JANUARY 29, 2013 SU 208 B/C

AGENDA ITEM: I. Call to Order 12:17pm
Present: Emmanuel Ayim, Andrew Bell, Caryl Bellomo, Satish Bhatnagar, Bill Culbreth, Marcia Ditmyer, John Farley, John Filler, Shaun Franklin-Sewell, Karen Harry, Deborah Hart, Kendall Hartley, Cody, Hughes, Abbie Kirkendall, Cory Lampert, Gary Larson, Mike Lawrence, Scott Loef, Nancy Lough, Cecilia Maldonado, Janis McKay, Eugene Moehring, Rhonda Montgomery, Sue Mueller, Gillian Naylor, Neil Opfer, Michael Pravica, Rebecca Pugh, Carola Raab, Bill Robinson, Todd Robinson, Vicki Rosser, Sean Saxon, Silvia Southwick, Bryan Spangelo, Shannon Sumpter, Denise Tillery, Douglas Unger, Susan VanBeuge, Kara Wada, Paul Werth, Mike Wilde, Dana Moran Williams, Joel Wisner, Matthew Wright, Dan Young

Single Meeting Proxy: Bill Culbreth for Wolf Bein, Mike Lawrence for Lori Slinn
Long Term Proxy: Matthew Wright for Peter Bayer
Absent: 0

AGENDA ITEM: II. Approval of Minutes
Meeting minutes approved with the following amendment: correction of spelling of Gerry Bomotti’s name on page 4.

AGENDA ITEM: III. Guest Speaker
A. Mr. John White, Executive Vice President and Provost
   (1) Legislative update. Clarified the comment by the Governor regarding merit. It was stated at the town hall meeting of last week that merit was referring to only step increases for state employees. However, this was clarified since the town hall. The Governor was in fact referring to actual merit increases for all. The problem is that the merit is likely to be channeled through the formula. So there is a possibility that some schools will get more money and in the case of UNLV, less. Our focus is pay restoration and improvements to PEBP. Putting merit in the mix is not pay restoration. There appears that there will be a merit pool of 2.5% which sounds a lot like the pay cut we have all taken. So the bottom line is if this passes, we will need to work together on a framework for how the merit will be distributed. Simultaneously, try to figure out how to get this taken out of the formula.
   Senator Filler – since the chancellor is pushing to support the formula – how will you do that without sounding like going against the formula?
   JW – the chancellor does agree that there should be equity. It does seem to be problematic, so at this point I am not sure if this goes against the chancellor. We can argue this because of the chancellor’s support. Right now sounds like we will have the furloughs restored and a merit that looks like the amount of the pay cut – so we need to prepare to have a framework to figure out how to address that. The other piece is the separation of the general fund and the formula. We are not sure how many of the concerns we will be able to air.
Senator Culbreth - What about out-of-state tuition?
JW - Out of state tuition is not in the formula, so as we grow that part of it we will see those funds. Also any new tuition is outside of the formula – if in the future we decide to increase tuition, we will also capture the funds. There is an interim legislative committee that wrote the framework and subsequently a Regents committee. The Regents committee published a report, but the interim committee did not. They have recently released their report and there is contrast between the Chancellor’s report and the interim committee’s report. We think that by having the other report out, that legislature’s report can help the legislators have some leeway to make changes. While there are two separate pools there are not two separate funds, so the money comes from the same fund. If CSN takes some it may leave us less. We think there should be two separate funds.

(2) Stadium Project. The RJ has created a distorted view of the tax increment zone that is being proposed. The tax increment zone is the UNLV campus exclusively and no other part of Clark County. This allows us to capture any of those additional taxes right here and anything the new arena will capture. We don’t think this is such a big deal, but some do not like taxes at all. This is an issue that the president will be called to talk about, but Dean Snyder will be talking about personally.

(3) Bill Draft Requests. If there are any BDR’s that faculty are bringing forward to the legislators that would bring money directly to the UNLV, we need to be made aware of this. We have been told we are not to bring these types of BDR’s where there is an attempt to circumvent NSHE. This is something we need to be aware of. We are not referring to BDR’s that work engaging organizations within the community. What is of concern are those that create money that goes directly to UNLV for things like more faculty, etc.

Senator Franklin-Sewell – For an example, I am on the faculty senate and work regularly with legislators in my community – does this affect the ability for me to conduct public advocacy?
JW – We are not talking about political positions you might have or advocacy efforts. This is more specifically for those that are meant to draw money that funds jobs at UNLV. For example, UNR put in request for more money to the BDR for the medical school. The Regents rejected it. Coincidentally, there is currently a BDR for the same amount...$10,000,000 for cooperative extension. This is in essence “back-dooring”. In this case, our position will be if this is approved that we also have the right for matching funds. So we want to make sure we are made aware of anything to ensure we are on top of it and can speak if asked. In the meantime, we need to focus on salary restoration and improved health benefits. And, we will only argue for the pieces of the formula that we like.

(4) Listening to Departments II. What we are trying to get at is the vision of how departments can grow and how the department can move forward to achieve their goals. We did get some reports from last year and in some cases got a wish list. Some of our early benchmarking is how small of a faculty we have. When we look at schools that we compare with, we have much less faculty than they have. Even UNR has almost as much faculty as we have. Among the schools that are Carnegie status that are close to us, most have at least 900 and we have only ~700 – so we need to increase the size of our faculty. So part of what we are trying to get at – how do we grow in a way to achieve excellence within. There are many ratings and rankings – select the one(s) that fit your department and how you might go about achieving that status. We are going to go around and listen to the concerns and issues regarding
problems directly from you. Last year the Deans were in attendance, so this year the Dean’s will be asked NOT to attend which will allow for more open dialog. Haven’t decided what to do about the chairs.

(5) Tenure and Promotion. The letters went out on Friday. The committee did an excellent job and thanks to John Filler and all the other committee members. There was no disagreement with the committee. There were quite a lot of good applications. There were a few concerns, but in those cases, it was consistent up and down the line one way or the other. The committee submitted a two-page bullet point list of things to address, along with my points to address; hopefully we can streamline the process.

(6) E-learning
Mentioned early in the fall, the chancellor created e-learning steering group and hired a consultant (Richard Katz and Associates). We have created an internal group to discuss the results of the steering group’s results and to further discuss the phenomenon of MOOCS (massive open online courses). The steering group has one more meeting. The consultants will present a report at the Board of Regents. To our knowledge they will recommend a centralized center. This is of concern, because we see this as a step backward from where we (UNLV) are in e-learning. This also can magnify the problems that we have currently with the community colleges on transfers. Also we are concerned with faculty ownership of the curriculum. This centralized entity will not have faculty that we know of – so this is of concern. Mark Fink, Director of Online Education, at UNLV and I have developed a good relationship with members of the steering committee and the consultants, but they appear to be obsessed with the concept of MOOCS. The big part of their goal is to help address education in rural areas. We have offered an opt-in system that each institution could opt in or not. This way we can decide not to opt in. We also offered if there is to be a center of excellence it should be us. That way we can have better control of the curriculum and quality. We won’t have much of an opportunity to do anything because they anticipate the consultant’s report will be completed just prior to the Regents meeting and presented the next day.

Senator Franklin-Sewell – When is the next meeting of the Regents after they accept the report?
JW – June or there about.
Senator Franklin-Sewell - Are they just accepting the report to write a check to the consultants?
JW – Yes, the problem is once they accept and embrace it, they will feel a sense of responsibility. In my experience when they get a report that tells them that these are the best practices: whether they are or not, they go with it. This is a substantial issue. We are not the only folk working against it. In previous meetings the members have been hostile which might have caused the consultants to dig their heels in.

(7) Provost website. The website is up and running. Hope is to be functional and a place to post news and announcements. We anticipate sending provost emails out on one single day of the week if at all. Our hope is that we can create an archive of information for people to go to. Once we get fully established, you will only get them one day a week rather than every day.
AGENDA ITEM: IV. Reports
A. Ad Hoc Committee on Executive Administrative Hires Report by Dr. Bryan Spangelo
   (See PowerPoint)

Q&A
Senator Franklin-Sewell - Is the Exec Vice President in a separate section?
BS – yes that is true.
Senator Franklin-Sewell – Does Chapter 1, 1.6.1 of the CODE apply to interim or acting?
BS – yes anyone appointed by the president. So we need to clarify what consultation means – the
CODE doesn’t do that.
Senator Unger – These recommendations will require a separate review board to check on the
annual evaluations, and make this check. In other words, there is a whole huge amount of work
that will be designated to a committee.
BS – Yes, but not for us.
Senator Unger – Who would do this? This is a great deal of work just to do the comparisons, etc.
So how do we do this – it requires more administrative staff.
Senator Robinson – We are just pointing out what the handbook says...this is required by the
president, vice presidents, etc. So they have to report on this.
Senator Filler – Since it is required. How are we doing it now? How is that happening now?
Senator Robinson – There was a taskforce that looked at this and did an equity analysis on
everyone. You could then figure out in institutional analysis and figure out where you were and
know where the inequities were. Never got addressed but it was there. I suggest that we do a
campus-wide analysis that shows anyone.
Senator Filler – I don’t think it is being done
Senator Robinson – I don’t think so either
Senator Unger – Isn’t it being done anecdotally even if wrong, but being done.
Questions on conflict of interest statement that is being recommended added to the current
form.
Senator Wilde – How do you establish intent? When is the intent and how do you define that?
BS – trying to balance to impart fairness. It is intuitively unfair to see all the applicants and then
apply. It is the honor system.
Senator Robinson – it is not binding, but typical conflict of interest statement
Senator Filler – Are you endorsing this language or send to the bylaws committee?
BS – not this.
Senator Hartley – Don’t need this if you approve the bylaw changes.
BS - The bylaw change says you shouldn’t, but this says you won’t. Trying to address being on the
committee and not being on the committee
Senator Ofer – What if the search fails?
BS – This is simply meant to say that if you see the applications you should not jump into the mix.
Senator Unger – How do you know when the pool fails? What if the member of the committee is
then pushed into it by the committee and/or the president and that person is the most qualified
person to fill that hole? So how do we accommodate that person?
BS – We recommend that person be made an interim for a year and then you can apply down the
road.
Senator Franklin-Sewell – Did HR seem amenable to adding this statement?
BS – Yes, if approved by president. Would suggest that EC report in the fall retreat what we are doing in this regard. Some mechanism to do this.

Elda Sidhu, General Counsel...spoke addressing various concerns following Dr. Spangelo’s presentation.

1. What is the legislative intent. The way written if the search fails and there are internal good candidates. We reopen, the committee starts again. Does this solve the problem or just push it back 6 months?

2. We are saying the basis is Conflict of Interest – Where is this a conflict of interest? It might make some uncomfortable, but cannot find any basis of conflict of interest in this. So if we go forward with the conflict of interest how do we show intent? Where it says agree not to apply – how long? As a matter of public policy we should be able to hire anyone who is eligible

Senator Culbreth – Isn’t there a conflict if a committee member is one that applies?
ES – There is nothing that says that is a conflict – maybe it gives them an advantage and a leg up but not a conflict.

Senator Unger – If the search is failed – then if someone is on the committee – seems if qualified we would want them to have that chance – we need to have language that allows a step-by-step procedure.
ES – We can end up in the exact same situation.

Senator Robison – To do that you have to affirmatively do that – but the president has to say the search is failed. So the president leaves a trail that it was done. There is a huge difference.

Senator Franklin-Sewell – If that is the case, it wouldn’t address what happened, since he did call the search a failed search.
ES – No he did not.

Senator Franklin-Sewell – He wasn’t going to hire any of the candidates.
ES – A failed search, the search is officially closed, and then the new committee is formed.

Senator Montgomery – I wanted to speak of the conflict of interest – a person on the search committee involved in developing the questions and asking the questions has an inside advantage – we are asking to address that conflict of interest.
ES – The term is not really the correct term.

Senator Filler – Move that we accept Dr. Spangelo’s report and send it to the bylaws committee. And then they bring it back for discussion.

Chair Sumpter – Motion carried, the report is accepted. The committee is now discharged. Thanks to the committee.

Senator Wright - Could we task the administration how they are doing to meet the NSHE code regarding equity.

Chair Sumpter – Who would it go to?

Senator Wright – the Provost

Senator Mueller – Could add to their evaluation.

Motion is made by Senator Culbreth – Ask the administration starting with the president how those sections of the code are being adhered to and if so the metric and if we can have the results.
Senator Filler – I think the best way is to have the EC discuss with the President at their regular meeting and report back to the senate. These codes, etc. Senator Unger Second and motion passed.

B. Chair’s Report.
Active shooter presentation rescheduled for February meeting. Resources available online and urge individual units to contact Police Services to present within your units.

The Board of Regents first meeting of the new year: introduction of and for new Regents informative. The Regents approved a contract for UNR’s new football coach.

Retirement Planning Advisory Committee here on February 21st and 22nd to do town halls similar to the presentation given us. Please urge your colleagues to attend. Deadline for RPAC survey extended to March 1st.

PEBP - Dr. Chris Cochran was appointed to the Board by the Governor. Dr. Cochran not allowed to vote at the PEBP meeting in December and the mid-tier option not adopted by a 4-4 tie. Gerry Bomotti leads the NSHE Task Force on Health Care and has research and options that the PEBP board may consider. For the next year health care remains the same. PEBP Board meeting Thursday video-conferencing into the NSHE Offices on West Flamingo.

I mentioned the Governor’s State of the State earlier. Provost White and President at the remain committed to salary restoration. The Chancellor has confirmed a similar commitment and continues to remind the Board that they must speak of a single mind about this. The Graduate Professional Students’ Association also adopted a resolution supporting restoration of salaries. February 25th has been designated Education Day in Carson City and student groups will be in Carson City to emphasize the importance of funding education in Nevada. The Faculty Senate chairs group is working on scheduling visits with legislators. The chair of chairs is compiling “up close and personal stories” of how the budget cuts and health cost increases have impacted faculty. Please submit “stories”.

President Smatresk’s evaluation will be taking place the week of April 29th. The Faculty Senate is tasked with conducting a survey of the faculty and Campus Affairs committee will “Design and conduct an evaluation of the President of the University.” Bill Robinson met with the Executive committee to discuss procedure. Survey questions are developed by Campus Affairs and vetted by a task force composed of the Bill, Senate Chair and a representative chosen by the President. Faculty are invited to take the survey electronically; results are compiled by the task force and a report given to the evaluation team selected by the Chancellor during the week of April 29th. Campus Affairs is meeting tomorrow to discuss the survey tool and welcomes recommendations.

Professor Robert Correales of the Law School has assumed position of University Ombudsman. There is an official email: ombuds@unlv.edu. Thanks to the search committee for such rapid action. Rob was the chair of the Academic Freedom and Ethics committee. His colleague from
AGENDA ITEM: V. Old Business
MOTION: “consultation” amendment
This is old business – Senator Filler made motion to postpone until March meeting. Seconded by Senator Culbreth.
Chair Sumpter – If you recall this amendment – round 2 or 3, came up in the bylaws committee report in December – in the meantime, the provost submitted to us an alternative suggestion that has gone to the bylaws committee. The committee received that and agreed to postpone action and then they can meet with the provost and get further information. This will allow for this meeting to be completed and in the March meeting bring it back up to the faculty senate. Motion passed.

AGENDA ITEM: VI. New Business
Senator Spangelo - Want to know the status of the Vice Presidents and Deans searches.
Chair Sumpter - That was one thing the Provost didn’t talk about, we will have that at the next FS meeting. Regarding the graduate college and research – the current plan is to split those. Not sure how they will look at this point.

AGENDA ITEM: VII. Public Comment
None

AGENDA ITEM: VII. 2:06pm Adjourned

Regards submitted,
Marcia M Ditmyer,
Secretary of Faculty Senate
January 30, 2013