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UNIVERSITY OF NEW HAMPSHIRE
2005-06 FACULTY SENATE

APRIL 3, 2006

MINUTES SUMMARY

I. Roll – The following senators were absent: Berenguier, Burger, Frankel, Kallianpur, Lugalla, Macieski, Morgan, Schlenrich, Tagliaferro and Tenczar. Nagy, Reid and Robertson were excused. Guests were Steve Calculator, Pam Broido, and Steve Fan.

II. Minutes – The senate unanimously approved the minutes of the last Faculty Senate meeting.

III. American Sign Language – The chair of the senate's Academic Affairs Committee said that in 1992 the Faculty Senate voted to allow American Sign Language to fulfill the foreign language requirement for the B.A. degree. Some months ago, the provost formed a task force to consider whether the current situation corresponds to the Faculty Senate's intent in 1992. That task force, which was chaired by Alan Ray and included three faculty senators, recently sent its report with six recommendations to the senate's Academic Affairs Committee. Now the Academic Affairs Committee offers six motions to the senate in response to that report. The first motion states that the task force has met its charge and thanks the members for a job well done. The remaining five motions respond to task force recommendations one and three through six, respectively. The Academic Affairs Committee will respond to recommendation two from the task force at a future date. The Academic Affairs Committee asks that the Faculty Senate pass the following six motions.

Motion 1: The Academic Affairs Committee of the Faculty Senate has received the report of the Task Force on American Sign Language. The task force has met its charge admirably. The Faculty Senate thanks the members of the task force for their extraordinary efforts.

Motion 2: The Faculty Senate reaffirms its motion of 23 March, 1992, allowing students to demonstrate a proficiency in a foreign language by completing a one-year college level course in American Sign Language.

Motion 3: The Faculty Senate re-affirms the right of departments to establish their own foreign language proficiency requirement for their students-in-major and to determine which non-English languages can be used to satisfy that requirement.

Motion 4: The Faculty Senate asks the administration to review the enrollment patterns in American Sign Language and Languages, Literatures and Culture courses, to determine the scope of non-compliance with the rule that the foreign language proficiency requirement for Bachelor of Arts candidates must be met by the end of a student's sophomore year, and report back to the senate with its findings and recommendations.

Motion 5: Under degree requirements for the Bachelor of Arts Degree, the Faculty Senate requests that the UNH Undergraduate Catalog be amended to read (sections in italics represent changes):

3. Proficiency in a foreign language at the level achieved by satisfactory work in a one-

year, college-level course. This requirement may be fulfilled by taking a College Board foreign language achievement test or by completing *the equivalent of a full-year elementary course in any foreign language (must be 8 UNH credits or equivalent)*, or by completing *the equivalent of a semester of a course in a foreign language beyond the elementary year (must be 4 UNH credits or equivalent)*, or by completing *the equivalent of a one-year college-level course in American Sign Language (must be 8 UNH credits or equivalent)*.

Motion 6: The Faculty Senate asks the Department of Communication Sciences and Disorders, in consultation with the Department of Languages, Literatures, and Cultures, to renumber ASL I (Comm 533) and ASL II (Comm 733) with numerical prefixes consistent with those of the elementary language courses.

Motion one passed unanimously.

After a discussion of the rationale for the foreign language requirement, the Academic Affairs Committee chair said that he is sure that the rationale has been articulated. His committee considered whether ASL is a language and whether it is foreign. ASL is a language and may be foreign, depending on the definition of that word. The senator from Communication Disorders said that the task force has pointed out the linguistic aspects of the study of ASL. Advanced courses such as ASL 3 and 4 and ASL culture are offered; and more advanced courses are proposed, such as the linguistics of ASL. The chair of the Department of Communication Disorders said that ASL is the third-most-common native language in the United States. A senator asked if many students are taking ASL because they think ASL will be easier for them to handle than a traditional foreign language course. Another senator asked if the instructors of the introductory ASL courses have a good understanding of the culture of ASL in addition to the language; and Pam Broido, who is the ASL coordinator, said that they do. The instructors are either deaf themselves, have family members who are deaf, and/or have been ASL interpreters for around twenty years. She added that the culture is a part of the course work even at the introductory level. If the senate passes motion three, each department could establish for its majors its own foreign language proficiency requirement. The Communication Disorders Department chair said that thirty to forty-five percent of ASL 1 students are studying for a B.S. degree and thus do not need to fulfill the foreign language requirement.

A professor said that the study of a traditional foreign language is part of international awareness. Majors in foreign languages are required to study abroad. A senator asked what comparator institutions are doing about the question of accepting ASL as fulfilling their foreign language requirements. A professor asked if the AAC would accept changing the motions' references from "American Sign Language" to "any international or national sign language". The AAC did not accept that wording at this time but may consider that suggestion in the future. Then another senator proposed a friendly amendment to add to motion two that the Faculty Senate be charged to come up with a motion to insure that students study languages for an academic purpose and take a subsequent course which would build on the introductory language course. The AAC did not accept this as a friendly amendment but may review the issue and recommend another motion at a later time. The amendment was seconded. A professor from the Languages, Literatures and Cultures Department attributed a loss in enrollment in traditional foreign language courses to the rise in students taking ASL; but this was disputed by a professor from the Communication

Disorders Department, who said that the data gathered by the task force does not support that claim. Another senator said that no program should suffer because it is a success, and she added that the senate could discuss RCM issues at a later time. The proposed amendment failed to pass, with two ayes and the rest nays. A senator said that he believes ASL is not a foreign language and should not be allowed to fulfill the foreign language requirement. **Motion two passed with twenty-three ayes, nine nays and four abstentions. Motion three passed unanimously.**

A member of the task force said that A⁻ is the average grade for the first two semesters of ASL and that those ASL courses are taken mostly by juniors and seniors. However, the UNH catalog indicates that courses to fulfill the foreign language requirement should be taken in the freshman and sophomore years. A senator proposed a friendly amendment that the administration should look into when students take ASL and also whether ASL courses are as rigorous as traditional foreign language courses. Recommendation two from the task force is to have a review of ASL, and the senate's Academic Affairs Committee will bring that issue to the Faculty Senate soon. The AAC chair did not accept the friendly amendment. The amendment was seconded. A professor said that many students take ASL in the junior or senior year because the students could not get into the course in their freshman and sophomore years. The proposed amendment did not pass, with one aye and the rest nays. **Motion four passed unanimously except for one abstention. Motion five and motion six both passed unanimously except for one nay.**

IV. Grade distributions and student evaluations of teaching – The senate chair said that a review of the questions and process of the student evaluations of teaching will be required and may take a considerable length of time. He added that, until the above review is completed, the Faculty Senate cannot consider the possibility of allowing student evaluations of teaching to be put on the web. The university has been releasing professors' grade distributions to a commercial firm which publishes the distributions on the internet. Many senators said that this was a miscarriage of the right to know and violated the professors' right to privacy. The Agenda Committee discussed this matter with the university counsel, and the Agenda Committee presents to the Faculty Senate the following motion.

Inasmuch as professorial grade distributions are a single indicator among many indicators of faculty teaching performance and insofar as these distributions have been used by some chairs and deans to assess the performance of individual faculty, be it resolved that grade distributions of faculty must be entered into the individual personnel files of individual faculty and that the grade distributions must be treated by deans and department chairs as personnel records with all protections of privacy implied. The administration is advised to suspend public dissemination of grade distributions, as these are personnel records.

The Agenda Committee asked the university counsel for input on the motion, in the following letter by the vice chair.

Thank you for coming to the Agenda Committee of the UNH Faculty Senate to discuss public access to grade distribution data. As you observed, faculty are agitated with regard to this issue. In subsequent discussion, the Agenda Committee has drafted the motion which follows and intends to propose it to the full Senate on Monday, April 3rd, for action on April 17th.

We would be most grateful for your assessment of the motion as drafted below. Of course, I will be glad to answer questions if you have any.

University Counsel Ron Rodgers responded as follows.

Although it is impossible to know with certainty how a lawsuit will unfold in the Superior Court, my understanding of the Right-to-Know Law and experience litigating before the Superior Courts suggests a petitioner would make and press hard the following arguments:

- * A grade distribution report is not evaluative or even indicative of the professor's performance -- from it one can infer neither the quality of the performance nor the administration's perceptions of or opinions regarding that quality.

- * A grade distribution report does not contain information about a personal or private aspect of the professor's life -- on the contrary it is only a compilation of certain objective information regarding the work done by the professor in his or her role as a public employee.

- * A public record can not be made exempt from the disclosure requirements by the label placed on it or the file in which it is kept by the public agency -- if it is a public record [sic] is subject to public access it remains so no matter how the agency views or treats it.

- * That we have been providing these reports to Pic-a-Prof for the last several years, while not dispositive, will make it harder for us to argue they are sensitive and private personnel records -- the fact that other institutions make public their grade distribution reports will add to our burden on this point.

- * Finally, a petitioner will have on his or her side the fact that the Right-to-Know Law is intended by the legislature to be interpreted and applied liberally in favor of public disclosure -- the courts have used this principle to resolve ambiguities and decide close cases in favor of the public's right of access to the processes and records of government.

My best educated prediction is that a Superior Court judge would grant the petition, find these records to be public records not covered by any exemption, and require us to disclose the grade distribution reports. I would be happy to discuss this issue and my view of it with you at your convenience.

The senate will consider this matter at a later date.

V. CEPS shared governance – The chair of the Chemical Engineering Department said that the Kingsbury renovation and expansion project was funded by the state under Project KEEP which provides funding for university buildings. Forty-four million dollars were authorized for the Kingsbury project by the state, and the university subsequently provided an additional eight million dollars. Faculty under the direction of Art Greenberg, who was dean at that time, formed the Kingsbury Renovation Committee which met for one and one-half years and reached a compromise in 2002 on space allocation. The criteria were then given to the architect. According to the agreed-on plan, each department involved in the Kingsbury renovation was to receive additional space, and some departments would keep space in other buildings. For example, the Chemical Engineering

Department was to keep two laboratories and two offices in Morse Hall and one laboratory in Parsons Hall.

Dr. Fan said that the Institute for the Study of Earth, Oceans and Space occupies most of Morse Hall and wanted one of the laboratories there occupied by the Chemical Engineering Department, but Dean Greenberg resisted the loss of that lab. The new dean of CEPS also resisted until October, 2005, when he decided to give EOS all the Chemical Engineering Department space in Morse Hall, in order to gain a savings for CEPS of \$44,382 per year in space assessments. Even though enrollments in CEPS are up and so is research, the budget deficit is increasing. The lost Chemical Engineering space in Morse Hall would amount to 3046 square feet, with an offer of a 900 square foot lab in Parsons, for a net loss of over 2000 square feet of space for Chemical Engineering, compared to the original plan. Thus the Kingsbury expansion would result in only one percent of additional space for that department. Dr. Fan said that the number of freshmen in the department has doubled in the past three years.

Although the Chemical Engineering Department would prefer to have the originally-planned space, the department would accept other equivalent space. The space had been used for both teaching and research and would become research space in EOS. Dr. Fan said that the original space allocation plan was representative and collaborative. The senate chair stated that the issue before the Faculty Senate is whether or not there was adequate consultation with faculty when the decision to change the space allocation was made. Dean Klewicki and Dr. Fan are providing additional documentation to the chair of the ad-hoc committee of CEPS senators looking into this matter. At the last senate meeting, the chair of that ad-hoc committee reported the committee's recommendation that the senate take no action at that time; and the ad-hoc committee will review these documents. A senator also expressed concern that the provost recently approved a request for an outside grant including a proposed School of Marine Science and Ocean Engineering, although there has not been adequate consultation with faculty who would be affected by such a change. The Agenda Committee will discuss these matters further with the provost, and the senate will reconsider the CEPS shared governance issue at a future date.

VI. Adjournment – Today's meeting was adjourned.