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Faculty Senate, "FACULTY SENATE - October 25, 1999 Minutes Summary" (1999). *Faculty Senate Agendas & Minutes*. 515.

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UNIVERSITY OF NEW HAMPSHIRE
FACULTY SENATE
OCTOBER 25, 1999 MINUTES SUMMARY

I. Roll - The following Faculty Senate members were absent: de la Torre, Draper, Macieski and VonDamm. Absent as work to rule were Barretto, Carr, Christie, Echt, Garland, Kaye, Planalp, Roh, Stine and Turner. Excused were Afolayan and Williams.

II. Minutes - Regarding the September 27 senate minutes, in which the third sentence on RCM had been questioned, the professor said that he had not intended to make that statement; and so the senate approved the deletion of that sentence from the September 27 minutes. The chair said that the minutes of the October 18 meeting have recently been distributed and will be voted on at the November 8 senate meeting.

III. Motion on No Confidence and Motion on Moratorium - The Faculty Senate chair ruled that the motion of no confidence and the motion on a moratorium which were presented at the October 18 senate meeting are out of order since they go against article nine of the senate's constitution, which states that "collective bargaining issues may be discussed, but no official action may be taken." The senate chair added that he was distressed that the author of the motions had given them to the press. The author stated that he had not done so and in fact had told a reporter who called him that she would have to contact the senate chair about seeing the motions. The author of the motions answered reporters' questions about the motions. The senate chair withdrew his comment. Regarding ruling the two motions out of order, Karl Diller, who was one of the major authors of the senate constitution and also a strong member of the union, recently sent an email to the English Department faculty about these motions and said that his position is "that they do violate article nine, and I would rule them out of order....Article 9 was set up to head off any attempt of the administration to try to bargain with the senate instead of with the union. There should not be that kind of mechanism for a divide-and-conquer strategy. And it works in reverse: the senate should not try to bargain with the administration and try to get them to adopt a particular position (as for example, a fact finder report)."

A professor asked why the motion of no confidence had been discussed and amended at the previous meeting if the motion was out of order, but other faculty responded that the chair cannot be expected always to rule immediately on a motion suddenly presented from the floor without time for review. A professor suggested that motions should be considered by a senate committee rather than brought directly from the floor. The author of the original motions moved to appeal the ruling of the chair, and Lori Hopkins seconded that motion, saying that discussing these matters is important. A professor suggested that, while it is the union's province to deal with contract matters, the senate could vote on a lack of confidence in the chancellor and his office. Another faculty member said that the University of New Hampshire should be independent of the system office. The senate agreed that it would vote on the constitutionality of the chair's ruling and that the senate could then immediately consider a motion with different wording.

The author of the original motions said that, although article nine of the constitution may apply, there are other portions of the constitution, such as the preamble, which are also relevant and which state that the "responsibility of the faculty is the academic mission of the university." He asked which part of the constitution should take precedence over the other. What if there should be collective bargaining on course loads, promotion and tenure, or academic freedom? After discussion, the question was called and the motion to appeal the ruling of the chair regarding the motion of no confidence was defeated. A motion was made by Frank McCann and seconded by Jim Farrell to appeal the ruling of the chair regarding the motion on moratorium. This motion also was voted on and defeated.

Jim Farrell moved and Todd Gross seconded a motion to repeal the motion passed by the November 24, 1997, Faculty Senate that “to be consistent with the University System of New Hampshire’s policy not to discriminate on the basis of sexual orientation in treatment or employment and to provide a professional academic environment which is attractive to the most qualified faculty regardless of sexual orientation, be it resolved that the Faculty Senate of the University of New Hampshire authorizes the chair of the Faculty Senate to urge the Trustees of the University System of New Hampshire to extend its benefits coverage to include same-sex domestic partnerships and in so doing bring its benefits policies in compliance with the University System of New Hampshire’s non-discrimination policy and, as of January 1, 1998, the non-discrimination policy of the State of New Hampshire.” This matter was under contract negotiations at that time and also now, and thus the 1997 motion could be considered as going against article nine of the constitution. Professor Farrell said that the senate, to be consistent with its votes earlier in this meeting, should rescind the above 1997 motion. A discussion ensued on consistency. A professor suggested that the senate’s understanding of its constitution is like the body of common law which grows and evolves. The motion to repeal the November 24, 1997, motion was voted on and defeated.

Guy Petty moved and Mike McConnell seconded that it is the view of the University of New Hampshire Faculty Senate that current conditions of the university are undermining academic quality, are contrary to the academic mission of the university and damaging the academic reputation of the university. After a number of friendly amendments were made and accepted and much discussion, a motion was made and passed to add the second paragraph of the original motion of no confidence to the current motion. That paragraph states: “Therefore, the University of New Hampshire Faculty Senate, consistent with its constitutionally-mandated responsibility to ensure the academic quality and integrity of the university, hereby asserts its lack of confidence in the Chancellor of the University System of New Hampshire and the University System of New Hampshire Board of Trustees.”

After another friendly amendment, the motion read that **“it is the view of the University of New Hampshire Faculty Senate that numerous past and present actions of the Board of Trustees and the University System of New Hampshire Chancellor threaten the University of New Hampshire's academic quality, are contrary to its academic mission, and are damaging its academic reputation. Therefore the University of New Hampshire Faculty Senate, consistent with its constitutionally-mandated responsibility to ensure the academic quality and integrity of the university, hereby asserts its lack of confidence in the Chancellor of the University System of New Hampshire and the University System of New Hampshire Board of Trustees.”** This motion **passed** with twenty-two ayes, two nays and five abstentions.

IV. Adjournment - The meeting was adjourned.