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### UNH FACULTY SENATE MOTION # XXIII - M29 Motion on Professional Names

Faculty Senate

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**UNH FACULTY SENATE  
MOTION # XXIII – M29  
Motion on Professional Names**

1. Motion Presenter: David Bachrach and Jim Connell on behalf of the Agenda Committee
2. Dates of Faculty Senate discussion: 04/29/2019, 05/06/2019
3. **Rationale:** See the Faculty Senate Agenda Committee Report dated May 6, 2019 (Amended).
4. **Motion:**

- 1) The Faculty Senate repudiates discrimination of any kind for reasons of technical expediency, including taking FindScholars@UNH and its associated software and websites on-line prior to resolving the long-standing professional names issue, and further is concerned about the lack of urgency in finding a resolution thereto.
- 2) The Faculty Senate apologizes to those faculty members with professional names who have been publicly misrepresented by UNH's adoption of FindScholars@UNH and its associated software and websites to the detriment of their professional standing and careers;
- 3) The Faculty Senate calls for FindScholars@UNH and its associated software and websites to be disabled if, by 31 December 2019, any faculty are not represented under their chosen professional names, until such time as they are so represented; we recognize that USNH HR has agreed to meet this deadline and urge them to do so;
- 4) To mitigate the disadvantages pending this correction, the Faculty Senate calls for the following warning to be displayed prominently on all webpages that do not accurately list a faculty member's professional name, including webpages with faculty lists (e.g. college or department faculty lists) where they should appear

**WARNING**

***Mandated by UNH Faculty Senate***

***Faculty with professional names owing to marital status,  
ethnic or cultural naming conventions or other reasons,  
are misrepresented here or missing entirely.***


***When present, their information may be incomplete or in error.***

***Please contact their departments directly for further information.***

said warning to be placed above any such data on any websites in a font size no smaller than the largest displayed information on the site;

- 5) The Faculty Senate calls for FindScholars@UNH and its associated software and websites to be disabled if, by 1 July 2019, the aforesaid warning is not in place, until such time as they are represented as per section 3;
- 6) The Faculty Senate further calls upon the administration to provide guidance to all departments with affected faculty going up for tenure in the fall semester of 2019 that letters to outside readers should include information regarding the gaps in FindScholars@UNH and other affiliated websites, and should encourage these outside readers to consult directly with the department concerning the faculty under external review;
- 7) The Faculty Senate calls for the UNH Administration to conduct a survey within two months of passage of this motion designed to reach all UNH faculty and staff in order to identify all UNH employees whose name currently published on UNH websites does not match their professional name; identifying all of those affected now is crucial for ensuring that USNH addresses the full range of concerns (e.g., marital status name changes, ethnic or cultural naming conventions, and gender identity) when developing and fixing the system.

5. Senate action: The motion passed with 37 in favor, 13 opposed, and 5 abstentions.

6.   
\_\_\_\_\_  
Senate Chair, Robert S. Smith

Forwarded to the following on May 10, 2019

President James Dean

Provost Wayne Jones

P.T. Vasudevan, Senior Vice Provost for Academic Affairs

Terri Winters, Asst Vice Provost for Digital Learning & Communication

Chris Clement, Vice President for Finance & Administration

Bill Hall, Interim Chief Information Officer

All deans

All department chairs

**On the Treatment of Faculty with Professional Names by the  
University of New Hampshire and the University System of New Hampshire,  
Particularly by Academic Technology, Information Technology and  
Human Resources**

A Report To

The University of New Hampshire Faculty Senate

By Its Agenda Committee

May 6, 2019 (amended)

**1. Introduction**

The subject of this report relates to UNH faculty who use professional names different from their legal names, in particular, differing surnames. The use of the term “legal name” is misleading, in that it implies that any other name is less legal. Under common law, a person may use any name so long as there is no fraudulent intent. Indeed, when a person changes their surname upon marriage, the new last name is (barring the highly unusual step of going to court) a common-law name. If the new name is incorporated into documents, it becomes, effectively, the “legal” name. This report uses “W-2 name” to avoid any false implications.

The majority of the information presented herein was gathered by the Faculty Senate Agenda Committee (AC), though some was known earlier to the Faculty Senate Information Technology Committee (ITC), whom we thank for their input in creating this document. We do not speak for the ITC, whose members do not always agree with our conclusions.

Shared governance is primarily within the purview of the AC. This has included issues of equity, inclusion, discrimination and intolerance as witnessed by the many motions on these issues the AC has brought to the Senate [1]. While this report, in part, involves information technology, it is concerned principally with equity, fairness, inclusion and discrimination as it pertains to faculty.

Faculty choose to use professional names for a range of reasons. The two most common appear to be 1) marital status (name changes associated with marriage and/or divorce), and 2) ethnic or cultural naming conventions which differ from Anglo-American conventions. There may be other motivations (e.g., gender identity) which may apply. In any case, such motivations are typically deeply personal, often private, and should never be questioned nor trivialized, but rather respected.

While recognizing the foregoing diversity, for purposes of clarity, we use an imaginary Dr. Jane Doe with W-2 name Jane Jones to exhibit aspects and impacts of the issues herein. Dr. Doe may or may not be tenure-track faculty. This is in no way intended to confine the scope of the issues, particularly as to gender, but only to offer anonymous examples, not all of which may apply to a single person. The motivation is brevity and clarity [2]. The disadvantages described should not be regarded as complete: there likely exist additional impacts.

It is unclear to the Agenda Committee the respective roles of the University of New Hampshire (UNH) Information Technology and Human Resources departments and their respective counterparts at the University System of New Hampshire (USNH) as it relates to their actions and inactions in this report. We therefore use **IT** and **HR** to refer to them collectively unless a distinction is clear, in which case UNH or USNH is specified. **AT** refers to UNH Academic Technology.

## **2. Long-Standing Manifestations of the Issues**

The University System of New Hampshire (USNH) Human Resources (HR) recognizes only a faculty member's W-2 name. A number of University of New Hampshire (UNH) systems draw on this information, in some cases through the Banner system. Payroll is one example. The AC is not aware of any problems arising from this case.

Another example is the telephone directory, whether paper, or on-line. Here, anyone seeking our hypothetical Dr. Doe is unable to find her phone number or E-mail since she is listed under Jones. This may well harm Dr. Doe by preventing her from getting important calls or E-mails. It certainly frustrates the person trying to reach her, and when the reason is learned, puts UNH in a poor light. (Interestingly, the telephone system's Automated Voice Recognition system can include "alternates," so Dr. Doe could be listed as both Doe and Jones.)

UNH course listings, both paper and on-line, use W-2 names. This has a number of implications for Dr. Doe. First, she is forced to explain on the first day of her classes why she is listed under Jones. Dr. Doe may well regard the necessity of explaining herself to 10s or 100s of students, many of whom she may be seeing for the very first time, as an invasion of her privacy. Revealing personal detail in this way may undermine the professionalism she wishes to project and maintain.

Another disadvantage is students, liking Dr. Doe's teaching, may advise others to take her classes. These students are then disappointed to find the class they want to take with Dr. Doe is, instead, taught by "Dr. Jones," and choose not to take it. This harms Dr. Doe's teaching opportunities as well as the students' learning opportunities.

Canvas (myCourses) also uses, exclusively, W-2 names. Since the introduction of Canvas, this has demonstrably created further problems for some faculty, and we conclude that AT (at least) has been aware of the professional names issue for at least four years now. The AC learned that it is possible to temporarily correct this, but

Canvas defaults back to the W-2 name when updated by Banner. This means, for Dr. Doe to be represented as she prefers, repeated calls to correct the name are required, taking her away from her core duties.

Teaching evaluations play a role in retention decisions, promotion and tenure of faculty. Here again, only W-2 names are used. Dr. Doe must, again, near the end of each semester, remind her classes that she is listed as Jones. Since some of her students may not have been present on the first day of classes, this must be a full repeat of that explanation. Any students who are confused, and thus fail to complete the forms, reduce the data available on Dr. Doe's teaching. This may have implications for retention decisions, tenure and promotion.

### **3. MyElements, FindScholars and the Faculty Activity Report**

MyElements, FindScholars and the new (since 2017) Faculty Activity Report (FAR), which is populated by MyElements, fall directly under AT purview but rely, in part, on data fed by Banner. AT has been the public face of this software and has spearheaded its expansion (e.g., using myElements as the basis for FAR).

The problem of professional names was fully known and understood by IT, HR and AT prior to the adoption of myElements and associated software. AT places all responsibility on IT and HR, which have failed to provide for professional names in their databases, despite repeated representations from AT.

The AC has learned that the problem of professional names had been raised during meetings of the myElements Governance Board [3] before FindScholars was to go live. It is an unavoidable conclusion, then, that the stakeholders who made the decision to go live with FindScholars, did so in the knowledge that some faculty would suffer disadvantages from that decision. Yet, even before that decision, myElements presented problems because of the W-2 name issue, especially since websites also now draw on myElements. A brief review of this is in order.

As the AC understands the history, UNH, specifically the Research Office, originally adopted myElements to compile scholarly and research products by UNH faculty in the aggregate and to promote UNH scholarship publicly. A critical requirement for myElements was for all UNH faculty, or at least a critical mass thereof, to engage with the system and "claim" their papers, etc. Dr. Doe has nothing under the name Jones, since one reason she has a professional name (in common with most faculty with a professional name) was to have only one name in the literature. Dr. Doe thus had no papers to claim, since myElements presented papers only under the name Jones.

MyElements does include a means to import papers under other names — one added task for Dr. Doe. This was a deterrent to Dr. Doe, who may have joined the vast majority of UNH faculty who did not, initially, claim their papers.

MyElements was then extended to encompass the Faculty Annual Report (FAR) [4]. This was done, in part, with the goal of forcing faculty to claim their scholarly and research products in myElements; to that point, only a small fraction of faculty (<5%) had used myElements. The disadvantages above applied to Dr. Doe, who is now forced to use myElements, and is aggravated by whatever extent the FAR is used for retention decisions, promotion and tenure.

AT promoted and implemented FindScholars, which draws on myElements, with the goal of automating and standardizing all Faculty webpages. This is intended to reduce the workload on faculty maintaining their webpages, albeit with a substantial loss of content control. It is also intended to make sure faculty *have* up-to-date webpages to promote UNH's reputation. All such webpages at the college and department level were, and are, to be replaced by pages derived in the same fashion as FindScholars.

Dr. Doe appears as Dr. Jones, and any old websites listing her as Dr. Doe were to be replaced with ones drawing from FindScholars. (At least one department has refused to disable its webpages for faculty so they appear under their professional names.)

FindScholars is a major escalation in the disadvantages imposed on Dr. Doe. Aside from the long-standing difficulties in outsiders finding her phone number and E-mail — not to be minimized — previous aspects have been internal to UNH. Now she faces a very public problem.

Suppose Dr. Doe goes to a meeting or conference and presents a paper and meets others in her field: researchers or scholars, students, vendors, editors, program officers from funding agencies, etc. Probably she gives many her card — knowing full well they cannot find her phone number or E-mail under Doe in the UNH system, she uses a lot of cards — but those who only know her through her paper never see her card. Inevitably, people's impulse is to look for her on UNH websites, such as FindScholars. Perhaps they are only curious, perhaps they are considering collaborating, or hoping to study with Dr. Doe, or perhaps (particularly in the case of vendors, editors or program officers) they want to verify her *bona fides*. Business card or no, they cannot find her; they do not know to look under Jones. Dr. Doe's reputation (one of any academic's most valuable assets) is harmed and opportunities are lost.

Dr. Doe submits a research proposal and funding is declined. Did a reviewer look for her on FindScholars and, thus, not find her? Did this affect their recommendation? The confidential nature of the peer review process offers no answers. A similar concern that arises in our internet-driven world is that external reviewers in Promotion and Tenure cases may naturally turn to a faculty member's webpage.

AT attempted to address the problem in some of the software by introducing manual corrections. This proved too burdensome, both to AT and the faculty members, as the

correction were repeatedly overwritten by the software. Thus, Dr. Doe had to check regularly to see if she were correctly named, then ask AT to re-make correction when it reverted. The AC commends AT for its good faith efforts in this.

AT has also allowed faculty with professional names to opt out of FindScholars. Thus, if Dr. Doe views having a webpages under Dr. Jones as more harmful than having no webpages at all, she has that option. AT has made it clear this was a major and burdensome concession they did not have to make, and that it substantially mitigates the problem and its responsibility. The AC does not agree that the option to have no presence at all mitigates the problems that could have been anticipated.

It must be noted that, while hoping to have this issue addressed, at least one Faculty member was advised by HR to change their W-2 name. This, in the AC's view, was an inexcusable response to the problem.

#### **4. Conclusions**

The Agenda Committee concludes that key decision-makers—we unfortunately do not have any clarity as to who made what decision when—consciously made knowing decisions to move forward with software that resulted in discrimination against a number of faculty. This discrimination was, and is, based on marital status and ethnic/cultural naming convention, and potentially other factors. In any case, the discrimination is totally unrelated to their work or professional merit.

The discrimination appears to be the result of technical expediency rather than prejudice. The decision to use myElements and to take FindScholars live was predicated on a need to create a public presence for UNH research; this goal is laudable. But it is clear that this desire was judged more important than ensuring that our faculty be represented as they wish. This includes the W-2 naming issue which is the centerpiece of this report, but it also includes other concerns that were voiced by faculty, who had lost control of how their faculty profiles were to be presented. We commend AT for working to address these concerns after the fact, but the AC wonders why these issues, which were known and thus could have been anticipated, were not addressed before going live.

The AC apologizes to those faculty who have been affected by these changes and wishes that the Faculty Senate had been fully cognizant of the full extent of these concerns sooner.

- [1] Senate passes Motion XXIII-M20 on Shared Governance 04-17-2019  
Senate passes Motion XXII-M1 on model for mutual respect 9-11-17  
Senate passes Motion XXI-M5 on inclusion, civil discourse, free speech 12-5-16  
Senate passes Motion XVI-M15 on shared governance, 4/16/2012  
Senate passes Motion XVI-M13 on the senate's response to the Inclusive excellence Report, 4/2/2012



Senate passes Motion XV-M2 on diversity reaffirmation, 11/1/2010  
Senate passes Motion XIV-M5 on president's call for civic engagement, 11/16/2009  
Senate passes Motion XIII-M15 on a shared governance document, 4/20/09  
Senate passes Motion XIII-M18 on diversity in strategic planning, 4/20/09  
Senate passes Motion XII-M5 on shared governance for study abroad, 11/5/07  
Senate passes Motion XII-M4 on a guide for shared governance, 11/5/07  
Senate passes Motion X-M7 on shared governance and resources, 4-17-06  
Senate passes Motion X-M6 on civil speech, 4-17-06  
Senate passes Motion X-M2 on shared governance, 12-12-05  
Senate passes Motion IX-M17 on diversity, 4-18-05  
Senate passes Motion IX-M10 on shared governance, 3-7-05  
Senate passes Motion VIII-M8 on the Statement on Diversity, 3-8-04  
Senate passes Motion VI-M2 on international respect, September 24, 2001

- [2] Replacing Dr. Doe by “faculty with professional names” and Dr. Jones by “the faculty member’s W-2 name” throughout would certainly adversely affect both brevity and clarity.
- [3] The “myElements Governance Board” appears in quotes herein because, first, it has no authority over myElements or its offspring (e.g., Faculty Activity Reports and FindScholars), nor did it ever vote on any aspect thereof, and therefore governed nothing. Second, given the above, and the fact that it was formed solely by AT outside of the elected Faculty Senate, the use of “Governance” appears to be a deliberate attempt to evade legitimate faculty governance norms. That said, we are deeply thankful to the members of the board for serving and, doubtless, substantially improving the ultimate software products when their advice was taken.
- [4] This is regarded by the Senate as a clear violation of shared governance as per Motion XXIII-M18, adopted 18 March 2019.