

University of New Hampshire

## University of New Hampshire Scholars' Repository

---

Faculty Senate Agendas & Minutes

Faculty Senate Documents

---

5-9-2022

### 2020-2021 FACULTY SENATE XXVI - May 9, 2022 Minutes Summary

Faculty Senate

Follow this and additional works at: [https://scholars.unh.edu/faculty\\_senate\\_agendas\\_minutes](https://scholars.unh.edu/faculty_senate_agendas_minutes)

---

#### Recommended Citation

Faculty Senate, "2020-2021 FACULTY SENATE XXVI - May 9, 2022 Minutes Summary" (2022). *Faculty Senate Agendas & Minutes*. 70.

[https://scholars.unh.edu/faculty\\_senate\\_agendas\\_minutes/70](https://scholars.unh.edu/faculty_senate_agendas_minutes/70)

This Text is brought to you for free and open access by the Faculty Senate Documents at University of New Hampshire Scholars' Repository. It has been accepted for inclusion in Faculty Senate Agendas & Minutes by an authorized administrator of University of New Hampshire Scholars' Repository. For more information, please contact [Scholarly.Communication@unh.edu](mailto:Scholarly.Communication@unh.edu).

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 May 9, 2022, via ZOOM MINUTES SUMMARY

I. Remarks by and questions to President James Dean

President Dean began his remarks by highlighting this year's Faculty Senate work. In particular, he referenced the recent passage of the Student Evaluation of Learning tool; working towards SLOs with regards to diversity; establishing the academic calendar for the next 5 years; the endorsement of the UNH Comprehensive Prevention Plan; the recent resolution on Academic Freedom, and lastly Faculty Senate work regarding better communications with Human Resources.

President Dean's comments moved on to Diversity, Equity, and Inclusion. The university has been working on these issues for many years, but with perhaps renewed energy over the last couple of years. In looking at both university success and challenges, the university continues to trend upward in hiring a more diverse faculty. The Postdoctoral Innovation Scholars Program is showing success. UNH has hired 3 of the PDIS scholars that have come through this program. All faculty of color who have gone up for tenure and/or promotion over the past five years have received it. There has been additional success with the Opportunity Hires Program. Some Opportunity Hires have already been approved for next year and additional requests are currently under consideration.

The DEI resources the university is bringing to faculty are both growing and improving. Faculty focused DEI education has been successfully embedded within CEITL professional development training and is offered in collaboration with the Office of Community Equity and Diversity. Given the continued need for this kind of training for both faculty and students, it's good the university has institutionalized this work. In addition, the Office of Community Equity and Diversity is available for consultation with faculty including syllabus review. The university continues to look for faculty resources, particularly for junior faculty and faculty of color. Helpful resources are available through the National Center for Faculty Development and Diversity. Administration is challenging itself to think harder about what needs to be done to collaborate with faculty and staff on these initiatives.

President Dean shared he thought Provost Jones and CDO Nadine Petty might be working with Faculty Senate on a DEI requirement for the Promotion and Tenure process.

President Dean went on to talk about the many DEI initiatives happening at the department and college level. He shared there were too many to talk about but highlighted the following:

- CHHS has a justice, equity, and diversity inclusion assessment. All students, faculty and staff are asked to participate.
- CEPS has set up a DEI spotlight to showcase the research of students and faculty scholars from under-represented groups.
- COLA has a global racial and social inequity lab.
- COLSA has a book exchange offering individuals an opportunity to further their education through book sharing.
- The Extension has launched an initiative called “In This Together, Learning About Justice, Equity, Diversity and Inclusion”.
- The graduate school at the Center for Coastal Mapping has a monthly speaker series called “Beyond the Border”.
- The Library is evaluating strengths and weaknesses with regards to DEI across the university.
- The School of Marine Science and Ocean Engineering has a program called URGE (Unlearning Racism in the GEosciences).

Despite all of the great work, president Dean shared as a university community we aren’t done. These high quality efforts are great, but the university will continue to strive for better.

President Dean went on to say, the university struggles with faculty retention, in particular the retention of faculty of color. Every university is working to achieve a more diverse faculty, thus UNH loses faculty to other universities and colleges. This creates a scenario where it feels as though UNH is not making progress. Faculty is hired and then those faculty go elsewhere. Here at UNH some faculty of color continue to report microaggressions and report feeling undervalued and unsupported. Though this is true, Dr. Petty conducts exit interviews and reports more often than not, faculty are leaving for better opportunities rather than a due to a negative experience. Overall, these interviewees feel supported by their colleagues, deans and the university as a whole. The lack of a diverse faculty can make for a lonely existence for some. Despite the university’s efforts to hire a more diversity workforce, as of now, this is a challenge.

In summary, president Dean shared the university has made significant efforts at the department, college and university level. Yet despite this progress there is still work to do and a strong commitment to doing so. The university has added positions and programs as well as additional funds to the budget. President Dean welcomes suggestions by Senators.

In closing, president Dean shared that the USNH trustee representing UNH has been confirmed by the alumni. His name is Joel Nkounkou. Joel will be the first Black trustee to hold this position for UNH.

#### Questions for President Dean

- **Question:** A Senator shared he received an award from the President of Bulgaria for his academic accomplishments. During the press conference, the Senator asked the president of Bulgaria what the Bulgarian government was doing to retain high caliber intellectuals to remain in academia and teach. The question was asked due to the low salaries for

teachers in the county. The Senator is one of 6 million Bulgarians living outside of Bulgaria. Though he was unsatisfied with the president of Bulgaria's answer, he does believe UNH does care about retaining faculty. For this reason and others, he is concerned about the pace of contract negotiations. There is a concern about the loss of faculty members, grant funding and the loss of morale and motivation. These conditions could snowball into protests, continued loss of faculty and eventually students too.

**Answer:** The administration continues to negotiate with AAUP. As shared in this morning's message, the bargaining and mediation has occurred. Everyone is awaiting the fact-finder's report. The two sides were meeting at 3:00 PM today. The intent is to find a solution. The administration understands the importance of faculty retention.

- **Question:** An invited guest raised questions regarding the UNH/GSC merger.
  - Does the Board of Trustees (BOT) have updates on the merger following the Governor's signature?
  - Faculty have scholarship and research responsibilities over the summer.
  - What is the structure of the decision making?
  - What's the plan for attrition?

**Answer:** The enabling legislation was just signed last week and the Board of Trustees has not met since the Governor's signature. The BOT is not involved in the day to day work, this is being done by a team of faculty and staff that spans GSC and UNH. This work is under the leadership of Provost Jones and Dean Decelle. Provost Jones was offered an opportunity to answer as well. Provost Jones shared he has already reported to Faculty Senate that NECHE has approved the merger's Substantive Change document. This plan lays out the full integration of UNH and GSC for the entering class of the Fall of 2023. The plan lays out the work being done to ensure all students know they have a home at UNH whether through the newly merged Granite State College Division or through one of the many great departments at UNH. The Governor's signature allows for even greater coordination. Some committees have already finished their work. Once committees complete their work, they pass it along to the steering committee. Once endorsed by the steering committee the work is sent the executive committee to implement. Many decisions have already been made, but to be clear the goal is for the decisions to roll up from the faculty and staff working on those teams. Dean Decelle is planning another town hall with the GSC faculty.

**Question:** A Senator thanked president Dean for his comments related to DEI. He shared he wanted to ensure investing in these issues also included the investment in the gay, lesbian and transgender community. It is not always easy for these groups nor are they easily identified. He encouraged the president to remember these individuals too.

**Answer:** President Dean agreed there is a tendency to talk about race and ethnicity more often. A few weeks ago the LGBTQIA plus has a pancake breakfast which provided an

opportunity to bring together this community. There is a feeling that progress has been made, though the work is never done.

**Question:** A question was asked about the pace of contract negotiations and how this is affecting the university, faculty and students as well. The questioner then referenced the message from the president that had been sent earlier that morning. The message referenced language in the CBA that speaks to unlawful job actions. This reference has been part of the TT union since it originally formed 30 years ago. When the union has called for a Work to Rule in the past, the administration has never before presented an ultimatum imposing a 3 day deadline for rescinding the Work to Rule with an explicit threat for legal action. Why is the administration breaking with past practice?

**Answer:** President Dean answered he did not think this was the setting to be discussing these issues. He appreciated the role the questioner plays in the union and appreciated the question, but administration is engaging in direct communication with the union. This is the Faculty Senate meeting, and we should be talking about other issues.

**Question:** The TT union and the administration has been in negotiations for over 2 years now. The lecturer's union, which is a separate entity seems to get pushed aside. Currently the lecturer's union representatives are having problems getting responses to their proposals regarding contract items. The last negotiation took more than two years. Faculty want to work at UNH and are willing to engage in bargaining, but it feels as though this isn't a shared goal of administration. Faculty are frustrated and this is having an effect on retention. The Senator went on to ask, has there been a feasibility study related to the UNH/GSC merger? How will this merger be of financial benefit? Unions are talking about cuts to pay and benefits. How are the 500 courses at GSC going to operate. How do the faculty of GSC who are also administrators fit into the UNH collective bargaining unit? What is the financial benefit to UNH?

**Answer:** A team of faculty and staff are working through this right now. President Dean commits to better communication surrounding the merger. If there are still outstanding questions, please contact president Dean directly.

**Question:** A Senator from the law school shared the pace of bargaining is causing problems for university and faculty. The law school is small with roughly 25 faculty. In the past 3 years, the law school has experienced 10 faculty departures. This rate is unprecedented for the law school. These departures are not related to retirements. The Senator quoted minutes from a Student Bar Association meeting. He read, "I've heard general concerns that we are losing a lot of great faculty. People leave for all sorts of reasons that are private and don't need to be shared with students. But are we losing faculty because the school isn't doing enough to retain their talent?" Concerns were also noted in the minutes that students were not receiving the experience they had been promised. In reference to president Dean's message earlier that day, the questioner asked how a call from the union asking faculty to exercise discretion around voluntary activities was unlawful?

**Answer:** Administration is advised by both internal and external counsel. As for the law school, efforts are being made to retain faculty. If the dean is aware of someone considering leaving, she consults with provost and works to find a solution. The university does not allow faculty to leave without an effort to retain them. UNH doesn't always pay as much as other universities do, but a significant effort is made to retain faculty. The questioner shared in his experience, law school faculty are leaving due to a frustration with conditions and life at the university, not because of money.

President Dean and Provost Jones left the meeting.

II. Approval of the minutes for 4/25 and 5/2. Both sets of minutes passed by unanimous consent.

III. Discussion and update regarding Faculty Senate and HR MOU

Chair Kevin Healey opened the discussion regarding the joint statement of shared principles that was distributed to Senators earlier in the day. The statement represents work between the AC, FAC and RPSC and both Kathy Neils and Jim McGrail. Kathy is the chief HR officer for UNH and Jim is the chief HR officer for USNH. This statement of shared principles arose out last Fall's FS motion of no confidence in HR. Kevin clarified, in discussing this joint statement, Faculty Senate is not discussing whether to endorse or vote on the statement, but rather whether to withdraw the motion of no confidence in light of the development of this joint statement. The statement is being presented as part of FS evidence of due diligence on the part of all the signatories, and as a rationale for withdrawing the motion of no confidence. Kevin shared he is asking for leave of Senate to withdraw the motion of no confidence that had been presented by the Agenda Committee last semester. Kevin asked if there were questions.

**Question:** A Senator shared he wasn't confident that now is the time to withdraw the motion. He shared given everything that's happening with negotiations and the president's reticence today to directly address concerns raised, he shared he would prefer to keep the motion on the table should things deteriorate once again.

**Answer:** Vice-Chair Matthew MacManes reminded the group that the joint statement is with human resources. The problems faculty are currently experiencing and those which were referenced today, are related to precedence and other members of the administration. By keeping the motion of no confidence with HR on the table, Faculty Senate isn't doing anything to solve these other problems. The questioner clarified he isn't suggesting failing to withdrawal the motion of no confidence fixes these other issues, but the motion is representative of exactly what just happened with the president. This Senator feels that administration does not have sufficient respect for the faculty of this institution. By FS stepping back on an action taken, it sends the message of "that's resolved". Withdrawing the motion lets up on the pressure and thus perhaps now is not the time.

Jim Connell clarified that he was acting on behalf of the three committees when he introduced the motion of no confidence. These same three committees now feel it is time to withdraw the motion. He reminded the group the motion can always be renewed. Significant progress, at least on paper, has been made. Jim agreed with the previous questioner in that HR represents an egregious example of not respecting faculty. Kronos was the driving issue. As the Faculty Senate parliamentarian, Jim shared that if the motion to withdraw is not passed, the motion will die at the end of this (2021-22) session. It can be renewed at the next session, but this motion will not carry on to the new Senate.

A Senator asked for a point of order. Can this motion just “fade into the night” if someone objects to withdrawing the motion. Answer: if someone objects, Senate will vote on whether to withdraw the motion. If Senate votes against withdraw, the motion stays on the table. It would then require passing a motion to take it from the table to bring it to a vote, otherwise the motion dies with the end of this session. The motion would need to be reintroduced next session.

Vidya Sundar, a member of the AC, commented the motion of no confidence was introduced out of dissatisfaction with HR management about issues relating to Kronos, a history of disengagement with faculty and in particular, Faculty Senate. Over the past year, members of HR management have met several times with both the AC and the chairs of the FAC and RPSC and have worked at addressing some of the concerns. Though it’s still a work in progress the 3 committees feel HR has made sufficient progress to begin to rebuild trust with HR management. The new developments (AAUP negotiations) may call for a new set of Senate actions but should not be conflated with what caused this motion.

Stephen Pimpare, Chair of the Finance Committee and a member of the group submitting the MOU document shared he appreciates the position of the Senator who was hesitant to withdraw the motion, however, the FAC has theoretically institutionalized regular communication between the FAC and HR. Senate will know this Fall whether or not HR has heard the message that there are certain decisions for which Senate needs to be consulted. If the communication is faulty, Senate can always reintroduce a new motion. The Senator went on to share it is in the strategic interest of Faculty Senate to withdraw the motion as a way of saying we appreciate that HR has heard us and agreed to make new arrangements so that we can begin anew in the Fall.

Chair Kevin Healey shared he has really been impressed with Kathy Neils’ proactive engagement with the AC and the two standing committee chairs (FAC and RPSC). It is Kevin’s experience that Kathy is committed to recalibrating the relationship between HR and Faculty Senate. The statement does say that every year both parties will revisit this set of shared principles. Kevin went on to state given his many meetings with Kathy Neils over the past year he is confident that significant progress has been made. In addition, Kevin stated he recommends keeping the HR issues separate from administration. If Senate still has concerns regarding administration, then a separate motion can be drafted to that end.

A Senator thanked the AC and others for their efforts, but this Senator still feels HR has minimal respect for faculty. He hopes Senate will revisit the motion of no confidence should HR not hold up to its end of the bargain.

Vice-Chair Matt MacManes, presumed incoming chair and Vidya Sundar presumed incoming vice chair both shared their commitment to holding HR to their word.

Chair Kevin Healey acted on behalf of the three aforementioned committees in seeking leave of Senate to withdraw the motion through unanimous consent.

A Senator objected to the withdraw which necessitated a vote. Leave to withdrawal the motion passed with 43 in favor, 8 opposed and 8 abstentions.

Chair Kevin Healey revisited the 5/2 Minutes and called for a vote. The 5/2 minutes were passed by unanimous consent.

#### IV. Discussion and vote on FS rule for handling nominations from the floor

On behalf of the Agenda Committee, Faculty Senate Vice-Chair Matthew MacManes presented information on a new rule to the Senate related to Agenda Committee election nominations from the floor. The rationale for why this is being suggested remains the same as when the rule was introduced at the 5/2 meeting. At the 5/2 meeting, a COLSA Senator suggested edits that were incorporated to better define the at-large positions on the AC. The edit included adding 1, 2, 3 as a way of delineating the at-large seats. It was further suggested these numbers be randomly assigned. In addition, language was added stating “no senator should be nominated more than once to the same office (i.e., chair, vice-chair, at-large office 1, 2, 3).

The floor was opened to questions and seeing none the rule was put to a vote. The rule passed with 51 in favor, 0 opposed, 2 abstentions.

#### V. Discussion and vote on AC Academic Freedom Resolution

On behalf of the Agenda Committee, Chair Kevin Healey presented a resolution on academic freedom titled, *Resolution on Legislative Challenges to Academic and Professional Integrity*.

A Senator offered her appreciation for the work done by AC in crafting the resolution but she had a few suggestions with regards to language. The first was to clarify that hits to academic freedom are not just taking place in higher education, but at the elementary, middle and secondary levels too. At a previous meeting, it was suggested the filtering of history will impact student preparedness as they enter college, thus the senator asked that language be added in the 7<sup>th</sup> *whereas* section saying “at all levels of education.” In addition, while there are two faculty unions that have academic freedom codified into contracts, there are other faculty who are missing those protections. Language specific to this issue was added in the section “*therefore, be it resolved.*” The new wording read, “Academic Freedom, ‘as these apply to all teaching, research and professional activities,’ ”

Kevin asked members of the AC if they were comfortable with the new language. There were no objections. Kevin went on to share he received a second friendly amendment earlier in the day



from an English professor. The amendment was related to a US Supreme Court ruling regarding academic freedom titled *Sweezy vs New Hampshire* 354 US 234 (1957). This ruling is *the* academic freedom case heard by the Supreme Court. A brief explanation of *Sweezy vs NH* was given. *Sweezy* was a professor who refused to answer questions about a university lecture he gave. *Sweezy* won the case which serves as a rule why limiting academic freedom is unconstitutional. This case has national implications. Kevin shared Tom Cronin agreed this would be a good addition to the academic freedom resolution.

Vice Chair Matt asked if any of the law professors on Senate might have thoughts or an opinion about this case. A Senator from the law schooled shared he agreed that it made sense to add to the resolution. *Sweezy* is a landmark case of academic freedom heard by the U.S. Supreme Court. Some word smithing ensued with regards to grammar to read “UNH faculty have”.

Kevin called for a vote and reminded Senate this does not have to be the final resolution. There can be others in the future.

The resolution passed with 55 in favor, 0 opposed and 0 abstentions.

#### VI. Discussion and Vote on RPSC motion regarding DEI acknowledgement for faculty

Ivo Nedyalkov chair of the Research and Public Service Committee shared the motion he had introduced at the 5/2 meeting. Ivo shared the discussion at the 5/2 meeting led to minor wording changes to the original motion.

The floor was opened to questions.

Question: A senator shared that she had originally intended to vote yes on the motion but had reached out to her colleagues to hear their opinions. She received 2 responses she chose to share. In the first, the respondent said, “DEIA, contains ideological and not strictly academic standards of teaching, research, and service. However, at institutions of higher education, faculty should be evaluated by academic and not ideological standards in order to preserve academic freedom. For these reasons, I'm opposed to any form of recognition or consideration of DEIA in any university document where faculty are evaluated.”

The 2<sup>nd</sup> comment was, “If DEIA is the object of academic inquiry, it should be recognized as a valued element of faculty portfolios. And if it already is, this motion is redundant, we don't need to vote for that. But if DEIA is just a social issue we are promoting outside of our academic research, making it part of promotion and tenure criteria is an overreach by faculty senate. It leads to the administration hand picking winners and losers in function of biased social, ideological, or political issues. Why include DEIA and not animal rights, free speech, human trafficking, climate change, or the rights of the unborn.” The Senator went on to share this motion is opening a turf war between faculty with regards to who is shouting the loudest on these issues.

Kevin asked the Senator if she agreed with these points. She appreciated the thoughts of her colleagues. Though she herself would benefit from this motion, not all faculty are equal in their ability to promote DEIA in their work.

Chair Kevin clarified that because DEI is part of the mission statement of the university, anyone furthering the university mission should be recognized for doing so. The difference with animal rights and other issues mentioned is that these issues are not part of the mission of the university.

Vice-Chair Matt asked a procedural question. Given there were only minutes left in the 2021-22 Senate, could the motion be reintroduced during next year's session of Faculty Senate. The answer was yes, but a vote should take place.

Two additional Senators made comments. The 1<sup>st</sup> pointed out the significance of the motion being tied to the university mission statement and as such, should be reflected in the language of the motion. The second shared this motion represents an issue of anxiety for junior faculty in her department as they do a significant amount of advocacy work against linguistic discrimination and it's seen as something that doesn't count towards tenure. While it is true this work can be put in a service category, their work in this area is generally under-represented in the tenure package. In addition, DEIA work could be noted in the research component of P and T, but it's hard to publish just on DEIA. For these reasons, this Senator is in favor of something along these lines in the tenure packet.

A third Senator shared she felt this language was more appropriate at the department level. Some departments may not see this as part of their "wheelhouse".

Chair Kevin called for a vote. The motion passed with 33 in favor, 17 opposed and 3 abstentions.

VII. There was a motion to adjourn *sine die*. It was seconded. All were in favor. The meeting was adjourned *sine die*.