

MINUTES OF THE 4th FACULTY SENATE MEETING
December 6, 2012

Members Present: Chair Ketelaar, Vice-Chair Sanogo; Alexander; Bawazir; Bishop; Blair; Blank; Bock; Bronstein; Bugbee; Clason; Cowley; DeMers; Fisher; Goehring; Gurrola; Gutierrez; Harvey; Jimenez; Mandabach; Miller; Morgan; Oliver; Paz; Pontelli; Rayson; Rhein; Sassenfeld; Shuster; Simon; Skaggs; Sohn; Train; Turner; Vasiliev; Vázquez;

Members Absent: Andersen; Bailey; Boham; Butler; Christensen; Chung; Drummond; Hawkes; Herrera; Huerta-Charles; Huhmann; Kratzke; Lakey; Maratea; McCormick; McNeel; Morrell; O'Connor; Rodriguez; Rice; Sankaran; Schirmer; Sevostianov; Taylor; Zhang

Ex-Officio: Ellen Bosman, Liaison Employee Council

1. Call to Order

Meeting called to order at 4:01 by Chair Ketelaar

2. Recognition of Guests

Ellen Bosman Employee Liaison

3. Approval of Agenda

Vice Chair Sanogo moved to amendment to agenda. Move to replace item #5 to with item #10E regarding nominations for Senate Chair. December constitution mandates we nominate chair for spring. This item will be moved up in order to take nominations before we lose quorum. Motion made. All in favor. No opposition or abstention.

4. Approval of Minutes of November 01, 2012 Meeting

Motion to approve minutes made. Moved and seconded. No discussion.
All in favor. No opposition or abstention. Motion carried.

5. Nominations for Senate Chair

Chair Ketelaar read aloud the description of the Senate Chairs constitutional obligation from Article 6 section C of the Faculty Senate Constitution (2nd page of constitution at bottom) which stipulates:

“The Faculty Senate Chair, or their designee with approval of the Faculty Senate as a whole, will oversee the election of the Faculty Senate Chair. The Faculty Senate shall elect two nominees for the position of Chair at the December meeting. The nominees must be current, elected members of the senate at the time of nomination and election and must intend to continue as active (nonretired) faculty during the following academic year. Within ten (10) business days of these nominations, the person overseeing the election shall create a secure electronic ballot and notify all faculty as defined in Article I of its availability or, with approval of the Faculty Senate as a whole, prepare and mail a ballot to all faculty.”

Chair Ketelaar then called for nominees to the Chair position. (2 needed.)

Senator Rayson nominated Senator Blank. Senator Blank accepted the nomination.

Senator McNeel nominated Vice-Chair Sanogo. Dr. Sanogo accepted the nomination.

Chair Ketelaar called for any self-nominations. None were forthcoming.

Chair Ketelaar moved to close nominations. Motion seconded. All in favor. No opposition or abstentions.

Parliamentarian Clason moved to designate Dr. Oliver as the Electoral Officer. Chair Ketelaar pointed out he Dr. Oliver will be on sabbatical next semester.

Updates on how ballots will be conducted will follow.

6. Reports of Officers

A. FS Chair, Tim Ketelaar

Chair Ketelaar will publish his report and post online.

1st Item - Legislative Update: Chair Ketelaar informed our legislative lobbyists Ricardo Rel & Vicente Vargas about ongoing Faculty Senate forums. He specifically requested information about our legislators; however he has not received any information to date. The lobbyists were invited to come speak, but were unable to do so. An attempt was made to have them join via phone; however it was determined to be more useful for them to address the Senate in person.

Vicente Vargas informed Chair Ketelaar the Legislative Finance committee met December 5th. The committee introduced their budget projection. New numbers for the budget should be forthcoming sometime in February.

- They are working with \$210 million in new monies. This does not include additional new monies to help the ERB.
- Thirty-six million has already been committed to shoring up the ERB fund.
- Sixteen million has been committed to the state contribution for the ERB fund.
- Approximately \$52 million of new monies are going to help out with ERB. This leaves a balance of \$210 million.
- Approximately \$28 million in new funds are going into the higher education pie.
- It was reported a formula for funding has been created, and we may be getting somewhat less funding. Because of certificate programs, other institutions may receive more.

Currently the number one issue is increasing compensation. UNM is in the same situation as NMSU. Interim President Pacheco has told the committee that increasing compensation is the #1 priority.

2nd Item - Funding for Preferred Maintenance: This is technical jargon for getting things that are broken, fixed. This is a common item to ask for.

3rd Item - Educational Technology and Equipment for Providing Education via Technological Means

4th Item had to do with Aspects of ERB swap

Chair Ketelaar asked Vicente Vargas if he had an opportunity to look at the Faculty Forum webcast and was informed he had not. Lobbyist Vargas was sent an email with fact sheet and survey. Our President has all of the information and attended our forum. Chair Ketelaar felt Interim President Pacheco was very well versed on what the faculty thinks on the issue of compensation. He is unsure whether Lobbyists Rel or Vargas are as well versed. He suggested the Senators think on this when determining whether or not it would be useful to have our own legislative lobbying team on behalf of Faculty Senate.

Update on Presidential Search Process

Chair Ketelaar was informed that Regent Pino would likely be coordinating the search process. Chair Ketelaar was informed Regent Pino would contact him, and then notified of this again several times over the following weeks.

Regent Pino requested information from Chair Ketelaar, through the faculty filter. Chair Ketelaar would like to present the following information to Regent Pino.

1. Want adequate faculty representation on the committee. We would be happy to have a Faculty Senate Chair serve on the committee, but we would find it even more useful to have additional faculty representation, including academic deans.

2. Want clarification of the role of the search committee. We would like to know the process. Will the BoR ratify the decision of the search committee or is the search committee going to provide a short list that the BoR will choose from? Most faculty members want the Regents to be very cautious about having a member of the Board of Regents on the search committee and the final selection committee. The concern is the possibility of a double vote. It has been recommended we suggest to Regent Pino it may be appropriate to have a regent chair on the committee in a non-voting capacity. That would enable the representative to hear all the context of the discussion, when the short list is provided for the regents to choose.

3. Want a president that understands our unique status as a land-grant institution, a Hispanic serving institution, and a Carnegie High Research Activity Institution. We prefer someone who has actually worked at a land-grant institution; someone who has worked as a researcher and has published in some scholarly or creative field; someone who has received competitive grant money and understands the importance of the research mission of the university; someone who has taught courses and contributed to teaching at an institution, someone who has “hands on” experience. We are *not* looking for a CEO that has not worked at a University.

Chair Ketelaar reports we are in the process of putting together a survey much like the faculty salary survey. We are looking for a list of attributes faculty are telling us are important things to consider in our next president. Chair Ketelaar plans on announcing the survey on the faculty listserv. The survey will list

about 7 or 8 attributes, and will ask the faculty to rank those attributes in order of importance. He would like to start circulating draft of the survey in order to get feedback. There is a concern about apathy on campus, and concern the faculty does not know what they want. That will be left up to the faculty to decide. On our end, we want to be able to say: 1) We asked the faculty what they want. 2) We got an answer. 3) We provided the information to our Board of Regents.

Our goal is to get feedback in the next 4 or 5 days.

Senator comments: The feeling is board of Regents doesn't care about our view. We've been through this process before. The question was raised as to why we don't have an in-house search committee instead of paying an outside group for the search. It is felt there has been a lack of leadership coming from the president's office or the Board of Regents. This in turn leaves faculty at a loss regarding what can be done. There is frustration over faculty not having a say with the Board of Regents because it results in things not getting done. The Board of Regents needs to understand that our faculty is key to making things run.

Chair Ketelaar has consulted the COC and past 6 senate chairs if they would advise him to lobby for having an external search firm hired, or to do it in-house. The consensus of those individuals convinced Chair Ketelaar it should not be done internally, but would be safer if an external firm conduct the search.

Senator Comments: We need to recall our last presidential search and the events surrounding it. At that time, an outside firm chose our candidates. (.pdf copies of news clips concerning the presidential search were sent to Chair Ketelaar.) The search that produced President Couture was the result of two prior, failed searches, each of which were attached to their own respective scandals. In the end, we paid \$300,000.00 for the one lame candidate standing. Because of their history with this, some no longer have faith in the committee, or the process.

Chair Ketelaar is hearing the majority are comfortable with going to a professional firm, and the minority are very vocal and have strong feelings otherwise. Parliamentarian Clason reminds us if we use an outside firm, we can have access to the hiring pool with the firm, and this will provide access to top-tier candidates. He feels they should not make the final decision.

Straw Poll:

- a. Hire outside firm to conduct the search – 1
 - b. Conduct the same search using an internal process - 20
 - c. Something else – 12
- No abstentions

Results of the Faculty Survey of Salaries

There are approximately 850 regular faculty. When you add college track and temporary faculty the number becomes approximately 1634 faculty. There were 245 respondents to the survey. A printout of the anonymous written comments will be available on the Faculty Senate website. In determining if this representative data, we need to look at the total percentage of respondents and the composition of the respondents. A quick look at the number of respondents suggests this is a valid survey. Approximately 1/3 of regular faculty completed the survey, and 15% of all faculty completed it. For a survey, that is a relatively high return rate. In terms of composition about 30% of respondents have been full professors, about 30% associate professors, and the remaining 35% have been a combination of assistant professors and college-rank faculty.

The second page of the survey addresses ranking each category 1-6. Chair Ketelaar understands the best way to analyze the data is to take the median rank. The median ranks came out same as average ranks. What we would like to know is which set of issues ranked highest. They are as follows:

- The #1 item *consistently* is the focus on competitive wages. (Not cost of living or merit pay.)
- The second is to implement the plan for faculty pay raises.
- The third item is the focus on the cost of living.
- The fourth is the focus on merit pay and salary compensation.

Survey clearly shows faculty cares most about having a focus on competitive wages, the Faculty Senate's plan for competitive wages, and the cost of living.

Chair Ketelaar has presented this information to our lobbyists. Senator Pacheco received an early update two weeks prior.

Chair Ketelaar suggests taking time to digest this information and watch the video on our Faculty Senate website to anyone who has not yet done so. He would like to devote most of the January 2013 Faculty Senate meeting to these issues. He encourages the Senators to think about what action they would like to take.

The official HR data set has been calculated. The amount of funds we need is \$12.8 million. Senator Train pointed out this number does not include college faculty. Chair Ketelaar confirms this is correct and informs the senate he has contacted HR to request college track faculty data. It turns out to be difficult to get this information. HR and William Boklen agree it is difficult to get that information. The number we have does not adequately cover college track faculty. We are trying to get a ballpark figure into the legislator's hands. NMSU wants millions of dollars, not hundreds of thousands of dollars. Chair Ketelaar understands we need to do a much better job of representing college-track faculty. He invited any senators who think they may be able to assist to do so.

B. FS Vice Chair, Soum Sanogo

Vice Chair Sanogo sent his report via email this morning. His report covers much of the same information as provided by Chair Ketelaar. Vice Chair Sanogo addressed Del Jimenez

regarding the presidential search. Vice Chair Sanogo is an avid proponent of the survey as a way to gauge the opinion of the faculty. The survey also helps to clarify the faculty views regarding their ideal profile for a presidential candidate. Criteria can then be developed and sent out. He asked for response to the survey.

It was strongly recommended to check with IRB. Chair Ketelaar is of the understanding that if the data will not be published, we may not need to. He will still verify that information. It is still recommended to get exempt certification.

7. Reports of Standing Committees

Faculty Affairs: Dr. Larry Blank

Senator Blank reports the committee met Thursday. After a lengthy discussion the vote was: 8 for 2 against
Recommend do pass

Long Range Planning: Dr. Gary Rayson

Senator Rayson reports the committee attempted to meet on Tuesday, but did not make quorum. The committee reconvened before the December Senate meeting to discuss Proposition 10-12/13.
Committee vote was unanimous.
Recommend do pass

University Affairs: Dr. Elizabeth (Liz) Miller

Senator Miller reports University Affairs met Thursday, November 15th to discuss Proposition 09-12/13. After some discussion the committee vote was unanimous.
Recommend do pass.

Scholastic Affairs: Dr. Margaret Goehring

Senator Goehring reports the Scholastic Affairs committee met Thursday, November 15th to discuss Proposition 08-12/13. After discussion, the committee voted unanimously.
Recommend do pass.

Chair Ketelaar asked for vote by acclamation to accept the reports of the four (4) committee chairs.

Moved seconded. All in favor. No opposition.

8. New Business

Proposition 11-12/13: A Memorial Requesting that the Employee Council's Chair be considered an ex-officio member of the Board of Regents

Chair Ketelaar announced we are currently looking for sponsors for this proposition. Currently the only ex-officio members are the governor and the chair of the senate. He is asking that the employee council have an ex-officio role on the Board of Regents. Chair Ketelaar feels this would be beneficial. He called for a sponsor who can write the legislation.

9. Unfinished Business

Proposition 07-12/13: Regularization Policy 5.15.40: Sponsors: Joe Lakey (A&S), Ron McNeel (NMSU-Alamogordo), Abby Train (CF/A&S)

Senator Lakey reports under current policy, if temporary faculty works at an average of .5 FTE or more over 4 consecutive semesters, then that position is eligible for regularization. At that time, funds should be found for position; however, it is not implemented that way. They are looking for a working solution that would minimize the problem. Raising the FTE to .67 would help to diminish risk. The dean asks for this increase in the interest of flexibility.

Motion to accept Proposition 07-12/13 made and seconded. Call for discussion made.

Senator Question: Did the Board of Regents remove the moratorium?

Chair Ketelaar reports the regularization policy had three (3) options. (Options will be called A, B & C.) Greg Fant and the Provost's office asked the Senate to work on Option B, and encouraged it to be introduced as emergency legislation. The committee felt it was far too important an issue to be rushed, and should be discussed in committee instead. The committee met, discussed it, and passed it. It was also passed by ADAC. Chair Ketelaar was then informed in a phone call that Option C was used instead.

Option C was decided upon in a closed executive meeting of the University Executive Council. Upon further investigation, it appears that HR informed the Provost Office that in 2014 we may be in violation of federal compliance of the Affordable Health Care Act. This would cause HR to do work this semester they would prefer not to do. Temporary faculty are tired of the situation where they could be let go every three years because of this. They want a long term policy. This sends a message to Jay Jordan and the Provost's office that the Faculty Senate is not going to listen to HR tell us we could *potentially* be out of compliance at some point in the future, and they would prefer not to have this policy.

There is a concern about this proposition because the .5 FTE was initially placed there in order to protect adjunct and temporary faculty to keep from them from being abused. Apparently this has backfired. The question is, are the adjunct and college-track faculty accepting of the fact they will be continued on, without benefits, at a higher level of teaching, and without a mandate from the administration to reconsider?

Chair Ketelaar replied the only commitment he has heard from the Provost's office is that they are putting together a group to rewrite the policy. The college-track faculty has been put in a difficult situation for very long. They are facing two forms of harm. 1) Continuing to work without benefits and proper compensation. 2) Literally being forced out of work when they go above the average. This change will prevent the second class of harms, but still does not address the harm of their not receiving proper compensation or benefits.

Senator McNeel points out NMS is no exception to the general pattern in Universities that are moving more and more towards getting rid of people who are on the tenure track.

Chair Ketelaar asked for all in favor of calling the question and ending discussion.

All vote aye. No nay. No abstention

Final vote:

All in favor of Proposition 07-12/13: 28

Opposed to Proposition 07-12/13: 4

None abstained.

Motion passes.

Proposition 08-12/13: A Memorial Requesting a Change in Policy Regarding Graduate Assistant Pay Schedule. Sponsors: Gary Rayson (A&S), R. Alexander (A&S), D. Bailey (ACES)
Moved to accept. No discussion. All in favor. None opposed. No abstentions.
Proposition passes unanimously.

Proposition 09-12/13: A Resolution Changing the Number of Credit Hours Required or Full Time Status of Graduate Students. Sponsors: Gary Rayson (A & S), R. Alexander (A&S), D. Bailey (ACES), R. Paz (Eng)
Moved to accept. No discussion. All in favor. None opposed. No abstentions.
Proposition passes unanimously.

Proposition 10-12/13: A Memorial to Support NMSU's Application to the Bicycle Friendly University Program. Sponsors: Rani Alexander (A&S), Gary Rayson (A&S), Derek Bailey (ACES), Joe Lakey (A&S), Liz Miller (Lib), Robert Paz (Eng), Deb McCormick (DACC), Ron McNeel (NMSU-Alamogordo)

Senator Alexander reports this is a memorial requesting support. This was originally proposed by the Sustainability Council, which is an all volunteer organization. They wish to submit an application for designation as a "bicycle friendly University" and have done a great deal of the prep work in order to make this happen. The University needs to be reminded to discuss and plan for bicycle facilities across the city. This memorial is an effort to encourage that.

Discussion: Senator Rayson points out the city is looking at us to take a lead within the community towards making city of Las Cruces more bicycle friendly.

Moved to adopt seconded

All in favor. None opposed. One (1) abstention.

Motion carries

10. Other Business

- A. Faculty Senate Working Group on Evaluation of Upper-level Administrative Costs
Chair Ketelaar has had three (3) meetings with Regent Chair Chaney. In the last meeting they discussed getting a faculty member on Board of Regents. After that conversation the Regents asked about salary issues. They asked Chair Ketelaar if he knew of any internal sources of funds to pay for salaries. Chair Ketelaar recalled we have an Efficiency and Effectiveness Committee, composed of 14 upper-level administrators, 3 faculty members, and 4 staff members. This large group of upper-level administrators did not recommend cutting any upper-level administrative positions. Chair Ketelaar feels it would be useful to revisit this issue. He feels there should be a discussion with COC to put together a task force and inspect organizational chart to see what is necessary, what is not, and what is lacking. The committee would be a task force that disbands once the task is done. Asking to begin the discussion of who will be on the committee, who would chair it, and what the ultimate mission would be.

Senator Jimenez adds that as we look at administrators we need to look at their spouses as often times both are hired as a package.

- B. Update on efforts to discuss the formation of a Faculty Senate Legislative Lobbying Team
The Faculty Senate should look at forming their own lobbying team. Chair Ketelaar will be attending a briefing on what they do and how it's done. He invites other senators to

attend if they would like to be more involved. Interested Senators can email Chair Ketelaar or contact him after the meeting. Jay Jordan thought perhaps a good idea. Would like our ACES faculty to share what was learned.

B. Election Results: University Budget Committee
Senator Gary Rayson elected.

D. Nominations Needed on University Committees

- 1) Faculty Senate must nominate two At-large members and one Department Head member for the Faculty Grievance Board

Ellen Bossman, Chair of the Faculty Grievance Review Board addressed committee and informed them the two (2) positions need to be filled by college faculty. She needs four (4) names of those who would be willing to serve. Any interested Senators should contact Ellen and send short bio for ballot. We would like this by next Wednesday. The term would be three (3) years and the time commitment varies. The committee meets as needed. It is allowable to Skype in to the meetings.

- 2) Faculty Senate Representative to the Campus Planning Committee
- 3) Faculty Senate Representative on University Research Council
- 4) Faculty Senate Representative on Provost's Diversity Committee
- 5) Faculty Senate Representative on the Alcohol Review Committee
Keith Mandebach is a nominee.

Unanimous consent to accept nomination of Keith Mandebach.
No opposition.

E. Nominations for Chair of the Senate (for the Spring 2013 elections)

11. Remarks and Announcements

- A. FS Chair
- B. FS Vice-Chair/COC Chair

Parliamentarian Clason announced the passing of our longtime recording secretary, Anne Meeks, on November 6th. There will be a memorial service held on campus in February.

12. Adjournment

Motion to adjourn made and seconded.
Chair Ketelaar adjourned the meeting at 5:31p.m.