2013 -2014 Faculty Senate Agenda
December 3, 2013
12:15pm – 2:00pm
Student Union Building – 208A/B


Single Meeting Proxy: Eugene Moehring for Andrew Bell; Aaron Brown for Michael Hammer; Joel Wisner for Anjala Krishen; Lori Slinn for Michael Wilde; Megan Wilson for Kara Wada.

Long term Proxy: Abbie Kirkendall for Cecilia Maldonado Absent: Deborah Hart

I. Call to order (12:15pm)

II. Approval of Minutes

a. November 5, 2013 (Motion to accept by Senator Culbreth and seconded by Senator Robinson) 35 in favor, none – minutes approved

III. Old Business

a. Faculty Annual Achievement Report for 2013 (formerly the work report)
Chair Werth: Couple of points to be made here. First the adobe form. The form is almost fully operational. There are instructions that go along with this form. Some senior senators who were present at the Senior Senator’s meeting this past week showed support for the form, but felt the timing was off. I am under the impression that the form was optional for 2013 in the sense that it will be optional for the departments and colleges to use if they so decide. I would like to ask Vice Provost Brown to speak to this issue. I would also like VP Brown to address the merit procedure as well. Those materials to my understanding are not quite ready.

Vice Provost Brown: Annual memorandum regarding merit goes to the Deans. Typically the submission date for merit to be completed and submitted has been
March 1, 2014. We have pushed this back to April 4th to Deans. As far as merit goes, now that the Provost is back we can get the memo out to the deans regarding merit process. We will follow-up with the recommendations of the faculty senate but with more elaboration of the details. We did an individual survey of the Deans regarding whether they had evaluation information on their faculty over the past six years. While there were issues, they should have the information to create the rankings. The deadline for Deans to the Provost for actual recommendations is tentatively May 15, 2014. I want to be sure that Human Resources can put that into the paychecks if given that time frame. I still have to follow-up with HR on this issue.

Chair Werth: Can you please address briefly whether the Annual Achievement Report is optional for 2013 or whether there is a plan to adopt this and make it mandatory for 2013.

Vice Provost Brown: The form for evaluation is the same form as in the past, but we have made it into an adobe form. In the past it was a different color based on the faculty type, etc. We have retained the color with font as the designation. So depending on which faculty type that is selected, a different group of items, etc. is presented. It also requires an electronic signature. In making this change, the supervisor can attach all that information in the evaluation – even more importantly – that they can store and move electronically. This information will be archived and should save many hours of copying, etc.

As for the annual achievement report, we are trying to move toward a comprehensive information system, where faculty can enter the achievement as they are completed. To do this we adopted this as an Adobe form. The primary value is that it is stored and data can be pulled. The fear is that it will take too much time amount. However, if we have faculty enter into this, we can save the data and it will make it easier when we need to pull data for something. That is the value of this.

Senator Filler: I think it is an ultimately fair resolution – by leaving it to the colleges to decide to use this form for 2013. I think it is ultimately fair to decide to phase it in. Need to figure out how to enter achievements that might not be included in the form.

Vice Provost Brown: There is a page at the beginning where they could report things that are not in the form. Also within each area has a free response section, so this should take care of this.

Vice Chair Montgomery: One thing I would like to add is that we need to get to the colleges and encourage them to adopt it because of merit this year. I have to say that having served this year on P&T committee, having the ability to access data using new forms was very easy. We were able to get through those files more easily.
Senator Harry – I admit I haven’t looked at this too much. However, one problem is the inability to cut-and-paste. I think you should ask some people to test run this and maybe even pay them so that you can get feedback on the issues.

Senator Rosser – I like the idea of being able to to cut-and-paste – if we could address that.

Vice Provost Brown: Currently, the IT help desk is supporting the adobe reader. The feature that is newest is the signature. Our office has tried to support as best as we could, but expect that IT help desk to support these problems.

Senator Filler: I have to give a pat on the back regarding the instructions for the signature. The instructions were very clear. The reminder of the form seems obvious. You do have to redo the signature for every platform (computer) you are on.

Senator Bein: What can they do with family leave or things that we were able to put on the form before in blank spaces? Or maybe they can put a check mark section on the leaves that they take.

Vice Provost Brown: Those are the things we can do. The blank spaces and extra comment boxes can be used for that type of thing.

IV. New Business
   a. Possible Presidential Vacancy: Discussion and Possible Resolution
   Sent message to the entire UNLV faculty – Three routes that the BOR can take.
      1. Acting president and a national search
      2. Interim who could potentially be named president
      3. Suspend the bylaws by BOR (Have not heard this as an option to date.)

Chair Werth: We need to consider the issue of consultation and the issue of timing. I spoke to Chairman Page about a campus meeting. He would like to do this as quickly as possible. On the other hand, Chancellor Klaich would like to move more slowly and in his words, “do it correctly.” At this point there is not an official vacancy. Because of the timing, we all feel a sense of urgency. With the coming holiday, we ask if whether we push them to meet before the holiday, or if we wait until January, we would be looking at after MLK day. This could be problematic. As we know President Smatresk hasn’t resigned and won’t until the probably the 13th or 14th of December – so when will there be a vacancy? So that is one reason to hold. However, because of the next legislative session, it is essential to consider trying to get a permanent president by the summer. The BOR are the ones to initiate the process. There is a scheduled special meeting on January 24, 2014, I and would like to see this on their agenda. A late start on a national search would then likely create a time problem putting the process more toward the end of spring and summer when very few faculty are here. Do
the senate and faculty regard this as a matter of urgency? These are things we need to think about. I would like to ask President Smatresk to address the senate at this time.

President Smatresk: It is bitter sweet. I have been here 7 years. To all of you I say it has been great to work with. I am sorry to leave when things are started. There is never a good time. You probably all know why I am going. As Paul has said, I am not dead yet. I do anticipate that I will be appointed on Dec 12, 2013 that presumes that we complete the contract negotiations. So with that, I anticipate Dec 12, 2013 I will be ratified and will then submit a letter of resignation on Friday, December 13, 2013. I will announce at that time that my last day will be February 2, 2014. I am anticipated to start on Feb 3, 2014.

I know this community and you will have everyone pulling very hard for this university. The faculty senate and the executive committee especially need to stay deeply involved in the process. I have encouraged the Deans and John O’Reilly to make sure that the will of the university is heard. I think Chairman Page is a strong advocate for us. He is fierce in his willingness to move this process along. You need to get all your ducks in a row. With all that said, here is what I believe will happen in my opinion. There will be an acting president and a national search relatively quickly. The acting president will not be a candidate for the position. I think you should share your opinion with the BOR. My biggest concern about the process is the interpretation of the open meeting laws. This makes the search difficult. It can make it difficult for candidates to come and take the risk. The process might not yield a strong candidate, but you don’t have control over that.

Two other things from questions I have heard. What will happen to the things that are going on? They will move forward because they are things that you all wanted and the citizens and powers to be in the City of Las Vegas wanted. I will continue to advocate for UNLV as long as I can. I will do my best to get that MOU on the Medical School decision signed off on Thursday. I ask that you don’t settle and don’t let anything fall off the table. The second thing relates to that. I have confidence in the leadership team in place and the provost’s office, especially John White that they will be able to continue to make progress.

Senator Bien: First remark, I want to say I have enjoyed working with you on a personal level. I think we have all enjoyed very much working with you. The question I have relates to Tier I. This is something you personally wanted and I feel it is dependent on your personality. I am not so sure about this once you leave, the new president might not see this as their number 1 priority. I have doubts that once you are gone. What do you think about this?

President Smatresk: I don’t believe that the Tier I was just me. I was certainly a cheerleader for it. I think that a new president will not want to just maintain and/or get worse. I think they will want to continue to make the university
better. Having said that, I think you need to keep pressure to keep this going. There is great support in the community, especially the chamber. I think this can be kept alive.

Chairman Werth: In light of difficulties scheduling meetings...would you think that is appropriate to have open meetings with the Chancellor and Chair Page while you are still president?

President Smatresk: I am fine with that so long as you all remember you still have a president.

Senator Filler: How important is it to have a permanent president before we go the legislative session? I think you went as acting or interim. Did you find it difficult?

President Smatresk: Yes I went as interim. I never thought of the job as anything but the job. You have to remember we were in a bitter fight about the cuts. In the subsequent session we were then in a fight about the formula, cuts, and restoration. I think it is the nature of the acting or interim position. If you get a new president from outside, they will have to learn the ropes and will have to rely on the core group to help. If you pick someone from the inside even if national search, they will already know the ropes. They have to be willing to engage. There has been a great deal of lobbying that focus surrounding the Chancellor so you have to keep that pressure on. I want to give my personal thanks to all of you. To all the times we have argued, you have never demonized me/us.

Senator Bayer: Based on your answers – it does make sense to have an acting president and a national search. However, given the volatility of the legislature – would it make more sense to lean toward a well known interim with qualifications?

President Smatresk: If the faculty senate knew of a interim that is well-known and qualified that might suggest the strictures would be removed and that person could be appointed as president. If you remember while not 100%, I did get a great deal of support. As an interim, if they could move in a permanent position would be desirable.

Senator Spangelo: Acting, interim, or permanent. Is it your position does it really make a difference which it might be?

President Smatresk: I don’t think it makes a difference because I just went into the session doing what I feel I would have done if permanent. I felt I had to. If you find someone who could take over and do that, it would be good. There is a great deal of options, and you should consider all of them, and then speak in one
voice. I have never known the Faculty Senate when it hasn’t been strong. In all that, their opinions have always been respectful and thoughtful.

Senator Bill Robinson: I would like a smooth transition. I would like to ask Provost White if he would like to be the president? Can we ask him and then as a faculty senate say we would rather go out and search for a new Provost.

Provost White: I think this is a faculty senate discussion and not a discussion you should have with me.

Chair Werth: I agree. We need to have our own discussion on this.

Chair Werth: There have been many questions for consideration. This resolution was composed on conversations among constituents. This is a potential resolution and not necessarily directed for you to do anything at this time but to just review it.

1. Do we want to make a resolution?
2. If you do, do you want to begin with this one and edit where appropriate?
3. If we go the route of the national search –then there will be faculty members involved. This would include advisory members, among which would be 5 faculty members. The faculty senate will be involved in that decision. There is a document with what are referred to as presidential qualities. These were identified from within the campus and produced in digest form. Should we use these, modify them or dispense with them?

Senator Filler: I would like to make a motion. I move that we adopt the resolution as outlined on the green sheet in our packet. Senator Opfer seconded.

Chair Werth: I did modify and added the word “should”.

Senator Opfer: Would this preclude the use of a search firm?

Chair Werth: This resolution does not preclude that.

Senator Opfer: Do the words state and legislator need to be capitalized.

Senator Unger: Not necessarily in this instance.

Senator Bayer: I think we divide in two votes – 1st Acting versus Interim. If we vote we favor acting, then the discussion about each whereas and resolve is appropriate.
Chair Werth: I think they all deserve a discussion and are very important. We need to consider the politics of this.

Senator Unger: I would vote in favor for acting and national search – we should look for acting president who will expedite the national search – if we don’t act fast – it will be more like next fall before we can get anything into place. We will be left pilotless through legislation. If we name interim and the search fails we might be stuck with the interim for a much longer time. I think these are things we must consider.

Senator Robinson: Just remember the finalists we had in the last search, those in the final pool. None were sitting presidents. We do not have a good track record.

Senator Loe: I am in favor of acting and national search. We have found ourselves in a growth opportunity and we need to market that – or plead to that strength.

Senator Bein – One of the things that has happened, a lot of people have been hired under the president. If you find someone from inside, it might save us a lot of money because they are already aligned with the new team. We need continuity.

Senator Bayer: Initially I was in favor of the resolution, but in response to the points of Senator Robinson and others, I think I might lean toward interim. The reasons are:
1. Do we think there is someone within the administration who could shepherd us through these times?
2. Neal shared the open meeting laws – but would the open meeting law and other politics delude the candidate pool and end up with not so great candidates.

Vice Chair Montgomery: Speaking to an acting president and national search. I think this would legitimize the internal candidate.

Senator Barone: I will also agree with selection of an acting president and national search. The cautions related to past searches. We should not concede to having a national search, we need to be poised to attract excellent candidates.

Chair Werth: Are there any other portions that are worth of discussion and contemplation.

Senator Bayer: I have a suggestion – to add to the final resolve subsection H – add at the end.
“The regents will not invoke Title 2. Chapter 1.5.4(H) without first consulting with the chair and vice chair of the faculty senate.”
I move to amend with this language. Senator Culbreth seconded.
Senator Williams: I think that weakens the resolution.
Senator Bayer: I am adding it so that if they will invoke H – then they will at least consult.

Chair Werth: Let’s vote whether or not approve the amendment proposed by Senator Bayer. 10 in favor, 25 against, 2 abstentions. Motion fails.

Chair Werth: Move to vote of the resolution as written. 38 favor, 1 opposed – no abstentions. Resolution passes.

Chair Werth: I would like to take up the issue of faculty representation. Or do you feel is it premature? Is there anyone that we might want to discuss?

Senator Unger: We have this process in section F...so this is the Board of Regents UNLV and the NSHE version don’t mesh. The BOR bylaws reads that the faculty senate nominates the representatives. I wonder if we shouldn’t go ahead and form this ad hoc group now and be ready to move ahead. The best that could happen is we will be ready to go.

Senator Wright: In the past, the five people were chosen from a slate from each college and were not necessarily senators. We would need to know so that the elections could be conducted by the last faculty meeting this year or first in January.

Elda Sidhu, Office of General Counsel: The code supersedes to the extent that we can follow the bylaws we should. We hopefully can combine the two in a way that does not contradict either.

Senator Filler: I am not sure I would go about getting candidates to the senate. It is just a terrible time to do that – it would be difficult to do that –

Senator Unger: Why can’t we do that by email? Email elections.

Senator Filler: If there is any discussion what are they looking for in a president I feel this needs some discussion with faculty.

Senator Slinn: I think we can ask them to submit names? Ask them to submit something about what they are looking for in a president.

Chair Werth: We do have a meeting on January 28th. It is possible that the BOR would meet on the 24th and want us to start right away, we could then move quickly. I will forward to the BOR this resolution and will keep you informed.

b. Discussion on Medical Education & Board of Regents Meetings
Having on the 5th and 6th – on the 5th – discussion of the medical education. What seems possible – is that there will be an approval of the Memo of Understanding. What I hope to do is to distribute to the regents our resolution. There will be an opportunity around 12:15, Senator Moehring, to set up a couple of speakers. I will assume that is okay.

V. Chair’s Report
Senator Bill Culbreth has agreed to serve as our representative on the Conflict of Interest Appeal Committee. I would like to thank him.

The UNLV/UNR Joint Resolution on Pay passed unanimously at UNR and was submitted to Chancellor Klaich.

Vice Chair Montgomery: UNLV Cares food pantry – the students in the hotel college raised $9500. I would like to commend them on their efforts.

VI. Public Comment

a. Comment on the President’s Vacancy: Raquel Casas: As a faculty member and concerned about this issue. We have seen progress, especially on diversity and recruitment – one of things that should be a quality of our new president. We talk about other initiatives, i.e., moving toward a Hispanic institution. We need to continue to build. Who you pick as advisory members is very important. I will volunteer. Whatever route we take, it is now in the faculty and your hands as to what are the values and missions that we want as we move forward. We have accomplished a great deal and we do not want to go backwards.

b. Corporate Challenge Announcement

VII. Adjournment – 2pm