

UHD Faculty Senate Meeting

December 6, 2012

Minutes

Present: A. Allen (President), G. Preuss (President-Elect), J. Schmertz (Secretary)

C. Bachman, C. Burnett, S. Farris, J. Hackett, J. Harned, V. Hrynkiv, P. Kintzele, P. Li, C. Nguyen, W. Nowak, A. Pavelich, R. Scott, A. Sikka, K. Switzer, W. Waller, I. Wang, V. Zafiridis

Absent: J. Ahmad, R. Beebe, M. Benavides, G. Evans, P. Lyons (Past President), S. Penkar, L. Spears, V. Tzouanas, K. Wright

The revised minutes from November 16 passed, with the amendment that the new core is 42 hours (not 44, as Schmertz had erroneously reported).

Ensor announced that the library now subscribes on a campus-wide basis to the *Chronicle of Higher Education*. Sikka felt faculty will be much more aware of higher education issues as a result.

Allen has received the names of four nominees who are to work on the new Faculty Handbook. He should have a slate ready for a vote for the next Senate meeting. The Core Curriculum Committee has been announced, with Gary Stading as chair. Allen brought to Provost Chapman some concerns that the committee might be too small to do a large amount of difficult work. The provost said the committee will be an oversight committee that will “check boxes” for smaller committees that will do the key work. This as far as the conversation about this committee went before everyone left for the SACS meeting in Orlando.

FSEC raised concerns about the absence of administration at Senate meetings. Allen was assured that officers would attend regularly—if Dr. Chapman cannot come, he will send Dr. Dressman or perhaps Dr. Stading. Dr. Flores will come to the first Senate meeting next spring.

Report from VP Bradley

We now have a UHD Parking/Transportation Advisory Committee. It is considering how to optimize space used for parking. In the Spring we will have 2 new parking levels --P2 and P3-- under Academic Building, providing a net gain of approximately 100 newly created spaces. Visitor parking will move back to its original place on the ground floor beneath the Academic Building, so Bradley said it will feel more like 160 new faculty/staff spaces, because the visitor parking that has currently been taking up space in the Faculty/Staff Garage will again be available for faculty and staff. We need to make sure the new Academic Building spaces are used effectively.

The current Faculty/Staff Garage will need to be demolished and rebuilt in the near future. The construction of the new Academic Building Garage (P2 & P3) was done with the future Faculty/Staff Garage in mind. As a result, the traffic flow in the Academic Building Garage will be awkward, and not conducive to driving around hunting for parking. The two garages, although available to both faculty and staff, will not be connected, so each will have its own set of ramps. With congestion already an issue out in this area, there are concerns about faculty/staff driving through both of these garages at times of peak demand, hoping to find a spot. The

solution proposed by the committee is to make the newly created 100 spaces into a reserved parking area.

As a “pilot project” starting this spring, the new spaces will be reserved and made available under the following provisions: (a) the spaces would be distributed by lottery; (b) only those who would use the space during “peak hours” would be eligible to enter the lottery; and (c) an additional pro-rated fee of \$70 would be added to each of these reserved spaces. The provision that the reserved parking will only be available to those who are here predominantly from 8-5 M-Th means that it will be mostly staff, not faculty, who will wind up in these reserved spaces. It is Bradley’s contention that faculty will benefit significantly from the fact that 100 people will no longer be competing with them for space in the Faculty/Staff Garage.

The Committee is looking for ways to ensure night-time use for those spaces, which will otherwise be sitting vacant after 5pm M-Th. Adjuncts who teach only in the evenings may be assigned to these spaces, which again will lessen demand for spaces in the Faculty/Staff Garage.

Kintzele asked why the new system benefited staff, when staff currently have the least problem finding spaces? Bradley said the proposed program for allocating these spaces is about making sure these spaces will be heavily used at what is clearly UHD’s period of peak faculty/staff demand for parking. Bradley stated that faculty work differently than staff, with many arranging their work schedule so that they may not have to be on campus every day. When asked if he thought staff would be willing to pay the \$70 premium for such spaces given that they generally are not having a problem finding a space now due to their early arrival time, Bradley said that based on our experience with the buddy system, staff will likely be willing to pay the extra money for the reserved spaces so that they can leave campus and know for sure that a space will be there when they return.

Sikka suggested that the committee was operating under a false assumption that faculty arrived to campus shortly before class and did not stay there long afterwards.

Sikka also said that the committee should consider reserving Washington St. parking for faculty who work or have offices in Commerce Building. Next year when the One Main parking is demolished, the parking situation will be very bad, but it will hit Commerce Street faculty hardest.

Chiaviello asked if the buddy parking area will remain. Bradley said it would. Moosally asked how faculty who regularly worked 8-5 M-Th would demonstrate their eligibility. Bradley was not sure, but thought maybe they could be awarded on an “honor system” and taken away if not properly used. He also thought it might be possible for faculty to partner with a colleague to go into the lottery, in a way that would be similar to the current buddy system. Those partners would not be excluded from parking in Faculty/Staff if their colleagues happened to come in on the same day and get the spot first.

Bradley noted that parking for students is particularly bad at UHD. Much is up in the air as we wait for Metro to complete its work and for new administrators to get their bearings and provide input into master plans. The UH-System master planning group recommended for UHD a ratio of parking spaces to students of .34. Our ratio is .15. UHD has a deficit of around 1,100 student spaces. We need to build, but must be careful not to overbuild, particularly as online, offsite, and hybrid courses are on the rise.

Replacing Faculty/Staff is a deferred maintenance issue. There will be no net gain in parking spaces. This project could take between 15 and 20 months, starting from the planned demolition date of Summer 2013. The length of the rebuild depends on whether we decide to build a Welcome Center, or some other type of occupied-space, on the ground floor.

To accommodate projected plans, we need about \$1.1 million per year just for debt service on the approx. \$15 million construction cost. We raise that much in parking revenue now, but that is all being used to run the Parking Office, pay the shuttle bus contract and provide general upkeep for the lots. That means parking rates will increase. Preliminary estimates are that student rates will shift from \$50 to \$75 a semester for surface parking, and more for garage parking. Faculty/staff currently pay \$85/year; consideration is now being given to raising that to \$200/year. Reserved spots are currently \$190/year, and that might go to \$350 or \$375 per year. This will still be considerably cheaper than what UH charges (e.g. faculty there pay \$202 for un gated parking and \$512 for garage parking). However, Bradley acknowledged that St. Thomas and TSU are area urban universities that so far have managed to keep their faculty/staff parking affordable, so it is something of a mixed bag. The Committee will research how these institutions keep their parking fees low. In response to a question from Pavelich about why the money for construction had to come from parking fees, Bradley said that all such “auxiliary operations” are expected to be “self-sustaining.”

Bachmann asked when Metro would complete its work. The original estimate was 18 months of construction, putting completion at January 2013. However, Bradley thinks there is a possibility that Metro will be out of our area by September 2012, based on McCall’s discussions with the project manager.

Sikka said that some “serious PR” will be needed to convince faculty from Urban Education that they should pay \$200 for the possibility that there will be more spaces available for them to choose from as a result of planned construction. These faculty suffer most from the competition for parking because they must return to campus after teaching classes in the public schools. Bradley said we should wait and see what happens during the spring pilot. He also stated that after these one-time market-catch-up increases for FY2013, he would advocate for a longer-term plan that would include smaller annual increases for several years. This is how UH has approached parking fees in recent years.

Sikka said that the fee increases Bradley discussed are part of a bigger picture of “drastic steps” that force faculty to sacrifice too much to maintain the university’s budget. She noted that new administrative positions are being created and salaries are being raised without appropriate processes.

Li advised Bradley not to reference UH parking fees in defending parking increases. Their faculty salaries are much higher.

Bradley will sent out a message about this proposed program for use of the new spaces/lottery in the next few days. Burnett asked if the Commerce St. faculty could be given special consideration for the new spaces. Sikka added that there are only 10-11 workable spaces for the entire Commerce St. building. Bradley said that giving preference to Commerce St. faculty would not maximize space usage.

Moosally suggested that the parking committee survey faculty at the end of the spring semester to see how space is actually being used, in particular to see if Commerce Street faculty were

benefiting equally from the changes. If not, it would be time to take up the suggestion of giving this group special access to the Washington St. lot.

Chiaviello said it does not seem egalitarian for the President's Office to take up the lower level of parking. Even motorcycle spaces have been taken away, which Chiaviello understood was done so that the president could turn more easily. Bradley said that the space currently set aside does not take a whole level away, and that the area for the president's office would be moving out of the Faculty/Staff Garage and back under the Academic Building.

Faculty offered other suggestions. Kintzele asked about counters that would say if lots were full. Li asked if security could monitor where the spaces were. Switzer said there needed to be a safe pedestrian walkway connecting Main St. with the Washington lot.

Committee Reports: Dr. Moosally of Faculty Affairs Committee (FAC)

Allen had asked the chairs of all the shared governance policy writing committees to report, but Stading (chair of the University Curriculum Committee) is in Orlando doing SACS work and Belbot (newly elected chair of Academic Policies) has nothing to report as yet. He asked Moosally to deliver her report for Faculty Affairs.

Moosally passed out a chart (Appendix A to the minutes). ORCA (Organized Research and Creative Activity policy) has gone back and forth between administration and faculty. The stumbling block is the issue of deans and chairs recommending and approving applications (as opposed to simply being notified about them). The President (via the Provost) wants to include deans and chairs in the chain of evaluators. FAC modified the proposal to accommodate the request, but also added an appeals process to guard against proposals being turned down on grounds extraneous to the quality of research (i.e. budgets and scheduling). Faculty Senate Executive Committee (FSEC) would act as the appeals board.

Academic Affairs is scheduled to meet on Friday, December 16.

Faculty Appointments policy: FAC has prepared a chart for a host of new faculty job categories that had been handed to them (clinical faculty, visiting faculty, and many more). The chart addresses job descriptions, hiring processes, funding sources and teaching loads for these titles. Once FAC has "language," a policy will come before faculty for review.

The faculty development leave policy was approved by Academic Affairs Council in 2010 but has not been signed. Moosally asked Provost Chapman about the status of the policy. Chapman said he thought he recalled that President Flores had some concerns about it. Faculty Affairs has not been informed as yet about these concerns. This is a very important policy for faculty and it has been "sitting out there for a very long time."

Faculty Affairs changed the language of the Grievance Policy so that deadlines are now expressed in terms of "working days." They decided that any change to how time limits at hearings would be allocated would be "substantive," and therefore chose to leave existing language alone. The Provost has said he believes there may be a system-wide grievance policy; if so, the policy will be examined by UFEC (the body consisting of the Senate leadership of all universities in the UH system).

Rank and Tenure will collate the feedback it has received from individual faculty and faculty groups, as well as a document sent by the Provost titled "What Counts." From all of these documents, they will develop a set of principles and a faculty survey.

The Provost has visited some departments to inform them that Rank and Tenure committees may no longer abstain from voting on candidates for tenure /promotion. The Provost has indicated that this change comes from the Office of General Counsel (“Legal”), as a response to a recent EEOC ruling. Current policy discourages, but allows for, abstentions. Faculty have expressed concern about how the issue has been handled. Moosally asked the Provost to ask President Flores to make a public “emergency” change to the policy, if it is indeed the will of administration based on legal necessity.

FAC has also discussed the Sponsored Programs Policy, which has to do with the processes governing grants given to faculty. The Provost drafted and circulated a policy on indirect costs. An external consultant will be called in to write a report, and FAC awaits that report before acting further. The course release policy called for by Senate will have to wait until next spring before it is addressed.

There has been “widespread confusion” about the Chair policy. A memo was distributed recently to MMBA that goes against the current policy of elected chairs and indicates that the policy has been suspended. The Provost has stated his wish that chairs be appointed. In her meeting with the Provost last Thursday, Moosally asked him if current policy had been suspended. She was told we are still operating under current policy. She informed him that she would convey this information to faculty. It is a “huge problem” if there is conflicting information and behavior with regard to existing policy. Changes to policy must be publicly announced in writing.

Allen said he would follow up on this issue with MMBA. He had seen the memo as well.

The provost indicated that the faculty dismissal policy may change system-wide. If this is the case, it should, like the grievance policy, be given to UFEC for faculty input. We need to be on the alert for any system-wide policy affecting faculty to make sure it gets faculty input.

The Elimination of Programs policy approved by AAC has still not been signed.

Chiaviello expressed concern about the rush to change/suspend policy. Faculty committees should work with the provost to ensure that policy changes are possible following current procedures; we needn’t rely on “emergency edicts” from the provost or president. Sikka agreed on the necessity for faculty to work together to expedite policy. APC is dealing with a similar glut of activity on policy. Moosally noted that Academic Affairs has not been meeting on a regular basis. The faculty policy writing committees need the AAC deadlines as guides for their own deadlines. It is hard to stay focused on the policy process and keep feedback loops going when the top policy body does not meet.

Kintzele asked how likely it was that there would be an R&T policy in place that would apply to next year’s tenure candidates. Moosally said she hopes there will be a new policy in effect by then, but there may need to be some sort of implementation or grandfathering process.

Li asked for clarification on the mechanism for making emergency changes to policy.

Moosally said that according to policy, the president is allowed to make changes to policy, but they must be clearly emergency in nature and accompanied by a rationale. The president may delegate this power to others, but there still must be justification accompanying any notice of emergency policy changes. The issue of emergency policies created concern among faculty last fall, and has been discussed a great deal by FSEC.

Li asked if the “no abstention” demand could be considered an emergency issue. Moosally said that it could, if it had been made clear from Office of General Counsel that immediate action was needed. Hashemi (from the audience) noted that the Provost had met with her department (FACIS) last week and nothing was mentioned there about abstentions. If such a statement were to emerge from the Provost’s office at this point, it could only apply to next year’s candidates, as the Rank and Tenure Committee in her department has completed this year’s work.

Switzer asked if any rationale had been given for a “no abstention” change to policy. Moosally said that it had been presented to faculty as a legal interpretation of a recent EEOC ruling. Switzer asked about recusals. Moosally said she did not know. The issue of what circumstances, if any, would permit a faculty member not to vote on an R&T decision had been raised but not answered.

Nowak said that the Provost had told the Arts and Humanities department that they were not allowed to abstain under any circumstances. They were told that if they did so, they would find themselves “in conversation” with the provost, the president, and “legal.”

Preuss said the ombuds report indicated a problem with abstentions. Some faculty are abstaining because they don’t want to put themselves on record.

Moosally said that policies are put into writing for a good reason—so that everyone can refer to them and get consistent information. FAC is concerned that there has been no consistent, widespread articulation of the change or the need for it. We are not even sure what is being asked of us. This puts the institution at risk.

Chiaviello noted that he missed a Rank and Tenure committee meeting because he was sick, and felt he was not qualified to cast a vote because he had missed the discussion on the candidate. He had assumed abstention would be an option in such cases, but in his visit to the English department, the provost had said that abstention could be perceived as retaliation. Chiaviello was further concerned that the principles of democracy not be violated: disallowing abstentions dictates to some degree how you vote, by forcing a yes or no answer. There are situations where it is not good to vote, such as when you simply don’t know. We should stick with the policy as it is now, and debate a change when it comes up.

Waller stated that he is deeply concerned about the inconsistent message that has been sent on abstentions by the Provost visiting some departments but not others. The provost never met with his department (CMS), and when he asked the status of abstentions, nobody knew or had received any instructions. Administration needs to make itself clear by attending Senate meetings and announcing important changes there. Pavelich disagreed—a Senate announcement is not an adequate substitute for an administrative memo or a real policy change.

Sikka stated that she has had feedback on the ORCA policy. Two of her colleagues are concerned about chairs and deans having the power to both evaluate and approve proposals. Moosally said there is language in the policy draft that says the quality of a proposal should be the primary basis for decisions, and that deans and chairs would be required to provide rationales for their decisions. There is also the provision for an appeals process. She is not sure whether the proposed changes answer the real question about why deans and chairs should be evaluating proposals in the first place. Pavelich said he had been part of the original policy writing process that eliminated chairs and deans. Part of the objective at the time was to trim down paperwork for chairs. He feels there is no reason to have three bodies doing redundant work that might not

be considered by the ORCA committee that makes the final recommendation, or by the provost. Moosally said that FAC had told the provost that since he had the power to authorize the grants, he could consult deans and chairs as necessary. However, she had been told that President Flores wanted deans and chairs to be part of the reporting process.

Preuss asked how the ORCA process differed from other internal grant or leave processes. Moosally said that the faculty developmental leave policy does not require deans and chairs to evaluate proposals. It may be that the issue of chair and dean approval is what is holding up the approval of the faculty leave policy as well.

Harned asked who currently reviews proposals for this policy. Moosally said there was no official process. When Sponsored Research policy was “emergency-revised” in 2009, the process for ORC grants disappeared. Harned thought it was a good idea to spell out a process, as there is currently no review committee in the English department.

Schmertz called for a point of order on the agenda item of approving that Bill Gilbert continue as Ombuds. Allen said Senate ex-president Lyons had originally been scheduled to present that agenda item, but that Lyons had emailed before the meeting to say he could not attend. Moosally said that policy says we must have an ombuds in place by January 1. Allen said that Gilbert’s report showed that he was doing a good job. There was minimal feedback in terms of evaluation, but Allen felt Gilbert was not necessarily to blame for the low response rate. Schmertz moved to approve Gilbert’s reappointment. Preuss seconded and Gilbert was approved as ombuds with 16 in favor and one abstention.

The discussion returned to the ORCA policy. Nowak felt that the lack of evaluation criteria in the proposal was a bigger concern than the approval of deans and chairs. Proposals are being judged by things like degree of student involvement in proposed projects. Moosally said this is only one of three evaluative criteria stated in the policy, and only one criterion needs to be met. Sikka said that since disciplines differ in what they value, she thought it was a matter of academic freedom not to have more specific university-wide rubrics. Nowak said when he was on the committee, they did have a more specific rubric, and not to publicize it was tantamount to having a secret agenda.

Pavelich said Nowak’s comments underscore the problem with the policy: the ORCA committee makes the recommendation about whether to approve a proposal, but discussion of it is largely absent from the policy because of the focus on chairs and deans.

As the meeting had run overtime, no quorum was available to vote on the ORCA policy, but discussion continued.

Farris was concerned that the inclusion of deans and chairs in the policy revision represented a “creeping paternalism.” A professor’s research agenda could be compromised because a chair felt it complicated his or her staffing plans. Could the votes of chairs and deans be considered “advisory only”? Michelle said the votes were advisory in the sense that the deans and chairs cannot stop an application from reaching the ORCA committee and provost. However, the ORCA committee might not feel empowered to counter a dean’s or chair’s “advisory” recommendation.

Waller agreed with Nowak that if there is an evaluation rubric that gets passed down from year to year, this rubric needs to be made explicit.

Moosally said the above concerns could be brought to AAC. If the policy needs substantive changes, it could be referred back to AAC.

Sikka pointed out that the Senate President and President-Elect were voting members of AAC and needed to know how to vote on this policy. In the absence of a quorum, could an electronic vote be set up? Allen pointed out that Sikka could not make a motion in the absence of a quorum. Sikka said that this did not prevent him from asking for an electronic vote.

The meeting was adjourned.

Respectfully submitted,
Johanna Schmertz, Ph.D.
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Faculty Senate Secretary