. And my reply was that we were going to be putting faculty on all those committees and including the Steering Committee. We are going to make sure that we have all our governance groups represented, including GSC and UNH Manchester, and UNH, which will be the faculty side. I got that and responded over the weekend. It was a busy Sunday. There were a few things going on. And I haven't had a chance to meet with the Faculty Senate leadership yet because you're here today.

Manchester Senator: Thank you. We appreciate that because it really is incredibly important, particularly to Manchester faculty, that we be represented at the upper most decision-making part, and then throughout the process. This is new information. We're super grateful for that. Wayne, thank you so very much.

Provost Wayne Jones: I do have to push back on one thing you said which was not accurate. No decisions have been made yet. The steering committee, the group of six, has met twice and most of the conversation has been about how we are working with the legislature and how we're getting the highest level - the parameters that we must work within - set at this point. So, all that you were describing is work left to be done. It has not been done yet.

COLSA Faculty Senator: I just have a couple of clarification questions to ask about the COVID-19 data that's being posted now, specifically on vaccinations. There have been various percentages referred to by the administration, one in Seacoast Online and one here about the percentage of vaccinated students on our campus or in the UNH system. But it's kind of hard to make sense of those numbers in the way that they are presented on the COVID data sheets. There is no denominator that is associated with the number of students that we're actually measuring for vaccination rate on the COVID data sheets. There's also no delineation as to whether students or faculty are on UNH Durham's campus or UNH Manchester's campus. While I am thrilled that UNH is reporting now 80% of the student body being vaccinated, that, to me is very surprising when you consider that the full vaccination rate here in the state of New Hampshire is nowhere near 80% and the surrounding states from which we get most of our students, Massachusetts, Maine, Vermont, don't have vaccination rates that are that high amongst their populations. In addition, when you start to look at student populations, the student age populations, the vaccination rates aren't that high. So, I'm also curious whether students are being counted that are only vaccinated with the single dose of the vaccine, or with both doses of the vaccine. The reason that I ask this and the reason that I think it's important for it to go on the data sheet itself is that I hear from a number of faculty with small children that are very concerned about their ability to be the parents that they need to be and be on campus in a safe environment. Breakthrough infections are going to occur on this campus. We will have the COVID-19 Delta variant on campus at some point. Breakthrough infections have been seen all across the United States. And the thing that they have in common is that breakthrough infections occur when people are clustered, when you have large groups of people together. And we are essentially clustering large groups of people together, whether they are masked in classrooms or not masked in a dormitory room or dining hall setting. So, it's really important that we at least have a good understanding of what our risk is in vaccination figures that present a denominator for students on campus, for faculty on campus, for faculty and students at UNH Manchester. That helps us make good decisions for our families. I would appreciate if you could shed more light on that testing data.

President Dean: Thanks for the question. I would say a couple of things. One is the numbers that I just gave you included students and faculty who have gotten one dose. So those numbers are a little bit higher than what you've seen in other settings. But I will quickly say that the number of students and faculty and staff who have gotten only one dose is actually quite small. So, the number doesn't really change very much, whether you include them or not. We're talking about thousands versus dozens. I understand the question as a logical question, but just the way the math works out, it doesn't make that much difference. The bigger question is the one you articulated first, which is about the denominator. I will have to confess that it has been very difficult for us to get our arms around that denominator. We think that we're going to be closer just literally within the next couple of days. And different data sources have used a different denominator as students have checked in. We are very close to knowing exactly how many students are going to be on our campuses for this semester. But to some extent, you don't really know until they show up.

In terms of the number, more than 90 % of our students told us in the spring that they intended to be vaccinated. We are not there yet, but we're getting close. I think you see comparable numbers of students for percentages of students vaccinated at other similar institutions. So, I don't see that there's any challenge with the credibility of those numbers at all. And again, what this is based on is a student literally showing us their vaccination record and we do some checks to verify it. I know some of you are aware that false vaccination cards are an issue. I will confess that as the denominator is getting established, the numbers have jumped around a little bit. And I always have to ask, does this include all three campuses or just Durham? Does it include just the students who have checked in already? What about the students who got vaccinated in the spring? Are we counting them? I appreciate your concern about the numbers jumping around a little bit. I hope that explains why they jumped around a little bit. I

think you can expect those numbers to stabilize, and we will be presenting them with the denominator as soon as we think that there's some reliability associated with the data. Thank you.

Question from CEPS senator: President Dean, this past Wednesday, we had a massive failure in the IT systems. And I remember thinking, thank God, it wasn't today. A lot of our IT is now very top-down. And this has been sold as a system that will make things more reliable and better although I always worry about putting things in one basket. What I am hearing is that basically the problem was a single UPS which brought down the system after the power failure. Maybe that's wrong, but that's what I'm hearing. I'm not a reliability engineer. I've been building space hardware for a very long time, so I know the basics. And in a well-designed system that's not supposed to happen. So, I wonder if there's going to be a review of this. One of the greatest successes we've had on campus is the testing program, which took advantage of the expertise of faculty. If there's going to be a review process, will faculty be involved in that?

President Dean: I appreciate that. Yes. I am no more of a reliability engineer than you are. So that makes two of us. We will do a review and we will make sure that faculty are informed. And I promise that I will get a report of that to the Faculty Senate as soon as possible.

Question from UNH Law Senator: I have a question about the protocols for managing COVID-19 health and safety risks that were adopted by the system administrative board in July. So, comparing those to some of the guidance that faculty have been provided, it looks like there's some daylight between those. The system protocols that were approved by the board suggests that a faculty member can require students in their class to wear masks, and this predated the reimposition of the of the mask mandate and presumably would continue to apply even if the mask mandate was lifted because of declining case numbers. But the guidance the faculty were provided said that those sorts of things should be phrased as requests rather than requirements. Similarly, the faculty guidance has been that it is unlawful to ask students if they're vaccinated. There's nothing in these protocols that suggest that. And at the suggestion of one of our mutual colleagues, I reached out to the general counsel of the university system who didn't seem to offer any reason to think that that was the case. So, basically, are these things on top of these protocols that the university is putting in place, are they things where there's just been miscommunication? How should I think about those?

President Dean: Really good question and I am at least slightly intimidated that I'm talking to a law professor about things that have to do with the law. So, duly noted. What happened was that we were negotiating with state government what we could do and what we could not do in order to keep the campus safe. I believe you're all aware that the legislature passed - both houses passed - and the governor signed a bill that said that we are not allowed to require vaccines on campus. We considered that an important challenge for us in terms of being able to keep the campus safe because virtually every university around us is able to mandate vaccines. We then said, okay, how can we move forward? We were being told things like, we couldn't ask students about whether they were vaccinated or not. We were being told a lot of things orally that didn't appear to us to be in the law that was passed. So, what we did is we got an agreement with the governor that we would present a document to the Attorney General of the State of New Hampshire outlining in fairly broad terms what our protocols would be for this fall. What that meant was that I had to work with the other presidents of the other institutions to try and get the central tendency of what it is that we were trying to do. We then submitted that to the Attorney General. The Attorney General had a couple of questions, but basically said, yes, go ahead. I think, in answer to your question, the document that you are seeing was sort of a high-level principles document, but there is room underneath the legal protection that the document affords us to have variation

in policies. That wasn't intending to establish every single policy at every single institution. And I will say, while I had mixed feelings about the need to go to the Attorney General to get approval for what we were doing, that has proven to be incredibly valuable because people have reached out to Provost Jones and to me claiming that what we're doing is excessive. For example, about the differences in testing between vaccinated and unvaccinated people. We have been able to tell them in every instance that we've checked these policies with the Attorney General's office and that they'd been approved. I hope that's helpful.

UNH Law Senator: Yes, it is helpful. I really appreciate it. The only thing I will say in response is that to the extent the Attorney General has approved these administrative board protocols, and then the university is going beyond them and purporting to appear more restrictive, certainly that's something the university could do as a matter of policy. But, stating that it is bound by the law is, I think, sending the wrong message about what the law is in a way that is problematic for a public institution.

[Roger clarified his question was about] stating that, for instance, faculty are prohibited from asking students when that's not what was in this approved protocol and is not, as far as I can tell, contained in the law.

President Dean: This is way more than we have time to talk about today, but I will just say that there's the law and there are the policies that are adopted by the board of trustees. And then there are managerial rights that we, within the university have, just as you have rights within your classrooms. What happens at the Attorney General, or the legislative level is not dispositive to every single detail of what happens on our campus.

UNH Law Senator: We are saying the same thing. My only point is that to the extent something is university policy as opposed to statute, it should be phrased as university policy.

President Dean: Thank you.

COLA senator: So, I actually have four questions. I'll just fire them off and you can tell me what you think.

May I require that any student that I add beyond the capacity of my course cap be vaccinated?

President Dean: No, you can't do that. The law says that we cannot deny or afford students educational opportunities based on their vaccination status. That appears to be the most crystal-clear manifestation of that that I can imagine.

COLA senator: May I require that anyone who meets with me in my office be vaccinated? Does that violate policy?

President Dean: I actually have to think about that. I'm not sure. I don't want to give you a quick answer to that.

COLA senator: Why aren't we requiring students to be masked in all common areas instead of just in classrooms and in crowded areas, which I think is kind of a vague command that many students are ignoring?

President Dean: We tried to provide some guidance that gave the opportunity for everyone - students, faculty, and staff - to exercise some judgement. What we sent out is that if you're going to be around people for more than just a few minutes and you're going to be close to them, you should wear a

mask. We've gotten a few comments that are along the lines of what you said, including about students waiting outside the classroom. I think that we probably are going to move in the direction of recommending, if not requiring masks, in those situations.

COLA senator: Why not test students every week as they are doing down at Boston University where my daughter is going, where everyone is a 100 percent vaccinated?

President Dean: We established testing protocols for the month of September. We are reviewing them based on the data. It is not out of the realm of possibility that we will change to weekly testing. Again, right now, the positivity rate is 0.2%, so it's quite low. It might go up and we will make decisions based on that and other data we are continuously monitoring.

COLA senator: Is UNH planning on challenging in court the state law forbidding vaccine mandates at UNH.

President Dean: No, we're not planning a court challenge.

COLA senator: Can I ask why?

President Dean: The vaccination rate is actually pretty high and still going up. So, we would be going to a lot of trouble to get a very small number of students vaccinated. As you know, the rate of serious sickness among students who are vaccinated is actually quite low. If we were able to win the court challenge, we would have a lot of students submit medical or religious exemptions to the mandate. And it's not clear to me that we would pick up more than a couple of points. And I'm also not sure what that would mean in terms of the relationship between the legislature and the university system going forward.

COLSA senator (same as earlier): With all due respect to you, President Dean, I just want to make sure that UNH is not dictating policy based on whether a certain percentage of students have serious illness as a result of contracting COVID-19. Because there are lots of examples, including on UNH's own campus, of students being seriously ill and getting long haul COVID-19 infections. Every one of those students is important for us to think about. I understand that you can't dictate policy by a small percentage, but we run the risk of having students with serious, long-lasting medical issues if we make decisions that are not in the best interest of their health. We have seen students with endocarditis. We have seen students with massive lung damage that they will not recover from in their lifetimes all across the United States. So, I don't mean to be a stickler on this, but to say that the majority of students don't suffer serious illness, yes, but you're losing hundreds or thousands of students across the United States that already have.

President Dean: Thank you. I know that your comments come from a really good place of concern for student health, and we can certainly agree on that. When we meet 2 to 3 times a week or more often in various groups to talk about this it is always the same sort of trade-offs. The first thing is always that we want to protect student health and safety and we want to make decisions based on the data, but it is impossible to get to a level of no risk. It's simply impossible. To get close to a level of no-risk you would have to progressively shut down the campus to the point where, like we had last year, there's nobody here, there's nobody in the classrooms and that would be a degradation of our educational mission. So, these are the tradeoffs that we make every day. Reasonable people can disagree about whether we should take this step or that step to get this much more safety for this many more people at the cost of degrading the educational experience for everybody. And again, reasonable people could disagree. You and I might disagree, we might not, but I just want you to know that that's how we think through these things. And I appreciate that there are always more steps you can take, but there are very few steps you can take that would not get in the way of our educational mission.

The Senate chair thanked President Dean for his remarks and for taking questions and to Provost Jones for joining the meeting.

President Dean: You are very welcome and thank you all for everything that you're doing. Thank you for what you're doing in your role as professors and in your role as leaders in the Faculty Senate. And Kevin, if, there are other questions you want to follow up with me and with Wayne afterward we are happy to do this. You may not always agree with our answers, but we want to be as forthcoming as we can be in terms of what we have in mind. Thank you all very much.

IV. Remarks by and questions to the Chair: The Senate chair, Kevin Healey, shared the following remarks and updates as follows:

- Senate meetings are recorded for the purpose of preparing the minutes
- Kevin reintroduced members of the Agenda Committee: Matt MacManes, vice chair; Jim Connell, also serving as parliamentarian, Harriet Fertik, and Vidya Sundar

Kevin pointed out that the Agenda Committee usually includes the former Senate chair. However, Erin Sharp, the prior year chair, took a position in the dean's office of CHHS and is therefore not eligible to serve in the Senate.

- Kevin introduced the Senate administrative assistant Kathy Brunet and suggested that any follow up questions for President Dean or Provost Jones should be sent to Kathy Brunet. The Faculty Senate office is hiring a work-study assistant and the job is posted.
- Kevin introduced the chairs of the Faculty Senate standing committees:
 - Andrew Seal, Academic Affairs Committee (AAC)
 - Charles Vannette, Academic Program Committee (APC)
 - Moein Khanlari, Campus Planning Committee (CPC)
 - Jeffrey Halpern and Stephen Pimpare, Finance and Administration Committee (FAC)
 - Julee Holcomb, Information Technology Committee (ITC)
 - Kathrine Aydelotte, Library Committee
 - Ivo Nedyalkov, Research and Public Service Committee (RPSC)
 - Catherine Moran and Andrew Coppens, Student Affairs Committee (SAC)
- Committees will hold their first meetings on September 13.
- The Agenda Committee has been meeting throughout the summer. Kevin acknowledged that the Senate vice chair, Matt MacManes, has been extremely proactive and involved. In particular, the Agenda Committee has been advocating for more transparency on vaccination data and more clarity in the area of COVID guidelines. As well, there has been an effort to obtain more clarification about the guidelines on what had been called the divisive language or divisive concepts legislation, in the NH HB2 bill.
- Kevin shared that he has received some questions about the AAUP union and whether and when we would move to a "work to rule" type of situation. Kevin shared that there are some complicating factors in answering these questions, including that the Senate includes faculty from three different unions, the AAUP, the Lecturer's union, and the Law School union. As well, the Senate constitution

has a provision stating that “...collective bargaining issues may be discussed, but no official action may be taken.” Jim Connell, the Senate parliamentarian, confirmed that the Senate can’t initiate anything related to unions. In the past the Senate has responded to some actions of the union but really, we have a sort of church and state situation with the unions. We try to keep out of their business, and they try to keep out of our business.

Catherine Moran pointed out that the UNH Lecturer’s Union is also a AAUP chapter and that it is important in discussions about unions that people understand that the tenure-track union is not the only AAUP chapter.

- A CEPS senator suggested that there be a centralized space for common syllabi language that instructors can provide links to within their syllabi. The same senator also pointed out that he is hearing from students in advising session that they can’t find their class assignments in Canvas. Many professors don’t seem to understand that there is a setting that needs to be changed to make assignments visible. He said that he wasn’t sure the best way to share this kind of information with instructors. The chair said that a push for greater clarity and cohesion in university-wide communications is an important charge for the entire Senate and something that the Agenda Committee has been pushing for.
- A COLSA senator pointed out that her colleagues are seeing a new type of SAS (Student Accessibility Services) accommodation request to provide remote access accommodation to students who are not able to attend courses. She suggested that there be a conversation about this and maybe some advocacy for the implications and challenges that this brings for faculty and the fear that we are never going to get out of this combined mode of delivering education while we are really a brick-and-mortar type of university.

The chair provided some additional clarification and shared that he is aware from a colleague about a remote learning access request from SAS. The faculty member assumed that this meant that the instructor must provide a Zoom section or an Owl in the classroom or some other kind of streaming technology. However, in following up with senior vice provost Kate Ziemer, he received clarification that remote learning accommodations only mean that the student must be able to access your course without being physically present. It does not mean that instructors must provide a specific type of modality or platform. Of course, that is still complicated to do.

Another COLSA senator said that he has colleagues that are running lab courses that received the same kind of request from SAS and it is simply not possible to run microbiology lab or a biology lab, remotely. It just doesn’t work.

- Kevin suggested that faculty, when they get these kinds of requests, take them as an invitation to discuss with SAS and to discuss situations where honoring the request is not feasible. It is likely that subsequent conversations with the student will be necessary.

The COLSA senator who raised this question shared that the instructor involved did go back to SAS to explain that a remote option was not available and was told that she needed to provide a way to accommodate the student.

- Kevin proposed that faculty should let him know if they are having a similar situation and that he can follow up directly with the provost, Senior Vice Provost, and to make sure that the channels

of communication are operating as they should be and that nobody's being ensnared in some process that's forcing them into a modality that doesn't make sense for their class.

V. Approval of the minutes from May 10, 2021, Session XXV - It was moved and seconded to approve the minutes of May 10. Corrections were offered in section XI. Thus adjusted, the minutes were unanimously approved with 1 abstention.

VI. Approval of the minutes- from May 10, 2021, Session XXVI – It was moved and seconded to approve the minutes of the first meeting of Session XXVI on May 10. Corrections were offered in sections I and IV. Thus adjusted, the minutes were unanimously approved.

VII. Senate procedures and resources - The chair gave brief review of resources:

1. We are following Robert's Rules of Order. Some detailed documents were provided in the agenda packet (see Appendix VII.1)
2. The Faculty Senate website has an archive of motions and minutes in the history of the senate. The link is: <https://www.unh.edu/fac-senate/>
3. There is a weekly Senate newsletter

In terms of best practices, the chair discussed the following:

- Be respectful. See 2017 Faculty Senate motion on mutual respect.
- (NEW)Two minutes is the recommendation when speaking or posing a question.
- *The Faculty Senate shall vote on main motions of a substantive nature, unless otherwise decided, at the regular meeting following the meeting when the motion was introduced.* (Nov. 2013 Senate motion)
- Motions of a procedural nature may be voted on during the same meeting in which they are introduced.
- The Senate will meet via electronic means until we vote to resume face-to-face meetings. The Senate will need to vote to return to in-person meetings.

VIII. Agenda Committee report and recommendations for the formation of the General Education Review Ad Hoc Committee – The Senate vice chair, Matt MacManes, shared a brief history of the Discovery Review process and proposal that was discussed in the Senate during the 2020-21 academic year. He explained that Discovery has been a complicated process, as is the review of gen ed curriculum for many universities. Matt shared a timeline of the development and changes to the Discovery Program (See Appendix VIII.1)

Since the work began on a review of the Discovery Program in 2019 a lot has happened, including Covid, the murder of George Floyd. The Senate spent much time last year debating and discussing the recommendations prepared by the Discovery Review Committee (DRC). However, at the end of the term, the Senate could not come to an agreement on a proposal and the decision was made to recommit to a new ad committee. The April 2021 motion to recommit reads as follows:

Motion: The Faculty Senate is grateful to the Discovery Review Committee for taking on the task of reviewing the state of our general education program in 2019 and for their recommendations to improve the current program. The DRC process was interrupted by a global pandemic, which continues, and the initial DRC recommendations were revised to respond to calls for greater emphasis on diversity and inclusion.

The context at UNH has changed significantly since the DRC process began in 2019; therefore, the Faculty Senate instructs the Agenda Committee to form an ad hoc committee to reassess the DRC recommendations to UNH's general education curriculum.

The Agenda Committee will draft the parameters for committee membership and the specific committee goals and timeline and share these with the Senate for approval. 3. Motion: The Faculty Senate endorses the concept of adding

In response to this motion, the Agenda Committee drafted the parameters for committee membership and specific committee goals and timelines in the form of a report as follows:

Faculty Senate Agenda Committee Report and Recommendations
August 26, 2021

Background

On April 19, 2021, the Faculty Senate passed [Motion # XXV-M20 to Recommit and Create a New Ad Hoc Committee to Reassess the Discovery Review Committee \(DRC\) recommendations](#). This motion instructs the Agenda Committee “to form an ad hoc committee to reassess the DRC recommendations to UNH’s general education curriculum” and to “draft the parameters for committee membership and the specific committee goals and timeline and share these with the Senate for approval.” To this end, Agenda Committee members met with administrators and faculty including Provost Wayne Jones, Senior Vice Provost for Academic Affairs Kate Ziemer, and Discovery Committee Chair Nicoletta Gullace. Note that to avoid unnecessary confusion the Agenda Committee recommends that this ad hoc committee be named the General Education Review Committee (GERC).

Recommendations

The Agenda Committee’s recommendations for the membership parameters, goals, and timeline for the new ad hoc committee are as follows.

1. **Membership parameters.** Membership of the GERC should address all of the following concerns as much as is feasible, with due recognition of the overlapping nature of such categories:
 - a. Adequate representation across categories of gender, ethnicity, career stage (junior to senior), and appointment type (lecturer, TT, Clinical)

- b. Representation from across all undergraduate degree-granting colleges, as well as the Library.
- c. Inclusion of persons with relevant disciplinary and/or professional expertise as it relates to the pedagogy of general education.
- d. At least one undergraduate student.
- e. Substantial representation of Faculty Senators.
- f. Inclusion of Senior Vice Provost for Academic Affairs Kate Ziemer or designee in a non-voting *ex officio* role.

The committee should consult with any other individuals or departments that they think will be useful. This includes the co-chairs of the Discovery Review Committee, the Discovery Committee, CEITL, as well as administrators, and departments who may be affected or have specialized expertise

2. **Goals.** The primary goal of the GERC is to reassess the 2021 DRC recommendations to UNH's general education curriculum. The first step in this process is for the committee to assess whether a modified version of the 2021 DRC proposal should be prepared or whether a new proposal should be developed. The committee will then provide a report and recommendation to the Faculty Senate. The Faculty Senate will conduct a procedural vote on whether to endorse the report and its recommendations.

Any subsequent responsibilities for the GERC will depend on the outcome of the procedural vote on the committee's initial report and recommendations. Following the vote, the Agenda Committee will draft, in consultation with the GERC, additional charges and membership parameters, and share these with the Senate for approval.

For the duration of its work, the committee should take into account all relevant research, documentation, and feedback previously compiled by the DRC and the Senate Agenda Committee. It should focus on the educational merits and learning outcomes of general education requirements, while making an attempt to forgo discussions of revenue generation or budget concerns.

3. **Timeline.** The GERC shall make their initial assessment (regarding whether to reintroduce the 2021 DRC proposal or to develop a new proposal) and report to the Senate as soon as possible. As noted above, additional charges and membership parameters may be developed based on the outcome of this initial assessment, along with a revised timeline.

The GERC should consult with the Agenda Committee as often as necessary for guidance and for any assistance in obtaining information or resources to conduct their work.

The Senate chair provided additional background about the Senate's efforts last year to approve the DRC proposal. He said that a number of things came up that no one anticipated, including changes in the budget process, a global pandemic, nationwide outrage over the murder of George Floyd. He said that if not for those history changing things the Senate might have had a straight vote on the DRC proposal, He said he thinks of each of these things as kind of a fire in the basement and there were multiple fires in the basement that disrupted what might have been a smoother process. On top of those things, there was a lack of clarity on certain aspects of the proposal itself.

A UNH Manchester senator said that he supports this motion to approve the Agenda Committee report but that he has a different way of framing the challenges that the Senate encountered last year. He said that while what the chair shared is true, what is missing is that there were nontrivial, substantive objections to the proposal that was before the Senate. That would have been true whether we were in the midst of a pandemic or not. There was a lot of substantive disagreement both within the Senate and externally as people fed in their opinions.

Jim Connell pointed out that another issue with the discussions last year was that there wasn't enough definitive feedback from the Senate. He said that one of the things we're trying to do here is to have a series of votes, even if just procedural votes, that guide the whole process. For example, in the first step that is proposed for the new ad committee, a recommendation will be brought to the Senate and the Senate is going to vote on it. If we disagree with the recommendation, then we'll go the other way. He said that, hopefully a lot of this will continue through the year so that a consensus builds up as we go along. Last year, we had lots of comments and there were changes based on comments, but we didn't have votes. Jim suggested that this will be a much more definitive, if not always clear, process.

In response to a question from a UNH Law senator, clarification was made that the Discovery program only applies to undergraduate education.

A Paul College senator asked how large the committee is expected to be, especially given the description for substantial representation of Faculty Senators. Kevin pointed out that some of the categories will overlap and, as a result, some people would fit into more than one category. Kevin said that he estimated it might be 10 or 12 people.

Harriet Fertik of the Agenda Committee pointed out that the framing of membership for the ad hoc committee on general education diversity requirement (to be discussed next) is different than the makeup of this committee because it takes into account and takes advantage of expertise and people who have been working on that specific issue. And those kinds of people won't necessarily overlap with Senate membership.

Jim Connell said that in some sense we want more Senate representation on this (the General Education review) committee to help make sure that what comes forward can ultimately pass. That involves a broad representation of everyone who teaches undergraduate course rather than specialists in a particular kind of course.

Catherine Moran made a **motion to endorse the Agenda Committee report and recommendations on the formation of the ad hoc General Education Review Committee**. The motion was seconded.

The chair asked if there are any objections to this motion. There were no objections. **The motion was approved by unanimous consent.**

IX. UNH Faculty Senate Agenda Committee Report and Recommendation on the Formation of the General Education Diversity Requirement Ad Hoc Committee - The chair explained that the following motion was passed in May 2021 to form a new ad hoc committee on a general education diversity requirement:

Motion: The Faculty Senate endorses the concept of adding a Diversity requirement to UNH’s general education curriculum; therefore, the Faculty Senate instructs the Agenda Committee to form an ad hoc committee to develop the framework, objectives, and student learning outcomes for this requirement.

The Agenda Committee will draft the parameters for committee membership with the goal of being representative across colleges and will prioritize involvement of faculty with interest and expertise in the areas of diversity, equity, and inclusion, and the specific committee charges, which will include collaborating with the new ad hoc committee formed to reassess the DRC recommendations, and timeline and share these with the Senate for approval

The Agenda Committee prepared the following report in response to the motion.

UNH Faculty Senate Agenda Committee Report and Recommendation
on the Formation of the General Education Diversity Requirement Ad Hoc Committee

August 26, 2021

Background

On May 3, 2021, the Faculty Senate passed a motion supporting the formation of a new ad hoc committee to develop the framework, objectives, and student learning outcomes for a diversity requirement in UNH’s general education curriculum. The motion instructs the Agenda Committee to draft the parameters for committee membership, committee charges, and timeline and to share these with the Senate for approval. To this end, Agenda Committee members met and/or consulted with Provost Wayne Jones, Senior Vice Provost for Academic Affairs Kate Ziemer, Chief Diversity Officer Nadine Petty, and other relevant administrators.

In June 2021, NH Governor Sununu signed into law NH HB2, which includes specific language prohibiting state employers, including quasi-public entities, and their employees from teaching or advocating certain ideas about race, creed, color, and other social categories. Notwithstanding the legislation’s provision claiming to protect “the academic freedom of faculty members of the university system of New Hampshire and the community college system of New Hampshire” (see HB2 354-A:29.III), faculty members have continued to raise questions and concerns about the potential impact that this legislation may have on the ability of UNH faculty (especially junior, non-tenure track, and minoritized faculty) to teach and conduct research without restraint or fear of undue interference or retribution.

Given these concerns, the Agenda Committee will limit its current recommendations to the membership parameters of the ad hoc committee. The Agenda Committee will continue to work with Chief Diversity Officer (CDO) Nadine Petty and Provost Wayne Jones to clarify the potential impacts of HB2 and the university’s strategies for addressing and mitigating such impacts. The Agenda Committee will also advocate for clear guidance from the administration on the meaning of HB2 for faculty, staff, and students. Senate leadership will consult with and provide updates to the Senate on the status of discussions with the administration, and at such time as it deems appropriate will share the charges and timelines for the new ad hoc committee with the Senate for approval.

Recommendations for parameters of membership

The Agenda Committee recommends that membership of the General Education Diversity Requirement Ad Hoc Committee include, to the extent possible, the following with due recognition of the overlapping nature of the categories:

1. Representation across categories of gender, ethnicity, career stage (junior to senior), and appointment type (lecturer, TT, Clinical), as is feasible.
2. Faculty from all undergraduate degree-granting colleges, as well as the Library.
3. Faculty from relevant stakeholder groups, including college DEI working groups.
4. Faculty or staff with relevant disciplinary and/or professional expertise.
5. At least one undergraduate student representative.
6. Adequate representation of Faculty Senators.
7. Senior Vice Provost for Academic Affairs Kate Ziemer or designee (in a non-voting role)
8. Chief Diversity Officer Nadine Petty (in a non-voting role)

The chair explained that the Agenda Committee has discussed the need for additional clarification and guidance with regard to the NH legislation formerly known as divisive concepts, that is part of New Hampshire's House Bill 2 (HB2) especially for faculty who are teaching these types of courses. The language in the bill that was passed into law places certain restrictions on the teaching of issues regarding race and ethnicity, religion, and other types of social categories of identity. He explained that in a recent communication from the provost (Appendix IX.1) there is a description of a carve out for academic freedom that is understood to protect UNH faculty who may be teaching anything along these lines. Nevertheless, the Agenda Committee felt that message from the provost caused some confusion because of the way it was pieced together. People are still very uncomfortable and still have some questions. Therefore, the Agenda Committee is proposing that the presentation of specific charges and timeline for this ad hoc committee be delayed until the Agenda Committee meets with Chief Diversity Officer Nadine Petty and Senior Vice Provost for Academic Affairs, Kate Ziemer. A meeting has been set up for November 9 that will also include UNH legal counsel, Tracy Birmingham.

A question was raised about why, since the Senate voted clearly in the spring to establish this ad hoc committee on a diversity requirement, the Agenda Committee is not charging the committee. Kevin said that the overarching charge has been agreed to but before we get to the point of having the work being done in earnest, it is important to clarify questions about HB2.

Harriet Fertik of the Agenda Committee explained further that this is not in any way an intent to back off from the motion that the Senate passed in the spring. She said that, in her view, we have received inadequate, unclear, and insufficient guidance on HB2 and what it means in connection with developing such a requirement or for any other number of related things that would fall under a similar umbrella. This isn't about tabling this. We know that there are people across the university, including in the administration, who are interested in pursuing this requirement. And this is about saying we need clarity on this. We need support, especially for junior faculty who are going to be teaching these courses. We need to be concerned about questions of harassment and show that as an institution we are behind

students, faculty and staff who are working on these things. And this creates an opportunity for pushing on that. It is not about tabling it or pushing the Senate's previous motion away, but, instead, taking advantage of the close connection between HB2, which was passed after the spring motion. She said that this is about getting some clearer answers and guidance on which we need to pursue either this requirement or any other number of related things before we move it. Kevin shared that the motion could include language to address Harriet's point.

Mary Schuh from Education recommended that the word disability be added to the membership requirements in order to call out disability as a category to be considered. She said in the DEI conversations, disability is too often overlooked as a category.

Jim Connell clarified that there is a motion that has already been passed (May 2021). The Agenda Committee was charged to provide membership and also specific committee charges but while there is an overarching charge, some are not comfortable quite yet in writing the charges in detail. And yet we do not want to delay in trying to put together the committee. Jim said that the idea here is for us to start to put together this committee while we come up with the detailed charges. The alternative, which is not desirable, is to delay until the September 9 meeting is held.

Following discussion about how to include reference to the September 9 meeting in the motion and the addition of a disability studies expert, Catherine Moran made the following motion:

Motion: The Faculty Senate endorses the Agenda Committee report and recommendations for the membership parameters of an ad hoc committee on the General Education Diversity Requirement with the addition of an expert in the field of disability studies in the membership parameters.

The Senate stipulates that the Agenda Committee will report back to the full Senate immediately after its scheduled meeting with Nadine Petty for September 9, 2021 [on issues related to NH HB2]

The motion was seconded. There were no objections, and the motion is considered to have passed by unanimous consent.

X. Motion on faculty responsibility and authority over course content, pedagogy, and modality -

Catherine Moran, chair of the Senate's Student Affairs Committee, explained that this resolution is essentially supporting the rights of faculty, the responsibility and authority of faculty over content, pedagogy, and modality of courses. She said that this motion was prepared by the Student Affairs Committee last year in response to a specific charge given to the committee, that faculty should lead when decisions are made about how we teach moving forward, moving into a post-pandemic environment. The charge also went on to say that the committee should review the UNH core mission and values and consider a resolution that affirms faculty's role and pedagogical decisions.

Catherine explained that the committee took into consideration prior motions that have been passed by the Senate, including some key pieces of Senate business in 2005, 2006, 2009, and 2020. The result of the committee's due diligence is that they found that content pedagogy and modality decisions have repeatedly been supported and upheld by prior Faculty Senate bodies. There is a long-standing history on this. Catherine said that the discussions are quite timely given the discussion earlier in the meeting about issues around mixed modality.

Catherine reviewed that the resolution essentially has two pieces. The first part is that in sustained operations where we are back in face-to-face operations, it is the faculty who has the long-term continued responsibility and authority over content, pedagogy, and modality. And the second part of the resolution is that the faculty are committed to longstanding values of prioritizing face-to-face teaching in an environment where we can have that sort of “high touch” that we see this as being definitional. So those two pieces go together.

The full text of the motion and the rationale were presented as follows:

**RESOLUTION ON
Faculty Responsibility and Authority Over Course Content, Pedagogy, and Modality
Presented by Andrew Coppens on May 10, 2021, at the first meeting of Senate Session XXVI**

WHEREAS, On July 11, 2020 the following excerpt was included in a direct communication sent by Provost Wayne Jones to the University community:

“As we work collectively on plans for the fall and beyond, the modality and balance of course types will remain the responsibility of the deans in collaboration with each other and the provost's office. Individual faculty continue to have flexibility around the content of the course and pedagogy deployed to advance student learning. The modality by which course curriculum is delivered is at the discretion of the university administration, approved by the board and managed by the deans in consultation with chairs.”;

WHEREAS, The context of this statement was an appropriate need for the University to swiftly coordinate institution-wide shifts in course delivery modalities to allow for the safe continuation of academic activities during the COVID-19 pandemic, the statement introduces unbounded policy distinctions among content, pedagogy, and course modality – with faculty deauthorized from decision-making regarding the latter – that contradict established consensus principles of shared governance and may undermine best practices and faculty expertise in teaching and learning aligned with UNH core values;

WHEREAS, Faculty responsibility, authority, and expertise in course content, pedagogy, and modality have long-standing precedent at UNH;

WHEREAS, Faculty wish to be involved proactively and in primary leadership regarding decisions on course content, pedagogy, and modality and wish to be able to contribute their expertise in designing for synergies across these three areas of the curricula;

WHEREAS, Placing modality decisions solely at the discretion of UNH administration circumvents this expertise and, insofar as course content, pedagogy, and modality are inseparable, threatens an important dimension of faculty expression of academic freedom; now, therefore, be it

RESOLVED, That in a sustained “Green” mode of campus operation (as expected for Fall 2021 and beyond), the consensus document included in Senate Motion XIII-M15 (4/20/09) is the

authoritative text articulating the “spheres of responsibility and authority” over which UNH faculty and UNH administration have primary leadership. Thus, long-term, faculty continue to have primary responsibility and authority over course content, pedagogy, and modality;

RESOLVED, That faculty are deeply committed to a long-standing value at UNH that prioritizes relatively small-scale, interactive venues for faculty and students to learn together – building relationships among students and faculty in these settings is inextricably linked with building knowledge and deep understanding. Although not every educational experience can be organized as such, the faculty are committed to these kinds of venues for learning as definitional to the UNH experience.

Following some confusion, Jim Connell, the Senate parliamentarian clarified, and all agreed, that the motion was put on the floor at the first meeting of the current Senate session by Andrew Coppens as an individual, on May 10.

Catherine made a motion that the Student Affairs Committee endorses the resolution put on the table by Andrew Coppens on May 10, 2021.

Jim Connell suggested that a motion could be made to postpone consideration of the resolution until the next meeting. However, Catherine expressed her frustration that this was on the agenda and on the floor in May and the Senate punted. She pointed out that this motion is timely and relevant, and it affects every faculty member who is teaching. A senator from Education agreed with Catherine.

Jim confirmed that since the motion was on the floor during the first meeting of the current session, there is no bar under the senate rules to vote on it today. If the Senate does not want to vote on it today, there needs to be a motion to postpone.

The chair pointed out that the time is past the scheduled end time of the meeting. However, since there are still people in attendance a vote can be held.

A UNH Law senator said that he strongly supports the motion. He said that he thinks it is extremely well-taken and he and many of his colleagues had a lot of questions when it was announced in 2020 that the university had unilateral control over the method of by which a class will be taught. That did not seem accurate, and this would be a useful corrective to that.

A CEPS senator said that he thinks it is a little unfair for those senators who are very busy or have families to conduct Senate business after the time the meeting was supposed to end, and he cannot support continued discussion on this. He said that he does have questions about the motion. He wasn't at the first meeting when the motion was presented, and he has questions and is not ready to move toward a vote.

Jim Connell suggested that a motion to postpone until the next session could be offered or a motion to adjourn could be offered in which case the motion holds over to the next meeting automatically. A motion to postpone was offered and seconded. A voice vote was taken. The chair declared that the motion to postpone did not pass.

A COLA senator asked why the motion can't wait for two weeks and what irreparable damage is done by waiting. A senator from Education said that one of the things that is happening is that there are faculty who are asking to teach remotely, and they're being denied and that there is ample evidence that shows that we're going to see a range of breakout cases emerge in different parts of university life. Many faculty are feeling very concerned about the health of their families as well as their own health. This resolution would offer faculty some clarity at a very precarious time.

Jim Connell suggested that a new vote be taken by hand on the motion to postpone. However, it was pointed out that the chair declared the vote and there was not an immediate request for a division vote and therefore a new vote should not be allowed.

A CEPS senator said he is interested in understanding the motion further. He said that an explanation about the motion mentioned the primacy of in-person modality. However, he doesn't see any text about this in the motion. He said that personally he feels that it is very different for the administration to unilaterally move a class online than moving unilaterally something to be in-person. There are very few cases where a class wouldn't be appropriate face-to-face. And there are lots of cases where a class wouldn't be appropriate online. So, he wonders about amending this motion to reflect that the administration can't unilaterally force faculty to teach online but make it asymmetric. Perhaps the faculty would have to consult with their chair or dean before unilaterally taking a course online because we are marketed as a residential in-person institution. A decision like that is a very different than a decision to go the other way. In conclusion, he would love to see something more in the motion that privileges in-person instruction.

The chair said that when he has discussed this motion with other colleagues and other departments, they have voiced a similar concern and desire to have some nuance. At least there should be a requirement for some consultation between individual faculty and their department chair, also the dean.

Catherine said that it is true that "face to face" instruction doesn't appear in the motion itself but the piece of the resolution that does speak to that, perhaps not as strongly, is the idea that we are deeply committed to prioritizing small-scale interactive venues for faculty and students. The discussion about the authority and responsibility of faculty to do this doesn't necessarily mean individual faculty. She said that it means that discussion among the faculty. That faculty may be the faculty in the department who are deciding this together, deciding on a modality that works best, be that face-to-face or online. There are incredibly successful online programs, and we wouldn't want those to be taken into a face-to-face realm as an unintended consequence of this. So, the discussion would be happening among groups of faculty, where that is appropriate.

The CEPS senator said that he is worried that the word interactive is used with reference to computers all the time and he feels that a computer mediated interaction is so inferior to an in-person one. So, he would love to see embellishment of the motion.

A different CEPS senator moved to call the question. The motion was seconded. But the request was withdrawn.

There were no additional comments or questions. It was determined that there was still a quorum. The motion was put to a vote. The motion passed with 34 in favor, 3 opposed, and 2 abstentions.

XI. The meeting was adjourned at approximately 5:21 PM

Some UNH acronyms

AAC	Academic Affairs Committee (Faculty Senate standing committee)
AC	Agenda Committee of the Faculty Senate
ASAC	Academic Standards & Advising Committee
APC	Academic Program Committee (Faculty Senate standing committee)
AT	Academic Technology
BAC	Budget Advisory Committee
CaPS	Career and Professional Services
C&PA	Communications & Public Affairs
CCLEAR	Clinical, Contract, Lecturer, Extension, Alternative Security, Research faculty
CEITL	Center for Excellence & Innovation in Teaching & Learning
CFAR	Center for Academic Resources
CORPAD	University Committee on Real Property Acquisition and Disposal
CPC	Campus Planning Committee (Faculty Senate standing committee)
DRC	Discovery Review Committee
FAC	Finance & Administration Committee (Faculty Senate standing committee)
FAR	Faculty Activity Reporting
IRA	Institutional Research and Assessment
IT	Information Technology
ITC	Information Technology Committee (Faculty Senate standing committee)
JSMB	Joint Strategic Management Board (Navitas review)
LC	Library Committee (Faculty Senate standing committee)
OISS	Office for International Students & Scholars
OS	Operating Staff
PACS	Psychological and Counseling Services
PAT	Professional and Technical Staff
PSC	Professional Standards Committee (FS permanent committee)
RPSC	Research & Public Service Committee (Faculty Senate standing committee)
SAARC	Space Allocation, Adaption and Renewal Committee
SAC	Student Affairs Committee (Faculty Senate standing committee)
SAS	Student Accessibility Services
SHARPP	Sexual Harassment and Rape Prevention Program
SSSC	Student Success Steering Committee
SVPAA	Senior Vice Provost for Academic Affairs
UCAPC	University Curriculum & Academic Policies Committee (FS permanent committee)
VPFA	Vice President for Finance and Administration

APPENDIX VII.1

Summary/Simplified Robert's Rules of Order

PROCEDURES FOR A FAIR LEGISLATIVE PROCESS

MAIN POINTS:

- Everyone has a right to speak once, before anyone may speak a second time. You may only speak when recognized by the chair or Vice Chair and only “through” the Vice Chair.- Obtain the floor by raising your hand. You cannot be recognized while another member is speaking.
- Everyone has the right to know what is going on at all times.
- Only urgent matters (see chart below) may interrupt a speaker.
- Only one subject at a time may be discussed.

HOW TO PROCEED:

1. If you want to bring up a new idea or proposal, raise your hand and be recognized by the Chair or Vice Chair. Then present your motion. You must have a seconder, for the motion to go to the floor for debate or to be considered. Debate on a motion or resolution cannot begin until it has been seconded and is stated by the Chair, who will ask “are you ready for the question?” If no one “rises” to make a point, engage in discussion pro or con, or modify the motion, then the chair calls for the vote. Before the motion (question) is stated by the Chair, members may suggest modification of the motion by amendment.

2. If you want to change some of the wording of a motion under debate, be recognized by the Chair or Vice Chair and then move to amend by:

- a. Adding words
- b. Striking words or
- c. Striking and inserting words

3. If you like the idea of the motion under debate but you want to reword it substantially, you may move to substitute your motion for the original. If the originator of the motion agrees that your proposal is a “friendly amendment”, and no one objects, it could supersede the original. Alternatively, if it is seconded, debate can proceed. Eventually the senators will vote on which they prefer.

4. If you feel that the subject under debate needs more study or investigation, then move to refer it to a committee. Try to be specific as to the charge to the committee and the committee to which you'd like the charge referred. You may also move to instruct the committee, usually to come up with suitable wording to accomplish the will of the Senate.

5. **If you want more time to study the proposal under debate, you may move to postpone debate until a definite time or date.**
6. **If you are tired of the current debate, you may move to limit debate to a set period of time or a set number of speakers.** This requires a 2/3 vote.
7. **If you've heard enough debate and if no one else has the floor, you may move to close debate.** This requires a second and then a 2/3 vote to pass. Or you may "move the previous question", which cuts off debate and requires the senate to vote on the pending question only. This also requires a 2/3 vote.
8. **If you want to postpone a motion until some later time, you may move to table the motion.** The motion may be taken from the table later, after at least 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting of the senate, it is dead. To kill a motion at the time it is tabled requires a 2/3 vote. A majority is required to table a motion without killing it.
9. **If you want to take a short break, move to recess for a set period of time.**
10. **If you want to end the meeting, move to adjourn.**
11. **If you are unsure that the Chair has correctly announced the results of a vote, you may, without being recognized, call for a "Division of the House",** at which point a standing vote must be taken.
12. **If you are confused about a procedure and want clarification, without waiting to be recognized, call for "Point of Information" or "Point of Parliamentary Inquiry".** This interrupts debate, and the Chair must ask you to state your question and will attempt to clarify the situation.
13. **If you think the chair has made a procedural error, without waiting to be recognized, call a "point of order."** The chair will listen to your point and then rule. If you disagree, you may "appeal the chair's decision." If seconded, the Senate will vote whether to uphold the ruling by simple majority.
14. **If you have changed your mind about a vote taken earlier in the meeting for which you were on the "winning" side, you can move to reconsider.** If a majority agrees, the motion comes back to the floor as if the vote had not happened.
15. **If you want to change a senate action that was voted on at a previous meeting, you may move to rescind the motion.** If you have given the senate previous written notice that you intend to move to rescind, a simple majority is required. If you have not provided written notice previously, you must have a 2/3 majority to rescind.
16. **If you want to kill a motion which was introduced by another person, you must, before any debate on the motion has occurred, state "I object to consideration."** You do not need to be recognized by the Chair to do this. Your motion requires no second and is not debatable. It requires a 2/3 vote to pass.

SPEAKERS MAY BE INTERRUPTED ONLY FOR THE FOLLOWING:

1. **POINT OF INFORMATION**, to obtain information about business;
2. **PARLIAMENTARY INQUIRY**, to obtain information about the rules or to ask about the correct motion to accomplish a desired result;
3. **QUESTION OF PRIVILEGE** if you cannot hear, a safety issue arises or you are uncomfortable, it's noisy, etc... but only if necessary;
4. **POINT OF ORDER**, if you see a breach of the rules or improper decorum in speaking; the point of order must be raised immediately after the error is made;
5. **APPEAL OF A CHAIR'S RULING**, if you disagree with the Chair's ruling.

IF YOU WANT TO INFLUENCE WHAT THE SENATE DISCUSSES:

1. Make a **MOTION** if you want to discuss something specific;
2. If you want to change a motion under discussion, **AMEND THE MOTION** under discussion;
3. If you want to discuss the topic at another time, move to **POSTPONE** discussion to a particular date or **LAY IT ON THE TABLE**;
4. If you think the senators are ready to vote, **MOVE THE PREVIOUS QUESTION**.

Parliamentary Procedure Motions Chart					
Adjourn	S			M	
Recess	S		A	M	
Table	S			M	
Close Debate	S			2/3	R
Limit Debate	S		A	2/3	R
Postpone to a Later Time	S	D	A	M	R
Refer to A Committee	S	D	A	M	R
Amend a Motion	S	D	A	M	R
Amendment to an Amendment	S	D		M	R

Postpone Indefinitely	S	D	A	M	R
Main Motion	S	D	A	M	R
S=Must be Seconded; D=Debatable; A=Amendable; M= Requires a Simple Majority Vote; 2/3= Requires a 2/3 Vote; R=May be Reconsidered or Rescinded					
OTHER TERMS AND DEFINITIONS					
ORDERS OF THE DAY	Agenda. A deviation requires suspension of the rules				
MAIN MOTION	Brings new business (the next agenda item) before the Senate				
DIVIDE THE QUESTION	Divides a motion into two or more separate motions (each must be able to stand on its own)				
CONSIDER BY PARAGRAPH	Adoption of a proposal is held until all paragraphs are debated and amended. After all are considered, any paragraph may be further amended. Preambles cannot be considered until debate on the body of the proposal has ended.				
AMEND	Inserting or striking out words or paragraphs or substituting entire paragraphs or resolutions				
WITHDRAW/MODIFY MOTION	Applies after a question is stated. A mover may accept an amendment without obtaining the floor.				
COMMIT/REFER/RECOMMIT TO COMMITTEE.	State the committee to receive the question or resolution. If none with jurisdiction exists, specify the size of committee desired and the means of selecting members.				
EXTEND DEBATE	Can apply only to the immediately-pending questions and for a specific time or period of time.				
LIMIT DEBATE	Closes debate at a specific time or limits debate to a specific period of time				
TAKE FROM THE TABLE	State the item to take from the table and resume consideration of an item previously laid on the table.				
INFORMAL CONSIDERATION	You must move that the Senate go into a “Committee of the Whole” and conduct informal discussion as if in committee. The “committee” may limit the number or length of speeches or close debate by 2/3 vote. Votes are formal.				

Sources: Robert, Henry M. Robert's Rules of Order Revised (10th Edition) Public Domain.

Kennedy, Beverly "Quick Reference" <http://www.robertsrules.org> 9/26/2004;

<http://www.cwru.edu/orga/gradsenate/rules/handbook.html> 9/26/2004.

California State Association of Parliamentarians. Survival Tips on Roberts Rules (<http://www.roberts-rules.com/par101.htm>)9/26/2004.

APPENDIX VIII.1

History of Discovery Review Process

2009: Discovery (UNH Gen) Program approved by the Senate; implemented 2010.

2015: Required initial 5-year review completed

No official requirement for further 5-year review

Spring 2019 - Agenda Committee proposes 5-year review & prepares charges and membership for Discovery Review Committee (DRC)

Summer and Fall 2019 - DRC begins work on proposal

December 2020 – Initial presentation of proposal to Senate

Spring 2020 – COVID

Spring 2020 - DRC holds university-wide forums on proposal (via Zoom)

Summer 2020 – George Floyd

Fall 2020: Administration requests that a diversity requirement be added to the DRC proposal

December 2020: Presentation of DRC report and recommendation to the Senate (different than Dec 2020 proposal)

Dec 2020 – Jan 2021: Agenda Committee survey of questions/concerns

Feb 23 2021: Revised version of DRC recommendation presented to Senate

February – April 2021: Discussion on approving DRC proposal

Appendix IX.1
August 5, 2021, Email from Wayne Jones and Nadine Petty

Dear Colleagues,

Most of you are aware that on June 25, House Bill 2 was passed in Concord as part of the state budget. Included in HB 2 is language that addresses social justice and diversity, equity and inclusion education. We have heard concerns from faculty and staff and have received many questions related to this new law and its potential impact on relevant courses. As such, we are providing you with additional guidance. Please note that we are developing additional guidance for staff and will be sharing that soon.

We are fully committed to the right of free speech and to the support of faculty's rights of academic freedom. We have thoroughly reviewed the new law and subsequent guidance (for [public employers and government programs](#), and for [k-12 educational programs](#)) from the state Department of Education, Commission for Human Rights and Department of Justice, and are confident that our educational, research or training missions can be achieved without restriction in complying with the new language.

The final version of the law, which can be [found here](#) and begins on page 145, line 12, includes a clear exemption from the entire bill for academic freedom of faculty members to conduct research, publish, lecture, or teach: *"Nothing in this subdivision shall be construed to limit the academic freedom of faculty members of the university system of New Hampshire and the community college system of New Hampshire to conduct research, publish, lecture, or teach in the academic setting."*

Academic freedom extends to staff who conduct research, serve as PI's and provide education as part of institutes housed in the various colleges and schools.

UNH has an important responsibility to educate our students on the history of the United States, including issues of slavery and discrimination. We also have a responsibility to prepare our students to work and flourish in the multiracial and multicultural environment that is the contemporary United States and the global workforce. We do not see anything in this legislation that impinges on this mission. We are an institution of learning, and of the free exchange of ideas.

It is worth noting that the new law uses the categories of individual legal protection generally used in federal anti-discrimination legislation: age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, and national origin. The relevant provisions prohibit the University System of New Hampshire from officially endorsing four propositions and prevents its employees from participating in the endorsement of those propositions. The propositions indicate we cannot teach, advocate, instruct or train any student, service recipient or staff member on any of the following:

- That people of one of the Categories are inherently superior or inferior to people of another of the Categories;
- That an individual, by virtue of belonging to a Category, is inherently racist, sexist or oppressive, whether consciously or unconsciously;
- That an individual should be discriminated against or receive adverse treatment solely or partly because of their membership in one of the Categories; and

- That people of one of the Categories cannot and should not attempt to treat others equally and/or without regard to membership in one of the Categories.

Do the above provisions mean that faculty cannot teach about implicit bias? No, they do not. The N.H. Department of Education, Commission for Human Rights and Department of Justice guidance previously mentioned does not prohibit education about diversity, equity and inclusion or any related topic, including implicit bias. The academic freedom exemption in the new law also remains unaffected.

Academic freedom remains a cornerstone of UNH and allows our community to share, learn and expand on our understanding of one another and of the world around us. Our commitment to that ideal is unwavering. We are happy to work with you, your college or your department if you have additional inquiries. Please feel free to reach out to us as needed.

Wayne Jones
Provost

Nadine Petty
Associate VP for Community, Equity and Diversity