MEETING MINUTES

I. Adoption of the Agenda
Motion moved and seconded and passed unanimously

II. Approval of the Minutes: September 21, 2015
Motion moved and seconded and passed unanimously

III. Remarks: Provost Domenico Grasso
Provost Grasso started with a historical perspective of his vision for accomplishments to be
achieved as Provost. He stated that two years ago he was asked what he would like to see after
his first 5 years. And what he said was what he felt was a high level goal with remarkable
consequences. It is the goal of working together toward a shared vision of what this University is
and can be. He stated that we have made tremendous progress in this direction. We crafted a shared vision of what this University can be in Delaware Will Shine. Provost Grasso then discussed parts of Delaware Will Shine and the goals of the strategic plan. He stated that although we may not agree in courses of action, we should all agree on where we are going. We have a successful example of working together, which is the Revised Budget Model. This model was discussed in a previous letter that went out to the University community. The new model will be implemented in July 2017. The Senate Executive committee and Budget committee will be meeting with the Provost office and all are welcome to give feedback. Everyone was then invited to the next Town Hall meeting on Oct 20 at 4pm in Trabant.

Questions/Discussion

Senator Galileo: Can you state what the biggest differences/improvements in the new budget model will be?

Response: The new budget model is much more simplified; it does not have as many algorithms; dollars are distributed and tracked based on expenditures in each college.

Senator ????: So will the algorithms be posted?

Response: There actually are no algorithms; just a simplified model. It will be posted.

Senator Gizis: Is it too soon to ask about strategic items in the Delaware will shine plan? There are some items that need clarity.

Response: We are hoping that where possible we have critical strength through joining together and that this will allow for multidisciplinary teams to put together multidisciplinary solutions. We have over 60 volunteers to join implementation teams and we would like more. If you would like to work on the implementation plan for Delaware Will Shine, please send your information to me.

Professor Morgan: At Princeton, they have a department of physics and one of astronomy; so joint programs there would be multidisciplinary. Here we have multidisciplinary departments.

Response: Yes I agree. For example, the College of Earth Ocean and Environment is very multidisciplinary. It is really about where we see opportunities.

IV. Announcements: Senate President Bob Opila

Several announcements were made regarding the following:
1. Vote tallies – we don’t count every vote. They only occur in the minutes when we count
2. Podcast – We are working on getting all the podcasts links on the web page
3. In the minutes, Senator Galileo was changed from Dean to Senator
4. Just Mercy author will speak tomorrow, Oct 6, at 5 pm in Mitchell Hall
5. Search for VP and General Counsel in final stages and final candidates will meet with faculty

**Senator David Bellamy:** I would like to make a Point of Order - Please return President Targett’s yellow card to her

**Senate President Opila:** Yes, done.

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**V. Presentations**

1. John Jebb, Faculty Senate Parliamentarian gave an update on Parliamentarian Procedure. He started off with an historical perspective of Robert’s Rules. General Robert was born in 1837 and was a military engineer. His specialty was harbors. He saw the chaos and disorderly assemblies. Robert believed in a manual for meetings – his rules, based on US Congress, were put forth in 1876. 2011 was the most recent version. In Faculty Senate, we use the procedures to help us accomplish our business that are on the agenda. There is a link on the senate webpage that describes the process and posts the rules of the senate. Roberts is used as a guideline and can guide our meetings. Five points were then raised:

   a) The presider controls the floor – no back and forth Q and A among senators
   b) Speakers should plan their remarks and use time efficiently
   c) Debate and voting follow regular procedures
   d) Calling the question should involve patience and thought
   e) The members must uphold decorum

**Senator Zide:** A point of inquiry – How does calling the question interact with the privilege to speak last?
Response: The issue of speaking last comes from Congress and Legislature and it happens due to time limits for debate. So calling the question is reserved for a tactical move.

Applaud from Senate Floor

2. Chris Lucier, Vice President for Enrollment Management and Admissions gave an update and a look ahead. He stated the trend of yield was on the decline and then it reversed and went up and that generated a larger class. And last year, he said we are going to admit fewer students. So we admitted about 1000 students thinking the aggregate yield would decline and we are hoping for 24% and then yield went up again and we are at 25%. We are in a rare set of Universities where we can be more selective and our yield is increasing at the same time. PowerPoint presentation was made.

PowerPoint presentation

President Elect Dhurjati: If the model is not giving you good predictions, isn’t it time to update the model?

Response: We update the model constantly given previous data. The challenge is that the cohorts don’t always behave like they do the prior year. We are trying to predict the behavior of 18 year olds.

Senator Chajes: Thank you. A comment on a point you made. As I look around the room, I do not see diversity in our faculty and that impacts the impression of having a welcoming campus. I think it is an area we need to work on.

Jane Wessell, Graduate Student Government: The issue of transfer students seems important. Is there infrastructure here to ensure those students are supported?

Response: We have the Associate in Arts program and that is the infrastructure for those students. We also have a number of articulation agreements with Del Tech programs. We guarantee admission to UD. But, do we have good support structures to help transition and
retention – NO. That is an area we need to do better. We have a clunky credit transfer process that is difficult to navigate. These are areas we need to work on.

Senator Galileo: I remember a few years ago when the candidates came and one thing that came up was how scattered the tutoring on campus was and I thought that was something your office was working on?

Response: We will definitely be working on that, but it was not as high a priority for this past year. It is definitely on our agenda and I am confident that tutoring is low hanging fruit that we can prioritize and do something about.

Applaud

VI. Consent Agenda: None

VII. Regular Agenda: None

VIII. Unfinished Business:

Senator Alan Fox represented Senator Shabo in his absence and proposed the following resolution:

a. Recommendation from Senator Seth Shabo for the request to add a section to the Faculty Handbook, 4.4.13 Promotion and Tenure that no person at or above the level of Department Chair may serve as a member of the University Committee on P&T, a College P&T committee, or a Departmental P&T committee (Attachment 1)

WHEREAS, the promotion and tenure (P&T) decision is one of the most important a University makes; and
WHEREAS, the integrity of the deliberation on the P&T decision requires a clear separation between faculty input and administrative input; and

WHEREAS, uniformity across the P&T procedural policies of colleges is desirable as otherwise an inherent unfairness taints the P&T process; be it therefore

RESOLVED, that no person holding an administrative position at or above the level of department chair or academic program director (as defined in the Policy Guide for Department Chairs and Academic Program Directors) may serve as a member of the University Committee on P&T, a College P&T committee, or a Departmental P&T committee.

Questions:

Senator McLane: The current resolution, which is revised, came to the P and T committee in 2014 originally. The P and T committee has met once, but we have not met regarding the newest version of this resolution.

Senator Fox: Just to be clear the last meeting was only 2 weeks ago, so I understand what you are saying, but there has not been enough time to send out the updated version.

Senator Boncelet: The P and T committee were unanimously opposed to this resolution for the fundamental reason that an associate dean is not part of the dean. So associate deans have no letter they can sign, since they would not be part of any committee and this resolution takes away their voice in the matter.

Senator Galileo: Now is there going to be something proposed in place of this current resolution?

Senator Fox: I was under the impression that this was the latest resolution

President Opila: No this is not the latest version

Senator Galileo: So, there is a different version that was sent this morning and we did not have time to put it on the agenda.

Senator Fox: I would like to propose we postpone this discussion to the next meeting. We need more time to discuss this.

Senator Galileo: Is this introduced to the senate? So would it be in order to introduce the latest version as a replacement and then have this discussed at a later time?
Parliamentarian Jebb: First, we are having back and forth which we should not be having. Second, the motion that is in has to have someone put it in. There was some misunderstanding, but someone has to place this motion on the floor. So on the floor now is a motion to postpone until time specific.

Senator Galileo: I would like to amend the motion to state that the version that would be considered to go to the committee be the one that was the latest version.

Senator Fox: I will make sure the final version is submitted to the Senate within a few days, so it will be distributed before the next meeting and get it to the P and T committee.

Senator Bellamy: I second the motion

Motion to postpone to time specific passes unanimously.

Amended Resolution

b. Recommendation from Senator Joshua Zide, without the concurrence of the Faculty Senate Rules Committee (Mia Papas, Chair; committee vote: 0-yes, 5-no) for the request to approve a resolution concerning college rights.

WHEREAS, the Faculty Senate of the University of Delaware is a representative body, but the needs of individual Colleges and Departments within the University vary; and

WHEREAS, the Bylaws of the Faculty Senate of the University of Delaware specifically reserve “Powers Delegated to the Several Colleges and Divisions” in Section XIV; and

WHEREAS these functions explicitly include the powers “to seek the continual improvement of academic programs, standards, and achievements in the college; to take an active role in the guidance, planning and administration of the instructional, research, and service activities of the college; to serve as the official channel for the expression of college faculty opinion; to consider and make recommendations concerning (policies governing) appointments, leaves, sabbaticals, promotions, tenure, and dismissal of faculty members”, and
WHEREAS, the Bylaws state that “substantive changes [by the Senate] in such decisions [made by the Colleges] would be referred back to the colleges in question”; therefore, be it

RESOLVED, the Faculty Senate of the University of Delaware reaffirms its commitment to reserving for the Colleges these rights; and further, be it

RESOLVED, the Senate shall not unduly infringe on the rights of Colleges and Departments to make policies including, but not limited to, who is eligible for membership on College and Department Promotion and Tenure Committees, and further, be it

RESOLVED, the Faculty Senate shall, in accordance with its own bylaws, consult with the several Colleges before making policy changes that impact the way the Colleges conduct the delegated functions described above.

Senator Zide states that the purpose of this resolution is simple. The senate has bylaws. And numerous resolutions are in clear violation of these bylaws. So I am calling on the senate to agree by its own bylaws. I thought this would be non-confrontational. These are the rules we are obligated to obey.

Discussion open to the floor:

Senator Galileo: My reading of this resolution is that this motion talks about colleges’ powers, but colleges do not have powers.

Rules committee chairperson, Senator Papas, states the decision of the rules committee as such: “The rules committee voted unanimously in opposition toward this amendment. We reviewed this resolution and in summary, feel that it violates the constitution and the Senate bylaws. It is our opinion that the University Faculty Senate retains the ultimate responsibility for the actions/policies as enacted by the Colleges. The Colleges have the initial responsibility. As outlined within the Faculty handbook, decisions made at the college level are presented through committee to the University Faculty Senate. The University Faculty Senate has every right, as enumerated in the Constitution of the Faculty of the University of Delaware to evaluate polices, procedures, committees (e.g., College P&T committees) that are enacted by the Colleges. To
"consult with the several Colleges before making policy changes that impact the way the Colleges conduct the delegated functions" as stated in the proposed resolution is exactly what a Faculty Senate meeting is, with the Senators from the various Colleges acting as the representatives for the Colleges. Decisions made by University Faculty Senate Committees (and discussion and communication of those decisions with the impacted units, departments, colleges), or by debate and subsequent vote during meetings of the University Faculty Senate is in essence the way that substantive changes are referred back to the colleges.

The relevant passage in the Faculty Handbook states:

"The adoption of the Constitution by the Faculty indicates that the Faculty has assented to grant the collective powers of the Faculty granted by the Trustee Bylaws to the University Faculty Senate except during the conduct of a special meeting of the full Faculty as provided in Section VIII, paragraph 1 of the Constitution of the Faculty of the University of Delaware. Therefore, the University Faculty Senate retains for the Faculty ultimate responsibility in the general areas of curriculum, admission, degree requirements, awards, etc. The committee structure of the Senate reflects the retention of the responsibility of the Senate in these areas. (Rev. fall 1988)

Final or ultimate responsibility is not, however, initial responsibility. The burden for curriculum design, admission policies, degree requirements, prizes, awards and ceremonies must remain at the college level. Each college accepts initial responsibility in these areas. Decisions made at the college level would be presented through committee to the University Faculty Senate. Substantive changes in such decisions would be referred back to the colleges in question."

Past President Hofstetter: Should we call the question or postpone indefinitely?

Parliamentarian Jebb: That is a matter of tactics and preference.

President Opila: The motion is currently alive on the floor

Senator Fox: Is this motion moved and seconded

President Opila: Yes

Senator Hastings: I call the question

Senator Bellamy: Seconded

All those in favor of calling the question: 28

All those opposed: 12

President Opila: The question is called
VIII. New Business:

a. Recommendation from Senator Galileo and Sponsored by Senators Ackerman, Bellamy, Bernstein, Courtright, Eidelman, Fox, Galileo, Hastings, Heinz, McLane, Parcells for the request to approve a resolution concerning the completely confidential nature of the current presidential search process

WHEREAS, for the past several decades it has been the practice of the University of Delaware to conduct its national searches for high-level academic administrators in a reasonably open manner, with public visits to our campus by 2 or 3 or 4 short-listed finalists, and

WHEREAS, in the presidential search currently underway at the University of Delaware, there is no opportunity for either our students or our faculty in general, or the University Faculty Senate, or the AAUP’s leadership, or UD staff, or the public or their elected officials to provide any feedback on short-listed candidates who are being considered, and

WHEREAS, it seems likely that at least some of the final candidates would be willing to make open visits to our campus if their names are placed on a short-list, be it therefore RESOLVED, that the Faculty Senate expresses deep concern about the limitations of the completely confidential nature of the presidential search process as it now is being conducted, and be it further RESOLVED, that the search committee is requested to determine which short-listed candidates would participate in open public forums and to invite at least 3 and preferably more willing candidates for this purpose before our next president is selected, so that our students and faculty and members of the public and their elected representatives can provide some meaningful input into the selection of the University of Delaware’s next president.
DISCUSSION

Gavel was handed over to President Elect Dhurjati since President Opila had a stated conflict of interest as he is on the Presidential search committee.

Senator Galileo: Last May I introduced a motion that passed to have an open search. Now it is known that this search is being conducted in a confidential manner. Limited input cannot represent the collective views of our faculty and students. This resolution is a response to the completely confidential search.

Senator Zide: The senate has told the trustees what we felt about open searches. My concern is that if we pass this, what we are doing is telling them over and over that we are going to yell over and over like children having a temper tantrum. In the future, my concern is that by continuing to tell the trustees our opinion on this matter, we are undermining our credibility in the future. So for this reason, it is harmful to speak our point of view.

Senator Parcells: I would like to read a statement from our combined faculty in the Department of Animal and Food Sciences. In the selection of a new president, we understand the need for confidentiality in the screening. However, we feel as the process moves forward, we would like an open search for several reasons. First, there are no scholarly data supporting the hypothesis that the release of names or an open search has any negative ramifications; Second, selection bias and minority opinion might have negative consequences on the process; Third, in the past, confidential searches have demonstrated that secrecy is not in our best interest; Fourth and finally, we recognize the obligation to our stakeholders, but as a private/public institution, UD also has some obligation to provide the public in the State of Delaware with a role in selection of the next candidate. At the very least public comment is essential in shared governance. We fully support this resolution.

Senator Shah: I don’t see how this resolution is a tantrum. We are asking those who are willing to come to UD to come. That is it.

Vice President Buell: I would like to comment about Senator Zide’s comment that we are behaving like children and that the Board are our parents. That speaks poorly for shared
governance and the move forward to make our University excellent. And as we heard previously, some of the reasons why students don’t want to come here and they feel less than welcome, having a closed search does not bode well for an open environment. If faculty feel disenfranchised and unsupported it is difficult for us to then support our students.

**Senator Heinz:** One of the goals before us is to work together toward a shared vision. I can’t think of a better way to obtain this goal than to have someone come before us and discuss their commitment toward this goal.

**Graduate Student Representative Brody:** On behalf of graduate students; and as we hear today there are 3700 graduate students at UD, we are not represented at all on the presidential search committee. We keep hearing about how important graduate education is to the future of Delaware, but it is difficult to take that seriously when we have been given no representation on this committee and, since it is a closed search, no voice for the remainder of the search.

**Senator Bernstein:** I completely fail to see how the repeated assertion of what we think is right is undermining our credibility.

**Senator McLane:** I have been asked to request the input of the gentleman in the dark suit.

**Past President Hofstetter:** This is out of order if she does not know who it is.

**Parliamentarian Jebb:** The guest might speak at the discretion of the presider.

**President Elect Dhurjati:** Go ahead and speak.

**Representative Kowalko** – I am going to inform you that UD is a public institution and as such there is an obligation by UD to be transparent and conduct certain business in an open and transparent manner. So that everyone might participate in an analysis of the potential leader of this University. As a public institution the commitment is to openness and transparency to the public.

**Past President Hofstetter:** I would like to ask a strategic question. I think the wishes of the senate are well established. I value all the statements made. But we need to think strategically about this. Is it possible for the Board to make this change at this point?

**President Opila:** I think I can address that. The State of Delaware passes the charter to the Board of Trustees. What the board did at that point, was they passed some rights to the faculty and administration. One of the things that the board reserved for themselves was the right to choose the president. Only the board decides the mechanism for the selection. I sit on that search committee. By sitting on that search committee, I accept that charge from the board. Since it is
the Board, things like 3-3-3 amendments that pertain to joint governance between administrators and faculty, do not pertain to the board. Also, we all have signed confidentiality agreements. Therefore, we have legal obligations. Since this undermines the integrity of the search, something might need to be done from a legal perspective.

**Senator Courtright:** Just because the board has the power to do so, does not mean that they are right. The integrity of the search is already gone and it will be gone if we get an announcement one day, “Here is your new president take it or leave it.”

**Senator Zide:** I am in favor of an open search, but the trustees are the ones who have the right to do this. Now, the AAUP can and should register an objection that a faculty member be put forward. But again, I don’t think our request will get us far.

**Senator McNutt:** My understanding is that AAUP has already done that.

**Voices from the floor:** Yes- That is correct.

**President Elect Dhurjati:** The mover of the motion will now have the last word

**Senator Galileo:** The arguments against passing this resolution are unpersuasive. This is just a request. Maybe it can or cannot be done, I don’t know. It doesn’t mean we shouldn’t request it, though. I would like to ask the other senators to join me and vote yes.

**Vote Tally:**

All those in favor of passing the resolution 38

All those opposed: 5

Resolution passes

**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.)

**Senator Fox:** Motion to adjourn

Seconded

All in favor: Unanimous Vote

Meeting ended at 5:35