TO: Members of the Senate  
FROM: Secretary of the Senate  
SUBJECT: Senate Meeting on February 2, 2017  
DATE: January 26, 2017

The February meeting of the University Senate will be held on Thursday, February 2, 2017, at 4:05 p.m. in Room 113, Education.

AGENDA

1) Announcements:
   a. Open Educational Resources
   b. Tenure, Promotion and Evaluation

2) Minutes of the previous meeting and business arising from the minutes

3) Question period

CONSENT CALENDAR:

4) Annual Report of the Senate Academic Policies and Admissions Committee, Tim Prescott, Chair, Senate Academic Policies and Admissions Committee (attachment #1)

BUSINESS CALENDAR:

5) Qualified Faculty Requirements Committee Report (attachment previously sent with January agenda)

6) Curriculum Committee Report, Sima Noghanian, Chair, Senate Curriculum Committee (handout at meeting)

7) Faculty resolution regarding budget issues (attachment #2)

8) CCF resolution regarding opposition to proposed change to SBHE policy 605.3 (attachment #3)
To: Lori Hofland, Administrative Assistant, Office of the Registrar  
From: Timothy Prewscott, Chair, Academic Policies and Admissions Committee, 2016-2017  
Re: APAC Annual Report, 2015-2016  
Date: January 19, 2017

The following issues were discussed and voted upon during the 2015-2016 academic year:

**Minimum Undergraduate Degree Credits**
The Student Senate called for a reduction of the minimum number of credits required for graduation from 125 to 120. After discussing this with faculty, program directors, and chair, APAC did not support this resolution, as it would conflict with UND’s mission of providing a well rounded liberal arts education and did not appear to significantly reduce the time to degree.

**Good Academic Standing Policy**
For students who had been suspended from a previous institution but subsequently were in good standing at another institution, APAC recommended they be allowed to seek admission to UND by appealing to SASC. (SASC has agreed to hear such cases.)

**Applicants must submit all transcripts Policy**
The 2014-2015 committee forwarded a recommendation from admissions that students be allowed to forgo study abroad credits to avoid later difficulties transferring the credits back to UND. APAC recommended that this be denied, as it would impact financial aid, SBHE policy, and not reflect a student’s full academic record.

**Admission of New Freshmen Policy**
If a applicant is denied degree seeking status, APAC recommended that we maintain the policy of prohibiting non-degree seeking status. For cases where the applicant mis-selected the incorrect status, APAC recommended that SASC make any final decisions.

**Probation, Suspension, and Dismissal Policy**
If a grade recording error caused a student’s suspension or dismissal, then APAC recommended that a successful appeal of the grade correction should initiate an automatic appeal of the suspension/dis dismissal without the student needing to initiate the secondary process.

Issues forwarded to the 2016-2017 academic year (the committee has not yet met)

**Waiver of Application Confirmation Fee Policy**
How should UND inform an applicant that the $200 application fee may be waived?

Respectfully submitted,  
Timothy Prescott
Potential resolution, Senators Kenville and Weaver-Hightower:

- Whereas the University of North Dakota is being asked by the state to prepare and sustain significant budget reductions without permission to raise tuition as needed for ensuring the integrity of the Institution,
- Whereas the State Board of Higher Education is considering changing SBHE policy section 605.3 (Nonrenewal, Termination or Dismissal) so that the notice for reduction in force of tenured faculty members would be changed from one year to 90 days,
- Whereas the voluntary separation agreements for tenured faculty members, combined with a hiring freeze for tenured faculty members but not for other positions within the University, will likely affect the number of tenured faculty members at UND, the strength of that tenure, the perceived quality of the Institution, and the foundation of academic freedom
- And whereas an environment conducive to student learning and the educational mission of the institution are best served by preserving the health of the individual components (like tenure and a strong faculty) and thereby the entire, complex organism that is the university:

We, members of the University Senate, resolve to:

Express appreciation to President Kennedy and Provost DiLorenzo for their public stance against changes to SBHE policy section 605.3 (Nonrenewal, Termination or Dismissal) and their public declaration of intention to maintain the one-year notice to faculty members of closed programs at the University of North Dakota,

Request that College and University leadership structure budget decisions and hold meetings to insure that faculty and staff have input on budget decisions (including program closures) at the college and department level,

Request that the Senate Budget Restructuring and Reallocation and Curriculum Committees, representing the faculty, staff, and students, be integrally involved in decision-making processes of budget reduction and program/department reorganization or closure,

And urge University of North Dakota administration to protect tenure for faculty members and the future of the institution by maintaining faculty tenure positions as the principal priority for enhancing student learning and our state’s educational and economic missions
Resolution in Opposition to the Proposed Change in Time Required for Notification for Dismissal of Tenured Faculty in SBHE policy 605.3, Section 6

Council of College Faculties
24 January 2017

The Council of College Faculties (CCF) is the faculty governance body within the North Dakota University System (NDUS). Its purpose is to "foster quality in scholarly activities, teaching, and learning, and to consider all issues and conditions of employment which apply to the faculty at all campuses in the system." The proposed changes to policy 605.3 demonstrate a lack of participation of the CCF in what is clearly in the realm of shared faculty governance as defined within the CCF Constitution. As such, the Council has discussed the proposed change in the time required for notification for termination of tenured faculty as outlined in SBHE policy 605.3 section 6. The Council strongly opposes the proposed change in reducing the time required for notification from 12 months to 90 days for the reasons listed below.

1. **Board’s Constitutional Responsibility** The SBHE is constitutionally required to protect faculty academic freedom and tenure is the best protector of academic freedom. Therefore, without a clear specification under which the declaration of financial exigency is declared and guidance in policy 605.3 regarding how the SBHE envisions faculty participation in this process at each institution, the conditions are set for potential abuse of power by institutions and is inconsistent with the premise of shared governance.

2. **Contract** Unlike most other professions, academic hiring typically occurs on twelve-month cycle based upon the academic year and contracts are issued by academic year for a defined contract period. Positions are advertised in the fall of the academic year and faculty start in the summer of the following year. As such, a faculty member that is terminated with ninety (90) day notice would more than likely face challenges in gaining new employment in their profession in a timely manner. The current twelve (12) month time required for notification of termination lessens the potential for lengthy periods of unemployment.

3. **Best Practices** This proposed change is a deviation from best practices in higher education across the United States of America. The American Association of University Professors (AAUP) guidelines recommend, consistent with current NDUS policy, a twelve (12) month notice for termination of tenured employees:

> If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule: at least three months, if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service; at least six months [of salary or notice], if the decision is reached by December 15 of the second year [or after nine months but prior to eighteen months] of probationary service; at least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure. . . . (from Regulation 8 of the Recommended Institutional Regulations; please see: [https://www.aaup.org/i-need-help/responding-financial-crisis/policies-and-best-practices](https://www.aaup.org/i-need-help/responding-financial-crisis/policies-and-best-practices)).
4. **Quality** Changing to a ninety (90) day notification for termination of tenured faculty will add difficulty in recruiting and retaining the best and the brightest faculty at our institutions. When hiring faculty, we compete nationally with institutions that follow the twelve (12) month AAUP guideline for the time required for notification for dismissal of tenured faculty. Lessening the ability to recruit and retain the highest quality professors will compromise the quality of students’ education in the NDUS.

5. **Due Process** The approved recommendations of the Chancellors Cabinet were made without the Chancellor consulting the Faculty Compensation Committee, a committee that is established within the Constitution of CCF and approved by the State Board of Higher Education (SBHE). The proposed change to SBHE policy 605.3 directly impacts faculty compensation by reducing the time required for notice for removal of tenured faculty, as indicated in section 6, from one year to ninety (90) days. As such, this is a dramatic reduction in compensation for a faculty member under this policy. In the absence of consulting with the Faculty Compensation Committee, this is in direct opposition to the spirit of the CCF Constitution.

6. **Criteria for Exigency** The conditions for a declaration of financial exigency are not clearly delineated. The absence of specific criteria for declaring financial exigency leads to a situation that lacks transparency and is fraught with the potential for an abuse of power by the institutions, the SBHE, and the NDUS administration. The potential deleterious impact that a declaration of financial exigency will have on long term institutional viability and on accreditation by the Higher Learning Commission needs to be considered.

7. **Transparency** If the SBHE wants to pursue the termination of tenured faculty as a mechanism for reducing the impact of the constrained budget, then SBHE policy 605.3 should clearly delineate a more detailed process of how faculty participation shall be solicited concerning:
   a. The extent to which there are grounds for termination of tenured appointments;
   b. Judgments determining where within the overall academic program termination of appointments may occur; and
   c. The procedure and criteria for identifying the individuals whose appointments are to be terminated.

Providing this guidance will help the NDUS increase transparency if these difficult decisions are required.

Therefore, the Council of College Faculties request that this policy change to 605.3 be thoughtfully reconsidered and the impact across the system considered. Making this change without adequate faculty consultation as outlined in the CCF Constitution marks a major policy change without faculty input and negatively impacts the morale and trust between the faculty and the SBHE whose very charge by the Constitution of the State of North Dakota is to protect faculty academic freedom in the NDUS.

1The Constitution of the North Dakota University System’s Council of College Faculties

This resolution was voted on at a Special Meeting of the Council of College Faculties on 24 January 2017. The vote was 16 in favor and 0 in opposition with no one abstaining.