

1                                   **REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE**

2   **OCTOBER 5, 2015 – 104 GORE HALL**

3   **3:30 General Faculty Meeting**

4   **4:00 Faculty Senate Meeting**

5  
6   **MEETING MINUTES**

7  
8   **Members Present:**   B. Ackerman, M. Badiy, W. Batchis, D. Bellamy, W. Bellion, J.  
9   Bernstein, C. Boncelet, J. Botello, J. Brodie, M. Buell, M. Chajes, J.  
10   Coughenour, J. Courtright, K. Cranker, J. Daniel, E. Davis, C. Dybowski,  
11   A. Everard, A. Fox, A. Friedman, D. Galileo, J. Gizis, B. Glass, D.  
12   Grasso, M. Gutierrez, B. Hanson, S. Hastings, J. Heinz, F. Hofstetter, J.  
13   Jebb, C. Knight, H. Lewis, W. Lewis, R. Marquez, A. Marsh, M. McLane,  
14   J. McNutt, R. Opila, L. Overby, M. Papas, M. Parcells, A. Poorani, C.  
15   Riordan, M. Robinson, T. Rocek, D. Satran, M. Seymour-Green, I. Shah,  
16   H. Tanner, N. Targett, D. Thompson, B. Weber, J. Wessel, J. Zide

17  
18   **Members Excused:** P. Duker, S. Eidelman, T. Gill, T. Hsu, J. Jung, K. Kniel, S. McGeary, K.  
19   Matt, B. Ogunnaike, L. Okagaki, D. Reisman, M. Rieger, G. Watson

20  
21   **Members Absent:**   M. Laberge, G. Melloni, S. Sengos, C. Vukelich,  
22

23   Meeting called to order at 4:10 by President Bob Opila

24  
25   **Meeting Minutes**

26       **I. Adoption of the Agenda**

27   Motion moved and seconded and passed unanimously

28  
29       **II. Approval of the Minutes: September 21, 2015**

30   Motion moved and seconded and passed unanimously

31  
32       **III. Remarks: Provost Domenico Grasso**

33   Provost Grasso started with a historical perspective of his vision for accomplishments to be  
34   achieved as Provost. He stated that two years ago he was asked what he would like to see after  
35   his first 5 years. And what he said was what he felt was a high level goal with remarkable  
36   consequences. It is the goal of working together toward a shared vision of what this University is

37 and can be. He stated that we have made tremendous progress in this direction. We crafted a  
38 shared vision of what this University can be in Delaware Will Shine. Provost Grasso then  
39 discussed parts of Delaware Will Shine and the goals of the strategic plan. He stated that  
40 although we may not agree in courses of action, we should all agree on where we are going. We  
41 have a successful example of working together, which is the Revised Budget Model. This model  
42 was discussed in a previous letter that went out to the University community. The new model  
43 will be implemented in July 2017. The Senate Executive committee and Budget committee will  
44 be meeting with the Provost office and all are welcome to give feedback. Everyone was then  
45 invited to the next Town Hall meeting on Oct 20 at 4pm in Trabant.

#### 46 **Questions/Discussion**

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

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

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

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

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

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

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

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

64

#### 65 **IV. Announcements: Senate President Bob Opila**

66 Several announcements were made regarding the following:

- 67 1. Vote tallies – we don't count every vote. They only occur in the minutes when  
68 we count
- 69 2. Podcast – We are working on getting all the podcasts links on the web page
- 70 3. In the minutes, Senator Galileo was changed from Dean to Senator
- 71 4. Just Mercy author will speak tomorrow, Oct 6, at 5 pm in Mitchell Hall
- 72 5. Search for VP and General Counsel in final stages and final candidates will  
73 meet with faculty

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

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

77

78

79

## 80 **V. Presentations**

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

90 a) The presider controls the floor – no back and forth Q and A among senators

91 b) Speakers should plan their remarks and use time efficiently

92 c) Debate and voting follow regular procedures

93 d) Calling the question should involve patience and thought

94 e) The members must uphold decorum

95

96 **Senator Zide:** A point of inquiry – How does calling the question interact with the privilege to  
97 speak last?

98 **Response:** The issue of speaking last comes from Congress and Legislature and it happens due  
99 to time limits for debate. So calling the question is reserved for a tactical move.

100

101 Applaud from Senate Floor

102

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

110

111 [PowerPoint presentation](#)

112

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

115 **Response:** We update the model constantly given previous data. The challenge is that the  
116 cohorts don't always behave like they do the prior year. We are trying to predict the behavior of  
117 18 year olds.

118

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

122

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

125 **Response:** We have the Associate in Arts program and that is the infrastructure for those  
126 students. We also have a number of articulation agreements with Del Tech programs. We  
127 guarantee admission to UD. But, do we have good support structures to help transition and

128 retention – NO. That is an area we need to do better. We have a clunky credit transfer process  
129 that is difficult to navigate. These are areas we need to work on.

130

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

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

137

138 Applaud

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140

141

142 **VI. Consent Agenda: None**

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144 **VII. Regular Agenda: None**

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146

147 **VIII. Unfinished Business:**

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

150

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

155

156 WHEREAS, the promotion and tenure (P&T) decision is one of the most important a  
157 University makes; and

158

159 WHEREAS, the integrity of the deliberation on the P&T decision requires a clear separation  
160 between faculty input and administrative input; and

161  
162 WHEREAS, uniformity across the P&T procedural policies of colleges is desirable as  
163 otherwise an inherent unfairness taints the P&T process; be it therefore

164  
165 RESOLVED, that no person holding an administrative position at or above the level of  
166 department chair or academic program director (as defined in the *Policy Guide for Department*  
167 *Chairs and Academic Program Directors*) may serve as a member of the University Committee  
168 on P&T, a College P&T committee, or a Departmental P&T committee.

169  
170 Questions:

171 **Senator McLane:** The current resolution, which is revised, came to the P and T committee in  
172 2014 originally. The P and T committee has met once, but we have not met regarding the newest  
173 version of this resolution.

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

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

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

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

183 **President Opila:** No this is not the latest version

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

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

188 **Senator Galileo:** Is this introduced to the senate? So would it be in order to introduce the latest  
189 version as a replacement and then have this discussed at a later time?

190 **Parliamentarian Jebb:** First, we are having back and forth which we should not be having.  
191 Second, the motion that is in has to have someone put it in. There was some misunderstanding,  
192 but someone has to place this motion on the floor. So on the floor now is a motion to postpone  
193 until time specific.

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

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

198 **Senator Bellamy:** I second the motion  
199 Motion to postpone to time specific passes unanimously.

200 [Amended Resolution](#)

201

202

203

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

207

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

210

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

213

214 WHEREAS these functions explicitly include the powers “to seek the continual improvement of  
215 academic programs, standards, and achievements in the college; to take an active role in the  
216 guidance, planning and administration of the instructional, research, and service activities of the  
217 college; to serve as the official channel for the expression of college faculty opinion; to consider  
218 and make recommendations concerning (policies governing) appointments, leaves, sabbaticals,  
219 promotions, tenure, and dismissal of faculty members”, and

220

221 WHEREAS, the Bylaws state that “substantive changes [by the Senate] in such decisions [made  
222 by the Colleges] would be referred back to the colleges in question”; therefore, be it

223

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

226

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

230

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

234

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

239

240 Discussion open to the floor:

241

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

244

245 Rules committee chairperson, **Senator Papas**, states the decision of the rules committee as such:

246 “The rules committee voted unanimously in opposition toward this amendment. We reviewed  
247 this resolution and in summary, feel that it violates the constitution and the Senate bylaws. It is  
248 our opinion that the University Faculty Senate retains the ultimate responsibility for the  
249 actions/policies as enacted by the Colleges. The Colleges have the initial responsibility. As  
250 outlined within the Faculty handbook, decisions made at the college level are presented through  
251 committee to the University Faculty Senate. The University Faculty Senate has every right, as  
252 enumerated in the Constitution of the Faculty of the University of Delaware to evaluate polices,  
253 procedures, committees (e.g., College P&T committees) that are enacted by the Colleges. To



254 "consult with the several Colleges before making policy changes that impact the way the  
255 Colleges conduct the delegated functions" as stated in the proposed resolution is exactly what a  
256 Faculty Senate meeting is, with the Senators from the various Colleges acting as the  
257 representatives for the Colleges. Decisions made by University Faculty Senate Committees (and  
258 discussion and communication of those decisions with the impacted units, departments,  
259 colleges), or by debate and subsequent vote during meetings of the University Faculty Senate is  
260 in essence the way that substantive changes are referred back to the colleges.

261 The relevant passage in the Faculty Handbook states:

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

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

274

275

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

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

278 **President Opila:** The motion is currently alive on the floor

279 **Senator Fox:** Is this motion moved and seconded

280 **President Opila:** Yes

281 **Senator Hastings:** I call the question

282 **Senator Bellamy:** Seconded

283

284 All those in favor of calling the question: 28

285 All those opposed: 12

286

287 **President Opila:** The question is called

288

289 All those in favor of passing this resolution: 5

290 All those opposed: 39

291

292 **VIII. New Business:**

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

297

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

301

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

306

307 WHEREAS, it seems likely that at least some of the final candidates would be willing to make  
308 open visits to our campus if their names are placed on a short-list, be it therefore

309

310 RESOLVED, that the Faculty Senate expresses deep concern about the limitations of the  
311 completely confidential nature of the presidential search process as it now is being conducted,  
312 and be it further

313

314 RESOLVED, that the search committee is requested to determine which short-listed candidates  
315 would participate in open public forums and to invite at least 3 and preferably more willing  
316 candidates for this purpose before our next president is selected, so that our students and faculty  
317 and members of the public and their elected representatives can provide some meaningful input  
318 into the selection of the University of Delaware's next president.

319

320 DISCUSSION

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

323

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

328

329

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

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

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

348 **Vice President Buell:** I would like to comment about Senator Zide's comment that we are  
349 behaving like children and that the Board are our parents. That speaks poorly for shared

350 governance and the move forward to make our University excellent. And as we heard previously,  
351 some of the reasons why students don't want to come here and they feel less than welcome,  
352 having a closed search does not bode well for an open environment. If faculty feel  
353 disenfranchised and unsupported it is difficult for us to then support our students.

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

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

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

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

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

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

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

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

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

376 **President Opila:** I think I can address that. The State of Delaware passes the charter to the  
377 Board of Trustees. What the board did at that point, was they passed some rights to the faculty  
378 and administration. One of the things that the board reserved for themselves was the right to  
379 choose the president. Only the board decides the mechanism for the selection. I sit on that search  
380 committee. By sitting on that search committee, I accept that charge from the board. Since it is

381 the Board, things like 3-3-3 amendments that pertain to joint governance between administrators  
382 and faculty, do not pertain to the board. Also, we all have signed confidentiality agreements.  
383 Therefore, we have legal obligations. Since this undermines the integrity of the search,  
384 something might need to be done from a legal perspective.

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

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

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

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

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

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

397

398 Vote Tally:

399 All those in favor of passing the resolution 38

400 All those opposed: 5

401

402 Resolution passes

403

404 **IX. Introduction of New Business:**

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

407

408 **Senator Fox:** Motion to adjourn

409 Seconded

410 All in favor: Unanimous Vote

411 Meeting ended at 5:35