

Minutes of the University Senate Meeting  
May 1, 2014

1.

The May meeting of the University Senate was held at 4:05 p.m. on Thursday, May 1, 2014 in Room 113, Education. Chair Ryan Zerr presided.

2.

The following members of the Senate were present:

Anderson, Ernest	Hill, Robert	Rami, Manish
Anderson, Suzanne	Hillebrand, Diane	Ray, Linda
Antonova, Slavka	Hume, Wendelin	Reesor, Lori
Baker, Mary	Jeno, Sue	Reissig, Brad
Barkdull, Carenlee	Johnson, Brett	Rice, Dan
Casler, James	Keengwe, Jared	Schultz, Kasey
Combs, Barbara	Kelley, Robert	Shafer, Richard
Creamer, Nick	Kuntz, Susan	Smart, Kathy
De Long, Loretta	Kurtz, Sharley	Stone, Jan
Dewar, Graeme	Laguetta, Soizik	Storrs, Debbie
DiLorenzo, Thomas	Lemire, Steve	Sturges, Denyse
Elbert, Dennis	Marasinghe, Kanishka	Suleiman, Nabil
El-Rewini, Hesham	Mauray, Debra	Swisher, Wayne
Ernst, Julia	McGinniss, Michael	Thorson, Kyle
Fazel-Rezai, Reza	McHenry, Laurie	Towne, Gary
Gedafa, Daba	Mikulak, Marcia	Urlacher, Brian
Geiger, Jonathan	Munski, Doug	Walker, Anne
Gjellstad, Melissa	Noghanian, Sima	Walton, Susan
Halgren, Cara	Poochigian, Donald	Weber, Brett
Hanson, Lexi	Porter, Kim	Zerr, Ryan
Harsell, Dana	Rakow, Lana	

3.

The following members of the Senate were absent:

Berg, Kate	Keeley, Kim	Rand, Kathryn
Brekke, Alice	Khavanin, Mohammad	Smith, Bruce
Cherry, Emily	Lawrence, Shaina	Stolt, Wilbur
Dennis, Steven	Light, Steven	Sum, Paul
Doze, Van	Masko, Meganne	Worley, Paul
Jackson, Jon	Mitzell, John	Wynne, Joshua
Johnson, Phyllis	Oberg, Alan	Young, Tim
Kalka, Joseph	Petros, Thomas	

4.

The following announcements were made:

- a. President Kelley thanked Mr. Zerr for his leadership during the 2013-14 academic year and presented him with an appreciation plaque.
- b. Mr. Zerr thanked everyone for their service, especially committees and committee chairs.

- c. Mr. Zerr called attention to the new governance proposal from the subcommittee on Shared Governance Structure. The proposal can be found on the Senate website. The posting of the proposal is an opportunity to provide feedback. There will be an open forum on May 12<sup>th</sup> in the Lecture Bowl. Another forum will be scheduled in the fall. All feedback will be used to refine the proposal. Ultimately, there will be a vote on the final proposal. The vote will be either at the Senate level or at the University Council level. That procedure is yet to be decided.
- d. Mr. Zerr announced replacements for committee membership: Legislative Affairs, Nancy Vogeltanz-Holm; Compensation, David Lawrence; Faculty Instructional Development, Claudia Routon and Clement Tang; Conflict of Interest, Andre Kehn.
- e. Mr. Zerr announced the Senate actions that had been approved by President Kelley: Intellectual Property Policy changes, Tenure and Promotion policy changes in the Faculty Handbook, and the Senate Committee changes approved at the March 6 Senate meeting.
- f. Tom Steen spoke regarding program review for the Essential Studies program. The Essential Studies program was implemented in 2008 with the expectation of program review. The program review is scheduled for September 4-5, 2014. There will be a program review team that will visit campus at that time. The team will consist of five faculty and students from on campus and two experts from off campus. There will be more details forthcoming.
- g. Nick Creamer introduced the new Student Body President, Tanner Franklin, and Brett Johnson, new Student Body Vice President.

5.

Mr. Zerr called attention to the minutes of the April 3, 2014 meeting. There were no additions or corrections to the minutes. There was a motion of approval by Mr. Munski. Mr. Towne seconded and the minutes were approved as distributed.

6.

The question period was opened at 4:16 p.m.

Mr. Poochigian asked about the position description form and asked what content should be included. He also asked if an item has not been completed are faculty legally liable and, thus, in violation of their contract. Mr. DiLorenzo indicated his understanding is that the document would contain the plan for the upcoming year and then the faculty member would be evaluated at the end of the year based on that position description. Mr. Towne and Ms. Mikulak spoke about the variation across campus and the need for definition. Mr. DiLorenzo commented that the document is a roadmap that should be as specific as it can be and perhaps the Senate should put together a group next year to look into this. Debbie Storrs spoke to her goals for her college on this matter. Professor Lubner was recognized to speak to the matter and explain his understanding.

The question period closed at 4:26 p.m.

7.

Mr. Zerr called attention to the annual reports from the Budget, Restructuring & Reallocation Committee and the ROTC Committee. A motion was made by Ms. Rakow to accept and file the reports. There was a second by Ms. Smart and the motion was approved.

8.

Mr. Zerr called attention to two matters that were not approved for the agenda:

- a. Regarding the Conflict of Interest Policy, there was a procedures section of the document that was presented to the Senate previously that should

really be part of the policy portion. Ms. Stone moved to add this matter to the business calendar. There was a second by Mr. Munski and the motion was approved.

- b. Mr. Rice moved to add the issue of the Teacher's Oath to the U.S. and N.D. Constitutions as mandated on faculty contracts to the business calendar. There was a second by Ms. Mikulak and the motion was approved.

9.

The Candidates for degrees at Spring Commencement were presented. Mr. Zerr indicated there were two approved additions: Andrew Vigen and Francine Sletten. Mr. Harsell moved approval with the additions. Mr. Creamer seconded the motion and the spring graduation list was approved.

10.

The Curriculum Committee report was reviewed. There was a motion to approve the report by Mr. Towne. A second was made by Ms. Baker and the motion was approved.

11.

Mr. Zerr called attention to requests to dissolve three Senate committees: The first was the recommendation to dissolve the Student Policies Committee. It was moved by Mr. Munski to dissolve the Student Policies Committee. The motion was seconded by Mr. Towne and approved. The second was the recommendation to dissolve the ROTC committee. It was moved by Ms. McHenry and seconded by Mr. Dewar to dissolve the ROTC Committee. Discussion ensued. The chair of the ROTC Committee, Thad Rosenberger, answered questions regarding the recommendation. The vote was taken and the motion was approved. The recommendation to dissolve the Summer Sessions Committee was moved by Mr. Munski. It was seconded by Ms. Walker and approved.

12.

Recommended changes to the charge of the Continuing Education Committee and a change of name to Online & Distance Education Committee were presented. There was a motion to approve by Ms. Barkdull, chair of the Committee, and a second by Ms. Combs. The motion was approved.

13.

Regarding the Conflict of Interest Policy, a request to move the placement of the section "Management, Enforcement and Employment Conditions" from the procedures section to the policies section was reviewed. Mr. Munski moved approval. Ms. Hillebrand seconded and the motion was approved.

14.

Mr. Zerr raised the issue of the faculty oath as required in the N.D. Century Code. It was moved to recognize Kara Wettersten. Ms. Wettersten explained that all faculty must sign an oath or affirmation of the U.S. Constitution and N.D. Constitution as included in the faculty contract. There are concerns regarding areas in the N.D. Constitution that some faculty cannot support. Two matters of concern are: 1) in the preamble, concerning separation of church and state; and 2) Article 11, Section 28 regarding definition of marriage. Ms. Wettersten spoke of concerns regarding the requirement. Mr. Towne moved that any oath or affirmation to support the N.D. Constitution (required as a condition of employment) include a statement that the individual employee or potential employee has the right to make a "conscientious objection" to that oath, and space for an individual to do so as part of the contract or separate oath/affirmation paperwork. Such an objection may include such language as (provided here only as a possible example):

"I affirm the North Dakota State Constitution in general, but I reserve support for provisions therein (a) that, in my view, are contestable in light of the United States Constitution and my rights as a United States Citizen, and (b) that I oppose on moral grounds. Specifically, [insert area/section of concern]."

The motion was seconded Mr. Shafer. Discussion ensued. Mr. Murphy was recognized to speak and he suggested the matter could be referred to the Council of College Faculties and the matter would be handled through all NDUS faculties. He would be willing to take the matter to CCF as a UND member. Ms. Evans, General Counsel, was recognized and she explained that, based on the Century Code, the motion is not possible to do under the law. Discussion continued. Mr. Towne made a friendly amendment to his motion and it was agreed to by Mr. Shafer. There was discussion of the amended motion.

15.

Mr. Munski made a motion to extend the meeting until 5:45 pm. Ms. Mikulak seconded and the motion was approved.

Discussion continued. Caution was urged by Mr. Harsell and Mr. DiLorenzo. It was clarified that the U.S. Constitution and the N.D. Constitution work together, but the U.S. Constitution does not trump the N.D. Constitution. Mr. Towne amended his motion to remove the State Board of Higher Education and the N.D. Attorney General and substituted the Provost for Administration. Mr. Shafer did not accept the amendment. Mr. Thorson seconded the amended motion. Mr. Murphy was recognized to speak regarding CCF involvement.

16.

Mr. Munski made a motion to extend the meeting until 6:00 p.m. Mr. Towne seconded and the motion was approved.

Discussion continued. Ms. Wettersten presented a rationale for the motion. Mr. Towne adjusted his motion to include some additional specificity. The adjustments were accepted by Mr. Thorson, the second to the motion. The question was called, the motion was approved.

Final Motion:

We move and urge that the Provost of the University of North Dakota and the Council of College Faculties review the proposal that any oath or affirmation to support the North Dakota Constitution (required as a condition of employment) include a statement that the individual employee or potential employee has the right to make a "conscientious objection" to that oath specifically related to the separation of church and state and equal protection under the law, and space for an individual to do so as part of the contract or separate oath/affirmation paperwork.

17.

There was a motion regarding transparency in advertisement by Ms. Mikulak and a second by Ms. Combs. Discussion ensued. Ms. Mikulak accepted adding this topic to the Provost's responsibility, as did Ms. Combs. There was a friendly amendment to add the Vice President, School of Medicine and Health Sciences. The friendly amendment was accepted by Ms. Mikulak and the second, Ms. Combs. The vote was taken and the motion was approved.

Final Motion:

We move and urge that the Provost and VPSMHS consider that all advertisements for open faculty or academic positions at the University of North Dakota contain the following specific language:

"As a condition of employment, the University of North Dakota requires United States citizens to make an oath or affirmation of support of the

Constitution of the United States of America and to the Constitution of the State of North Dakota. The following link is provided for you to review the Constitution of the State of North Dakota:  
<http://www.legis.nd.gov/constitution.>"

18.

The meeting adjourned at 5:55 p.m.

Suzanne Anderson, Secretary to the Senate