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2017-18 FACULTY SENATE XXII - May 7, 2018 Minutes Summary (Session XXII portion)

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UNIVERSITY OF NEW HAMPSHIRE
2017-18 FACULTY SENATE XXII

<p>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.</p>

Meeting called to order at 3:12 p.m. on May 7, 2018

MINUTES SUMMARY

I. Roll – The following senators were absent: Baldwin, Ballestero, Bauer, Bstieler, Clarke, Gass, Mathieson, Ross, Roth, Shipe, and Simos. Friedman was excused. Nicky Gullace, Mark Huddleston, Marc Sedam, and P.T. Vasudevan were guests.

II. Remarks by and questions to President Mark Huddleston – President Huddleston said that the administration is transitioning after the resignation of Provost Nancy Targett. He noted her remarkable accomplishments during her time at UNH. He said that the appointment of an interim provost will need to happen quickly, and that he has already been interviewing candidates for the position. The Senate chair and leadership will be part of the review process for potential candidates.

A senator said that faculty have been discussing the loss of Provost Targett, and our regret to lose such a thoughtful leader. Another senator expressed concern about what she called a troubling year. Many faculty are stressed over problematic changes on campus, and there exists a sense that faculty are not being heard by the administration, she said. Another senator said that there seems to be a growing culture of secrecy in our community, and asserted that greater transparency from the administration would inspire greater cooperation from our faculty.

Mark replied that the administration is seeking to be more transparent. He said that UNH, like all higher education institutions in the country, is facing serious budget issues. He called education a labor-intensive enterprise, where 70-75% of our budget is tied up in people. Our expenses have increased 2.5-3% per year. On the revenue side, we have kept tuition flat, with no increase of financial support from the state. Philanthropy has grown, but is not yet keeping pace with our expenses. Fundamentally, he is optimistic about UNH's future, noting the increasing number of applicants and calling UNH a strong institution.

The president announced that arrests were down from last year over the May 5th celebration. He praised the many people in the community who worked together to make this year different. Students took the lead in planning alternative activities. Over 300 students participated in those activities. On a broader level, the work of our campus community helped us to define appropriate behaviors. Students' behavior on campus and in town demonstrated a positive shift.

A senator who lives in Durham said that while student behavior early in the day was much improved from last year, there were issues in town later in the evening. Another Durham resident said that there were definite improvements over last year's issues.

Another senator noted the recent visit of Libertarian David Ruben to campus for a lecture. Students challenged his right to speak. President Huddleston confirmed that Ruben had been invited by a student group to speak last Tuesday night about freedom of speech and cultural appropriation. Other members of the national organization Turning Point USA had also been invited but were unable to attend. Some students on campus perceived this presentation as a demonstration of hate speech by white supremacists and were distressed. The president directed Chief Paul Dean that the speech was to take place regardless of student protests. Chief Dean changed the venue from the MUB to the Whittemore Center due to security concerns. There were some disruptions, but the event did take place. The president said that, as a public institution, we have an obligation to facilitate the free exchange of ideas. The senator suggested that the episode may not reflect well on our institution in the eyes of the state legislature.

The Senate vice chair moved that the Senate show their appreciation to the president for his contributions to the university by acclamation. The group responded with applause.

III. Remarks by and questions to the Senior Vice Provost for Academic Affairs (SVPAA) – P.T. Vasudevan said that the renovations in Conant Hall should be completed by the end of this month. The building will be home to the Office of International Students and Scholars, Study Abroad, Discovery Program, Center for Excellence and Innovation in Teaching and Learning, and the Hamel Center for Undergraduate Research.

The SVPAA read a message from former Provost Targett – “I send warm regards and my thanks to the Faculty Senate, and indeed to all faculty, for what you do for UNH. Our uncommon level of student success is because of you. It has been a privilege to be your provost and chief academic officer, and to work with you and this community to continually challenge our students at UNH. We will remain in the Seacoast area—we love it here—so if our paths cross, don’t hesitate to stop and say hello.”

Vasu said that he would like to thank Dan and Scott for their leadership over the past year.

The chair thanked Vasu for his time.

IV. Remarks by and questions to the Senate chair – The chair reported that he has heard from the Office of the Dean of COLA, as well as the registrar, confirming that all COLA department chairs have submitted their preferences to the dean’s office regarding the practice of double counting of Discovery courses for major credit in their units. The submitted preferences have been approved by the dean’s office and forwarded to the registrar’s office. The chair is satisfied that the dean of COLA has acted in good faith to follow the Senate’s recommendation on the practice of double counting.

Buzz Scherr, who moved to censure the dean of COLA, asked leave to withdraw the motion in light of this information. There being no objections, the motion was withdrawn.

The past Senate chair moved that the following be included in the Senate record, in praise of the chair’s work on this issue: *“The Senate commends the chair for his efforts on this matter, defending the prerogatives of the Faculty Senate, and the principles of shared governance.”*

The Senate showed their support by acclamation.

The chair said that we will be addressing the issue of the closures in the Thompson School later in this meeting. He added that the addition of the resignation of the provost creates concern about the atmosphere at UNH.

The chair thanked the Senate administrative assistant, Linda Chaston, for her work and support, and presented her with gifts of thanks.

V. Approval of the Senate minutes from April 30, 2018 – It was moved and seconded to approve the minutes of the April 30, 2018 meeting of the Senate. Four changes were suggested, in Items IV, IX, and XI. Thus adjusted, the minutes were unanimously approved, with 3 abstentions.

VI. Agenda Committee resolution on the Thompson School – The Agenda Committee presented a motion, presented by Lori Hopkins on behalf of the committee, regarding the closure of four programs in the Thompson School of Applied Science (TSAS):

WHEREAS, UNH announced March 9, 2018 that it would close four two-year programs in TSAS after the 2018-19 academic year, including horticulture technology, culinary arts and nutrition, civil technology and integrated agriculture management; and

WHEREAS, TSAS faculty were caught off guard by the sudden announcement of the closings, and were not meaningfully included in final decisions that negatively affected both faculty and students who are directly invested in the academic programs; and

WHEREAS, as a result of this chain of events, faculty are concerned that other long-term strategic decisions may likewise lead to sudden closings of academic programs, and, moreover, are concerned that decisions like these gravely affect the morale of the university community; and

WHEREAS, it appears that the administration did not follow the procedures laid out in 14.4.1-4, “Programmatic Displacement/Termination,” of the AAUP Tenure Track Collective Bargaining Agreement 2015-2020: Now,

BE IT RESOLVED, that the Faculty Senate urges the University administration to develop and make clear to the faculty their policies and procedures for the closing of all academic programs. Such actions should involve both transparency as well as close and meaningful consultation with the faculty, under the agreement of shared governance, and therefore,

BE IT FURTHER RESOLVED, that we encourage future sessions of the Faculty Senate to continue to be particularly vigilant in working with the administration to preserve existing programs.

Jim Connell pointed out that Article 9 of the faculty senate constitution concerns matters related to collective bargaining. Article 9 refers to the separation between the Faculty Senate and the UNH AAUP, in that collective bargaining issues may be discussed by the senate, but no official action may be taken on those things reserved for collective bargaining. Since the closure of the programs in the Thompson School may impact the tenure-track faculty collective bargaining agreement (CBA), such actions would be under the purview of the tenure-track AAUP and the CBA. Dan clarified that it is clear that this is a bargaining item but it is fair to make comments about what or wasn't done. Jim pointed out that the concerns are expressed in the form of "whereas" which confirms that it is being discussed, not resolved.

Scott Smith stated that the agenda committee will consult with the AAUP concerning a possible of breach of the contract, specifically that the agenda committee was not alerted about the closing of some of the Thompson School programs, as is required.

Discussion about the motion resulted in changes in the 5th and 6th paragraphs. The final motion, as amended, was presented for a vote:

WHEREAS, UNH announced March 9, 2018 that it would close four two-year programs in TSAS after the 2018-19 academic year, including horticulture technology, culinary arts and nutrition, civil technology and integrated agriculture management; and

WHEREAS, TSAS faculty were caught off guard by the sudden announcement of the closings, and were not meaningfully included in final decisions that negatively affected both faculty and students who are directly invested in the academic programs; and

WHEREAS, as a result of this chain of events, faculty are concerned that other long-term strategic decisions may likewise lead to sudden closings of academic programs, and, moreover, are concerned that decisions like these gravely affect the morale of the university community; and

WHEREAS, it appears that the administration did not follow the procedures laid out in 14.4.1-4, "Programmatic Displacement/Termination," of the AAUP Tenure Track Collective Bargaining Agreement 2015-2020: Now,

BE IT RESOLVED, that the Faculty Senate urges the University administration to develop and make clear to the faculty their policies and procedures for the closing or significant alteration of any academic programs. Such actions should involve both transparency as well as close and meaningful consultation with the faculty, under the agreement of shared governance, and therefore,

BE IT FURTHER RESOLVED, that we encourage future sessions of the Faculty Senate to continue to be particularly vigilant in working with the administration.

The motion, as amended, passed with 63 votes in favor, 0 opposed, and 0 abstentions.

VII. Discussion and vote on Student Affairs Committee motion on study away GPA requirements
– Martha Byam, SAC chair, and Joe Onosko noted that there is not much data on the grade point averages of study away students. Joe said that of the twenty-two managed programs they contacted thirteen of the directors responded to a survey that Joe prepared. The survey offered three options:

- to keep the GPA requirement as it is, at 2.5, but based on the last two semesters only.
- to keep the GPA requirement at 2.5, but to ask the review committee to be a little more lenient in making exceptions
- to reduce the GPA to 2.0, or “in good academic standing” at UNH

The clear preference of the directors was to adopt the third option, with the second option as second choice.

The SAC offered the following motion as a pilot program:

Rationale: *Study away has changed considerably since 2004 when the Faculty Senate adopted the current eligibility standards. It is no longer the classic junior year abroad (although those programs certainly still exist).*

U.S. Higher Education is increasingly focused on preparing undergraduate students to thrive in a global, multicultural world. According to the Institute of International Education, two-thirds of American students who study away do so on short-term, faculty-led study abroad or study away programs. Studies at other institutions demonstrate that even first-year students can benefit from such programs, often helping to inform their choice of major.

We wish to emphasize that this pilot program is based on the principled belief that all students in good academic standing, defined by the University as a 2.0 GPA, have the right to apply to any program that this University offers. It does not guarantee them admission but it does give them the right to apply and to be considered.

This policy would become effective Spring 2019 and conclude at the end of Spring 2021. Student outcome and program faculty and administrator perception data will be collected for Spring '19, Fall '19, Spring '20, Fall '20, and Spring '21, as well as J-terms and summer sessions that occur within this time period. These data will be reviewed every year by the SAC, with a motion presented to the Faculty Senate in Spring 2021 to either maintain these pilot eligibility criteria, suggest further modifications, or return to current criteria.

Motion: *Given that the University of New Hampshire is committed to (a) "internationalization of the curriculum" and "global engagement" (<https://www.unh.edu/global/unh-and-world>) and (b) that study away and study abroad programs are represented in the higher education literature as “high impact learning experiences” that have a positive impact on students' subsequent academic performance (Kuh, 2008), the Student Affairs Committee (SAC) moves that for the next four semesters (starting in January, 2019), plus J terms, '19, '20, '21 and summer terms, '19, and '20:*

- 1. The minimum GPA for UNH faculty-led and managed study abroad and UNH Coordinated study away programs is 2.0 university-wide.*
- 2. For UNH faculty-led and managed study abroad and UNH coordinated study away programs, students can be 'undeclared' and must have at least 12 earned UNH credits (to establish a GPA).*
- 3. Individual study abroad faculty program directors or the study away coordinator may create additional standards as dictated by the needs of their program(s), including using GPA as a competitive factor or increasing GPA minimum requirements.*
- 4. Outcomes of this four semester pilot program will be monitored and evaluated by the Provost's office or her designee and reviewed by the SAC of the Faculty Senate every spring with a final report due Spring 2021.*

A senator spoke in favor of the motion, saying that there is concern that we'll lower our standards based on financial factors, but that she has seen good universities sending students abroad in their first semester to draw in more students. Study abroad programs are revenue generators for the institution, but are also crucial educational experiences for the students. She called it shocking that students who experience a slow start at the university are denied the flexibility to participate in these programs. It is not fair to allow a 2.3 GPA to prevent a student from choosing the major they want or from graduating on time.

Another senator spoke in favor of the motion, but suggested that in order for the pilot program to provide statistically significant data, at least 30-40 students with GPAs less than 2.5 would be needed, and asked if there will be enough students to establish a valid study. Martha said that the pool will be small (about 10% of students applying have a GPA less than 2.5), but said the pilot could be extended, and an evaluation carried out at that point.

A senator from Languages, Literatures, and Cultures suggested that, if this motion does not pass, it may be in the best interest of LLC to keep students on campus for more classes. Another senator spoke in favor of the principle of this motion, noting that all faculty have had students who have faltered early in their time at UNH. She asked how we can help our students, not perhaps with a motion, but more generally, in areas such as helping with organizational skills. She noted that there is a reason that the national standard is 2.5.

Other senators also spoke in favor of the motion, noting the amount of control given to the program directors to make adjustments within their own program. Joe noted that departments and programs can opt out if they want to.

Another senator noted that our students, while abroad, are cultural ambassadors, and accordingly need to be mature.

The motion was put to a vote and passed with 58 votes in favor, 2 votes opposed, and 6 abstentions.

VIII. Discussion and vote on the Research & Public Service Committee (RPSC) motion on policy for start-up companies – Jim Connell, representing the Agenda Committee, thanked the RPSC for all their work on this subject. He also thanked all faculty who sent emails regarding the proposed policy on start-up companies. One of the suggestions made was to have the agenda committee act for the Senate over the summer on this, but the agenda committee was not anxious to do this. However, in communication with the RPSC, the agenda committee came up with a modified motion, as follows:

Rationale: *Scholarly research at UNH sometimes results in intellectual property (IP) that can be best pursued by forming a start-up company. In some cases, funding agencies (e.g., the National Institute for Health, NIH) specifically encourage, and support, such a path. This involves UNH Faculty and/or Staff in having responsibilities to both UNH and the start-up company that are further complicated if the company licenses IP from UNH. This poses risks associated with conflicts of interest. The proposed “Policy on Conflicts of Interest in Start-Up Companies,” and “Policy on Management of Equity Interests in Start-Up Companies” seek to manage and minimize those risks.*

As part of the policy, a committee composed of four administrators and three faculty members plays a role in implementation. By contrast, other committees that regulate faculty (e.g., the Internal Review Board for the Protection of Human Subjects, the Radiation Safety Committee, and the Disclosure Review Committee) have a majority of voting members who are faculty. This supports faculty governance and further protects academic freedom.

The new policies would apply ex post facto to existing start-up companies. The faculty and/or staff involved have often invested and made long-term plans prior to the new policy. The effects of these changes on those plans need to be taken into account. In effect, a contract was implied. While the policy allows two years for implementation by existing companies, financial commitments often extend well beyond two years, as do plans. For example, FDA (Food and Drug Administration) approvals typically take about a decade.

Faculty and/or staff contemplating a new start-up company would also have to ask if policies might similarly change after they form a start-up company, and wonder if UNH is a reliable partner.

Motion: *The Faculty Senate agrees, in principle, with the proposed “Policy on Conflicts of Interest in Start-Up Companies,” and “Policy on Management of Equity Interests in Start-Up Companies,” but cannot approve them as written for the following reasons:*

1) any such policies must have a majority of faculty as voting members of their committee(s) related to faculty actions;

2) any such policy must have clear and adequate provisions to protect the interests of existing start-up companies (e.g., grandfathering) and the faculty and/or staff involved with those companies.

The Faculty Senate does give conditional approval to policies that meet 1) and that provide grandfathering with no time limit to existing start-up companies, thus meeting 2). This in no way expresses a specific preference for grandfathering by the Senate, and the Senate would consider, and act on, any other option that satisfactorily fulfills 2) during a future session.

Jim noted that including a statement regarding grandfathering of any existing company is not intended to mandate any particular method. A senator suggested wording to call for faculty on the advisory committee to have specific expertise with start-ups. Jim said that most members of such a committee would be appointed by the administration, and would come with a variety of expertise, including business, technology, and fiduciary fields. Marc Sedam noted that a separate policy is being developed regarding the equity to liquidate such a business, so that the university is not in the business of liquidating equity.

A senator asked about provisions to ensure that the administration follows the two suggestions in the motion. Jim said that there is no judgement to be made; either the committee has the appropriate number of faculty or it doesn't, and either the grandfathering (or other concession for existing companies) will be in place or it will not. If the motion passes, the agenda committee will be able to make that determination.

Marc said that the outgoing provost was supportive of this, noting that a committee so constituted would be an advisory rather than a regulatory committee, noting the administration's responsibility for fiscal matters. As this policy would be effective going forward from today's date, that effectively grandfathers in any company existing before now. There is only one such company at UNH today.

This policy is important because of the institutional risk to the university if there is no such policy in place. Marc said that such a policy indicates to potential faculty recruits and to investors that we are prepared to move forward with such ventures.

A correction to the motion was offered, to change "policy" to "policies" in Item 2 of the motion itself. Marc said that, should this motion pass, he is amenable to other such adjustments to the language.

The motion was put to a vote and passed with 59 votes in favor, 6 votes opposed, and 2 abstentions.

IX. Report from Senate Campus Planning Committee (CPC)– Bill Berndtson, chair of the Senate CPC, reported on three items his committee has worked on this year.

He said that Senate Motion XXI-M12 on private ventures requested that the administration accept the proposed criteria when considering or entering into UNH-Private Ventures. The committee had not heard back from the administration, so Bill met with Provost Targett, and received the following email communication from her on April 22, 2018: "*...these guidelines should be followed (aligned with UNH Mission, consideration of community impact, and at least an annual update with relevant FS committee). I concur with these guidelines.*"

Another item that the CPC considered is the adequacy of classrooms of suitable size. Bill reported that the Registrar's Office was unable to provide actual data, but did explain that at this time there are sufficient classrooms for the number of students and courses. The challenge is to have enough classrooms for the preferred days/times of Tuesday/Thursday 9:40-11, 11:10-12:30, and 2:10-3:30, as well as the increasingly requested Monday/Wednesday times of 9:10-10:30, 11:10-12:30, and 2:10-3:30. Classes scheduled on Monday/Wednesday/Friday are becoming rare, resulting in a crunch for Tuesday/Thursday schedules especially.

Finally, regarding UNH and USNH class field trip policies, Bill said that based on communication with USNH Legal, USNH Risk Management, and the UNH Provost, policies on this topic exist and/or are being updated. Current and relevant information on these issues can be found on the Senate SharePoint site in the Campus Planning Committee's area, in the following three files:

- UNH Policies on Travel (Academic Field Trips) – from the Provost website
- USNH Draft Policy on Travel, which is still in final development
- System Risk Management Office Responses to Questions re: Vehicle Safety Policy

X. Report from Senate Library Committee - Senate Library Committee chair Daniel Chavez said that the storage facility at West Edge, used by the library and others to store materials does not currently have an adequate HVAC system, leaving stored materials at risk. This issue has been discussed by the Senate in the past, with no satisfactory resolution.

Also, the Library Committee will continue consulting with departments regarding the lists of journals they would like to see maintained by the library.

XI. New Business

- Shelley Mulligan, chair of the Senate Academic Affairs Committee (AAC), announced that her committee has been made aware that some comments from the qualitative portion of the student evaluations of teaching, intended to be anonymous, have been released to the campus Affirmative Action Office. There is concern that deans and associate deans have been given access this information. She said that there needs to be a policy put into place regarding the use of this privileged information.
- The vice chair, Scott Smith, asked to be recognized. He thanked the Senate chair, Dan Innis, for his outstanding service this year, for the time, effort, and stewardship he gave this year to the Faculty Senate. Scott said he would be looking to Dan and to past chair Dante Scala for guidance as he takes up the work of Senate chair next year. On behalf of the Senate, Scott presented Dan with a gift. The Senate showed their thanks by their applause.

X. Adjournment – Upon a motion and second to adjourn *sine die*, the meeting was adjourned at 4:56 p.m.