

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

September 14, 2020 – VIRTUAL SENATE MEETING

ZOOM LINK: <https://udel.zoom.us/j/95356378267>

4:00 PM

MINUTES

Members Present: V. Alexander, M. Aristigueta, D. Assanis, A. Bhat, A. Biddle, C. Boncelet, D. Brinley, D. Burris, J. Busch, D. Buttrey, J. Cohill, H. Doty, V. Fedel, A. Fields, J. Fuhrmann, D. Galileo, M. Gardner, B. Hanson, G. Henry, F. Hofstetter, P. Inguito, J. Jebb, A. Johnson, T. Kaminski, A. Karpyn, S. Kaufman, D. Koltoski, M. Laberge, S. Lanteri, R. Lee, S. Lu, K. Matt, C. Guerron-Montero, J. Morgan, R. Moore, R. Morgan, J. Morrison, L. Nees, E. Orsega-Smith, S. Partridge, J. Pelesko, S. Raible, M. Rieger, J. Riera, L. Reidel, C. Riordan, M. Robinson, J. Russ, I. Shah, K. Schell, G. Schleiniger, J. Sharpe, H. Shenton, G. Silber, W. Simpson, D. Stevenson, J. Tanis, K. Theopold, Y. Tsai, T. Vickery, C. Williams

Members Excused: J. Daniel, A. Hestvik, P. Huq, W. Lewis, I. Obrunski, V. Perez, W. Vincett, E. Atkewana, B. Weber

Members Absent: None

- I. Adoption of the Agenda
 - a. Approved unanimously
- II. Approval of the Minutes: [July 20, 2020](#)
 - a. Approved unanimously
- II. Presentation of Excellence Awards
 - a. Excellence in Teaching
 - i. Salil Lachke
 - ii. Jill Flynn
 - iii. William Rose
 - iv. Owen White
 - b. Excellence in Graduate Student Teaching

- i. Diane Lucas Baca
 - ii. Harrah Newman
 - iii. Prabha Kumar
 - iv. Kendell Daughtry
- c. Undergraduate Academic Advising
 - i. Jennifer Saylor
 - ii. Tracey Holden
 - iii. Vince Di Felice
- d. Scholarly Community Engagement
 - i. David Teague
 - ii. Jenni Buckley
- e. Scholarly Community Engagement for Graduate Students
 - i. Andrew Jenky
 - ii. Kalyn McDough
- f. Mid-Career Faculty Scholarship
 - i. Pasha Bueno
 - ii. Chengmo Yang
- g. Jon Olsen Award
 - i. Fred Hofstetter

IV Remarks:

President Dennis Assanis

- Welcome and best wishes for health
- Health and safety is #1 concern
- At this point only the 10% most crucial classes are face to face
- Thanks to the faculty for their hard work and for stepping up
- Still struggling to get message across to students
- Thanks to Fall Planning Committee, which will continue to work through the fall semester
- Power point presentation on budget matters
 - Very uncertain
 - Looking at significant losses
 - Some of the deficit will be covered from the investment portfolio
 - Anticipated deficit not as bad as thought, but fall deficit will be worse
- Grim prospects, including furloughs and layoffs
- John Morgan asked about capital budget as opposed to operating budget
- President Assanis replied that much construction has been suspended, along with some deferred maintenance
 - Drake Lab work will continue

Provost Robin Morgan

- Might have to go with tuition discounts
- 1198 faculty participated in workshops
- Anti-Racism Initiative is doing great work on behalf of equity and inclusion
- Grad College is getting underway

- Kinservik is leading a task force on equity in faculty evaluations
- 86 new faculty, please reach out to welcome them in this weird times

V. Announcements: Senate President Charles Boncelet
If Senators need to miss a meeting, they need to tell Karren in advance

Senate Parliamentarian John Jebb on Robert's Rules of Order

VI. Consent Agenda: None

VII. Regular Agenda:

A. Unfinished Business: None

B. New Business: None

VIII. Presentations: None

IX. Introduction of New Business:

Such items as may come before the Senate. (No motion introduced under new business, except a motion to refer to committee, shall be acted upon until the next meeting of the Senate.)

RESOLUTION RECOMMENDING THE AMENDMENT OF THE UNIVERSITY OF DELAWARE'S MISSION STATEMENT

Cosponsored by Senators Buttrey, Fedele, Galileo, Hestvik, Kaufman, Koltonski, Morgan, Morrison, Perez, and Reidel

WHEREAS, on April 5, 1993 the University Faculty Senate approved a Mission Statement for the University of Delaware in which the University was described as a "state-assisted, privately-governed institution,"¹ and

WHEREAS as a result of a subsequent revision of this Mission Statement in 2008² the University of Delaware is now similarly described as "State-assisted yet privately governed,"³ and

¹ <http://facsen.udel.edu/Sites/agendas/FACSENAGENDA1993April5.pdf>, Attachment 2, lines 10-11.

² See <http://facsen.udel.edu/Sites/minutes/Minutes2008March3.htm> and <http://www.facsen.udel.edu/sites/Executive/MissionStatement.htm>.

³ <https://facultyhandbook.udel.edu/handbook/foreword-mission-statement-university>

WHEREAS for many years, and especially recently,⁴ the description of the University of Delaware as “State-assisted yet privately governed” has prompted questions by legislators and their constituents about the University of Delaware’s true legal status and why the State of Delaware should financially assist a “privately governed” university, and

WHEREAS the phrase “privately governed” is unclear and potentially misleading, and apparently has sometimes resulted in inaccurate descriptions of the University of Delaware as “privately chartered” or as a “private university”, such as in an interview of former President Harker published in the *UD Messenger* in November 2008⁵ and in the reports on the University of Delaware by the Middle States Commission on Higher Education in both 2011⁶ and 2016,⁷ and

WHEREAS neither the phrase “privately governed” nor the adverb “privately” nor the adjective “private” appears anywhere in the Charter of the University of Delaware approved by the Delaware legislature in 1913 or in any of its subsequent revisions by the legislature,⁸ and

WHEREAS in exchange for being given the right of eminent domain by Delaware’s legislature in 1913, the Trustees of Delaware College (as the University of Delaware was then known) “deeded all its property – lands, buildings, books, apparatus – to the state on June 17, 1913”,⁹ and

WHEREAS on March 16, 1950, in a memorandum to all the other Trustees and several administrators, Judge Hugh M. Morris, an alumnus of the University (Class of 1898), a member of the Board of Trustees since 1929 and the President of the Board of Trustees since 1939, wrote “the University of Delaware is a State institution”,¹⁰ and

WHEREAS on August 9, 1950, Vice Chancellor Collins J. Seitz, a UD alumnus (Class of 1937) who has been called “Delaware’s greatest judge”,¹¹ in the case of *Parker et al. v. University of Delaware* found “beyond any reasonable doubt that under common law tests the State of

⁴ See, e.g., <https://delawarestatenews.net/government/ud-officials-face-questions-on-schools-public-private-status/> and <http://www.wboc.com/story/42212730/delaware-panel-finishes-marking-up-next-years-budget>.

⁵ http://www1.udel.edu/udmessenger/vol16no3/stories/otg_presidents_reflections.html

⁶ <https://www1.udel.edu/provost/aca/TEAM-REPORT-FINAL-VERSION.pdf>, p. 4, first paragraph: ‘UD is a self-described “private university with a public mission”.’

⁷ <https://cpb-us-w2.wpmucdn.com/sites.udel.edu/dist/9/2591/files/2014/12/2016-Reviewers-Report-U-of-Delaware-1k3czyn.pdf>, p. 2, first paragraph: ‘the University of Delaware (UD) is a state-assisted private university’.

⁸ <https://facultyhandbook.udel.edu/udcharter>

⁹ John A. Munroe, *The University of Delaware: A History* (1986), Chapter 7, pp. 204-205. Online version: <https://www1.udel.edu/Archives/books/munroe/chapter7.html>

¹⁰ See the attached scan of this memorandum dated March 16, 1950, which is kept in the University Archives among the Amy Rextrew papers.

¹¹ <https://www.delawareonline.com/story/opinion/columnists/harry-themal/2016/09/09/remembering-collins-j-seitz-delawares-greatest-judge/90124096/>

Delaware has created a state agency at the University” in his opinion ruling that African-American residents of Delaware were entitled by the equal protection clause of the 14th Amendment to the US Constitution to have their applications for admission considered by the University’s authorities,¹² thereby resulting in the University of Delaware’s desegregation 4 years before the United States Supreme Court’s decision in *Brown v. Board of Education* that it was unconstitutional for state agencies to deny students educational opportunities because of their race, and

WHEREAS on August 14, 1950, Judge Morris sent to Acting President Allan Colburn a copy of Vice Chancellor Seitz’s opinion with a cover letter in which he wrote “The law of this State, with regard to the matters therein discussed, is as stated in that opinion. You will, of course, see to it that the law, as stated in the opinion, is observed by the University both to the letter and in its spirit”,¹³ and

WHEREAS for several decades in their submissions of information to *US News & World Report* UD’s administrators have consistently described the University of Delaware as a “public” institution,¹⁴ and

WHEREAS Criterion 6 of the Middle States Commission’s Standard II (“Ethics and Integrity”) states that “An accredited institution possesses and demonstrates ... honesty and truthfulness in public relations announcements”, and

WHEREAS the Middle States Commission’s 14th “Requirement of Affiliation” is that “The institution and its governing body make freely available to the Commission accurate, fair, and complete information on all aspects of the institution and its operations”, therefore

BE IT RESOLVED that the University Faculty Senate recommends that the first paragraph of the University’s current Mission Statement be revised to read as follows:

“The University of Delaware exists to cultivate learning, develop knowledge, and foster the free exchange of ideas. ~~State-assisted yet privately governed, the~~ The University has a strong tradition of distinguished scholarship, which is manifested in its research and creative activities, teaching, and service, in line with its commitment to increasing and disseminating scientific, humanistic, artistic, and social knowledge for the benefit of the larger society. Founded by the Reverend Francis Alison as an academy in New London, Pennsylvania in 1743 and first

¹² <http://law.justia.com/cases/delaware/court-of-chancery/1950/75-a-2d-225-4.html>

¹³ See the attached scan of this letter dated August 14, 1950.

¹⁴ See page 1 of UD’s most recent submission for the Common Data Set:

https://cpb-us-w2.wpmucdn.com/sites.udel.edu/dist/e/2019/files/2014/12/CDS1920_UDelaware-070120.pdf

The submissions in earlier years can be found at <https://ire.udel.edu/common-data-set/>.

chartered by the ~~state~~ State of Delaware in 1833 as Newark College, the University of Delaware today is a land-grant, sea-grant, and space-grant university.”,

AND BE IT FURTHER RESOLVED that the University Faculty Senate recommends (i) that all misleading descriptions of the University of Delaware as “privately governed” or “privately chartered” or the like be removed expeditiously from the University of Delaware’s website and replaced with language accurately describing the University of Delaware as a state university, and (ii) that those responsible for preparing the Self-Study for the upcoming review of our university by the Middle States Commission on Higher Education in the spring of 2021 ensure that in the Self-Study the University of Delaware is accurately described as a state university.

Adjourned 5:14pm