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Faculty Senate, "2008-09 FACULTY SENATE - December 1, 2008 Minutes Summary" (2008). *Faculty Senate Agendas & Minutes*. 300.

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UNIVERSITY OF NEW HAMPSHIRE
2008-09 FACULTY SENATE

DECEMBER 1, 2008

MINUTES SUMMARY

I. Roll – The following senators were absent: Cariens, Dowd, Gross, Harper, Kenick, Nimmo and Walsh. Excused were Bachrach, Becker, Hartter, Huang, Lanier, Pringle, Salvio, Sample and Tobin. Lisa MacFarlane, Kevin Linton, and Thomas Pistole were guests.

II. Remarks by and questions to the vice provost – Lisa MacFarlane wished the senators a happy holiday and expressed her willingness to respond to any faculty concerns.

III. Remarks by and questions to the chair – The senate chair said that the UNH budget projection is now in the black for FY 2009; but FY 2010 has a small deficit; and FY 2011 projects a large deficit. Undergraduate enrollments remain strong, but other forms of income present major challenges. The senate chair said that the shared governance situation has been much better this year. The Agenda Committee met with the president and his cabinet during the summer and will meet with the deans for lunch on Tuesday, to discuss how to work well together on shared governance, which can be simply defined as consulting the affected faculty early in the problem-solving process and before a decision is made and deciding adversely to the reasoned view of the faculty only in exceptional circumstances and for reasons communicated to the faculty. Faculty expect to have a major influence on significant academic decisions. A senator expressed concern that recently the membership of important committees or panels has tended to mute the contribution of faculty since, if faculty are not at the table in sufficient numbers, faculty views are more likely to be overridden.

IV. Discovery Program – The student senate has recently discussed the Discovery Program, heard a presentation from Michele Holt-Shannon, and failed to pass a resolution to approve the program, by a vote of seventeen to twenty-four. Opinion expressed in the Student Senate was mixed and included positive responses and also concerns about course availability, work load issues, adding requirements, and possible effects on study abroad, as well as an apparent lack of knowledge of the Discovery Program. Some students said that the system is not broken and so does not need to be fixed. Today a faculty member replied that a system does not need to be broken to be improved and that a revision may be appropriate after some twenty years of use. Another faculty senator expressed the hope that Student Senate might gather more information and reconsider the Discovery Program at a later time.

The chair of the Faculty Senate's Academic Affairs Committee said that his committee is now reviewing the Discovery Program's perspectives-on-social-identity attribute, the interdisciplinary-understanding attribute and the "environment, technology and society" category. Then the Academic Affairs Committee will look at the entire Discovery Program proposal and bring a written recommendation to the Faculty Senate.

V. Minutes – The minutes of the last senate meeting were approved unanimously.

VI. Strategic planning – The senate chair said that recently the strategic planning group held round table discussions with selected individuals. The structure was to identify five or six

strategic domains, and then to have work groups develop action plans for each domain. Previously there had been interviews with the selected individuals, and efforts have been made to identify values, criteria and strategic themes. Senators said today that the strategic goals should be academic rather than financial and that the discussion should be about teaching and learning rather than customers and markets. A senator emphasized that, since the main source of the university's income is undergraduate tuition, UNH must above all provide a quality undergraduate education. The senate chair asks senators, who are interested in giving more input on strategic planning, to inform him of their interest so that they may participate in the process.

VII. Export Controls – The chair of the senate's Research and Public Service Committee said that "export controls" refer to policies and regulations designed to limit the exporting of intellectual property, knowledge, classified information or material outside of U.S. borders. Export of technologies may be restricted because: (1) they have actual or potential military applications; (2) they raise trade/economic protection issues; (3) the government has concerns about the country, organization, individual, end-user or end-use of that technology; or (4) control serves to implement foreign policy.¹ The control of the technology or knowledge is intended to protect national interests, specifically: (1) advancing U.S. foreign policy and economic goals; (2) preventing the proliferation of weapons of mass destruction; and (3) restricting the export of goods and technologies that could contribute to the military potential of U.S. adversaries.

Of greatest concern to UNH is that the definition of "export" includes transmitting information to an individual who is not a U.S. citizen or permanent resident. This is called "deemed export." Export controls can limit presentation of unpublished research at a conference with foreign nationals in attendance, limit collaborations with foreign colleagues, and limit the ability to have foreign students participate in certain types of research projects. In response to the regulations and federal actions, UNH has developed two policies. The first is entitled "Openness, Access, and Participation in Research and Scholarly Activities" (codified in UNH.VIII.A); and the second is on the conduct of classified work (codified in UNH.VIII.B). In UNH.VIII.A, the university reaffirms a core value of openness, access and participation and states, in part, that "Research and scholarship will be accomplished openly for the exchange of ideas and information and without prohibitions on the dissemination of the results of these activities."

The RPSC chair added that UNH.VIII.A also states in part that, under circumstances where it is clear and demonstrable that the objectives of the University will be served (using the University's Academic Plan or, where applicable, a Unit's Academic or Strategic Plans as guides), rare exceptions to this Policy may be granted by the Vice President for Research. Researchers wanting an exception should forward a written request (endorsed by the relevant Dean or Unit Director) that describes: (1) how the request is consistent with the University's objectives (Academic Plan, Strategic Plan, or other); and (2) how the researcher and others in their lab/research group will comply with the specific requirements and limit the impact of the requirements to the particular sponsored project under consideration.

¹ From UNH export control FAQ accessed 11-24-08 at http://www.unh.edu/osr/export/support/export_control_faq.pdf

As motion one, the Research and Public Service Committee recommends that the UNH Faculty Senate fully endorses the policy on Openness, Access and Participation in Research and Scholarly Activities (UNH.VIII.A). The senate appreciates the articulation that the open exchange of research and scholarly information is a core value of the university, and the senate endorses the letter of the policy that clearly spells out support for this central ideal.

In UNH.VIII.B, the university articulates support for the open discovery process and the free exchange of knowledge through dissemination activities and prohibits the conduct of classified work at UNH. This policy applies to the entire UNH community but does not require disclosure of confidential human subjects' data or other confidential student, patient or employee records.

As motion two, the Research and Public Service Committee recommends that the UNH Faculty Senate endorses the Policy on Classified Work articulated in UNH.VIII.B.

The RPSC considered whether there may be instances in which classified work may be important to do, for national security or other reasons; and the committee notes that the Massachusetts Institute of Technology apparently solves this problem by having such work done by centers which are not part of the institute. So UNH faculty members could do classified work off campus without using university resources or facilities. The RPSC chair added that policy UNH.VIII.A also states in part that there can be no fundamental limitation on the freedom to disseminate the results of research and scholarship conducted on the part of the University and that therefore the University will enter into no agreement that bars any University researcher or scholar from publishing or otherwise disclosing his/her findings publicly. However, the University may agree to delay a publication or other form of disclosure for no more than 30 days to allow a sponsor to determine whether (a) sponsor proprietary information may be revealed or (b) the sponsor will exercise rights under patent clauses in agreements with the University. With the researcher's written consent, the University may extend such delay for a maximum of an additional 60 days to allow for the filing of appropriate patent protection. All publication or other disclosure delays agreed to by the University must be detailed in the written sponsored project agreement. The University may accept a sponsor's proprietary materials or information when the materials or information convey(s) important background information for a specific research project. Requirements regarding access, use, and protection of such materials or information must be agreed to in a written Non-Disclosure Agreement (NDA) or other confidentiality agreement and must not restrict the dissemination of research results. Sponsor requirements should not proscribe citation of the sponsor name in publications. **The Faculty Senate approved motion one, with thirty-three ayes, no nays, and one abstention. The Faculty Senate approved motion two, with twenty-nine ayes, no nays, and three abstentions.**

VIII. Blue Ribbon Panel on Research – The chair of the senate's Research and Public Service Committee said that the report of the Blue Ribbon Panel on Research is advisory to the president. Some senators said that, as a matter of shared governance, the Faculty Senate has an obligation to respond to the report, because it is an integral part of academic policy and deals with issues that are very important for both research and undergraduate teaching. How would the provisions in the report be funded? Is not faculty productivity already directly measured? A professor strongly objected to the last paragraph on page thirty of the report stating: "The University should recognize the very different nature of courses at various levels (200 through 900) and

develop a credit-hour weighting system that provides greater incentives for courses that promote graduate/doctoral research. The current weighting formulae are biased in favor of undergraduate teaching and do not reflect the importance of the actual time devoted to the research mission of the University.”

A faculty member said that the key questions from the president were: (1) what does UNH need to do now to ensure the vitality of research, scholarship and creative activity for the next ten years, (2) what is the right mission and organizational structure for the Office of Research and, by extension, the right qualifications for a vice president for research, and (3) how do we ensure that research activities are integrally connected to and supportive of our broader academic mission. The report of the Blue Ribbon Panel on Research lists seven primary recommendations (on page 13). Senators pointed out that these recommendations and the recommendations for the Discovery Program would compete for funding and may be contradictory to each other, for example in respect to teaching loads. The main problem is that funding to enhance research would have to be taken from other programs. How can departments with a hiring freeze and the loss of many faculty in a certain program fulfill the mission of that program? Senators said that many departments are already suffering financially and cannot afford the drain of more funds to research. Faculty said that they need to know where the money would come from before approving recommendations from the Blue Ribbon Panel on Research. A senator said that the report is very disturbing because, if the university decreases course loads and spends more money for research and, to offset that, hires more adjunct faculty and has larger classes for undergraduates, that would lower the quality of undergraduate education. Appendix B on page fifty of the report discusses the impact of reducing course loads from five to four and replacing the course with research/graduate activity. The options would all seem to require increased funds or to lower the quality of undergraduate education.

A senator said that the first sentence on page thirteen of the report stating that, to “excel in teaching and service, UNH must excel in research” could be restated that, to excel in research, UNH needs to excel in teaching and service, in order to strengthen the base for academic programs for undergraduates especially and also for graduate education. Another professor said that, if the current weighting formulae really were biased in favor of undergraduate teaching, we would not be down so many faculty in teaching departments; and he added that UNH should not increase research by diminishing the undergraduate mission. A faculty member said that we should identify areas where we are already excellent and also those where we are not. Many faculty would be happy to have a reduced teaching load, more time for research, and better support for graduate students, if the money did not come from undergraduate education or other important academic needs. Another senator said that the report should be more targeted and not such a broad brush which lacks funding information. A senator suggested that the senate might say that certain principles in the report should be kept and that the document should clarify what is up to the academic departments to decide. The minutes of this senate discussion should be sent to the president and also the strategic planners, including the strategic plan working group on research. A former senate chair asked that the RPSC chair write some text setting the context of what the senate discussed today. The senate chair asked that the senators review the Blue Ribbon Panel report, discuss it with their colleagues, and send comments to the chair of the RPSC, prior to further discussion at a senate meeting in the near future.

IX. Adjournment – The meeting was adjourned.