

MINUTES

University of Hawaii at Manoa Faculty Senate

February 16, 2000

Richardson school of Law, Classroom 2

47 senators were present: Iqbal Ahmed, Belinda Aquino, Horst Brandes, John Cox, Thomas Craven, James Dator, Marilyn Dunlap, David Flynn, Agnes Fok, Donna Fukuda, John Haig, William Haning, Emily Hawkins, Manfred Henningsen, Leonard Huff, Casey Jarman, Robert Joseph, Nanette Judd, Karl Kim, Irvin King, Takeo Kudo, William Lampe, Edward Laws, Glenn Man, Joy Marsella, Matthew McGranaghan, Linda Menton, Susan Miyasaka, Jane Moulin, Joseph O'Mealy, Mary Pateman, Robert Paull, Karen Peacock, Teresita Ramos, John Reider, Thomas Schroeder, Brent Sipes, Virginia Tanji, Mary Tiles, Janice Uchida, Robert Valliant, Richard Varley, Charles Weems, Joel Weiner, John Wendell, David Yount, Sylvia Yuen

10 senators were excused: Robert Cooney, Ernestine Enomoto, Andrea Feeser, Carolyn Gotay, Peter Kim, Laurence Kolonel, Christopher Measures, John Mount, Martha Staff, Jane Tribble

12 senators were absent: Barry Baker, Robert Bart, Patricia Fryer, Joel Hanna, Bruce Liebert, John Melish, Ralph Moberly, Charles Mueller, Stanley Saiki, Ann Sloat, Frank Walton, Ming-Bao Yue

7 administrators were present: Thomas Bopp, Sandy Davis, Michael Hamnett, Judith Inazu, Walter Kirimitsu, David McClain, Dean Smith

6 others signed in: Ronna Bolante (Ka Leo), Carol Dickson, Lowell Frazler, Marie Kumabe, Juanita Liu, Jim Tiles

Chair Mary Tiles opened the meeting at 3:05 p.m.

1. Minutes of the Faculty Senate Meeting of January 19, 2000 were approved unanimously
2. Senior Vice President and General Council Walter S. Kirimitsu was introduced by Chair Tiles
 - . He has been here for one year and is still learning about organization process at Manoa and system wide.
 - . Staff located at 203 Law School and part opposite post office
 - . Facilitate educational process for students
 - . Facilitate process for researchers
 - . Areas of concern:
 - employment law
 - . Grievances
 - . Litigation
 - accidents ; liability and exposure of the University
 - Gender/Equity issues in athletics; desire to avoid litigation
 - Advice and counsel
 - . Football ticket premiums and tax deductability
 - . Lab school payments by parents and tax consequences

Casey Jarman asked - as attorney for the University to what extent could you be an attorney for us as faculty?

Response - could be on the faculty side on some things but on the opposite on other matters.

Bill Lampe asked - Where is the "bright" line.

Response - If a student was to sue Bill he would represent Bill, if Bill behaves inappropriately in his office, he would likely not. This would be a hybrid call.

Question asked on intellectual property rights.

Response - another hybrid, If a conflict between University interest and faculty interest he would represent the University.

Question, What is sovereign immunity

Response - 11th amendment to the U.S. constitution provides that any state agency cannot be sued in the federal courts unless there is specific federal legislation that allows it.

There is some question as to whether University has lost sovereign immunity due to autonomy act. He feels we are a state agency as we are funded by the state. If we were financially independent we would lose state agency status.

3. Chair Mary Tiles Report

- a. Alteration in the schedule of Senate meetings from March 15 to March 8
- b. SEC has called a special meeting of the faculty Congress to discuss proposals from Joy Marsella's committee on undergraduate management on administrative titles and structure. Hope to bring to the April senate meeting for a vote.
Meeting to be in Crawford 105, March 22 at 3:00p.m.
- c. Set a date for the regular meeting of Congress. Recommended for April 26
Moved seconded and passed unanimously. To be held in the Architecture auditorium
- d. An ad hoc committee has been set up to figure out what needs to be done to implement the core proposal
 - question as to why only arts and sciences faculty on committee
 - Bill Lampe replied it is only a planning body
 - A vote was taken to support the ad hoc committee
39 in favor, 4 opposed, 4 abstentions

4. Joy Marsella reported on her 14 person subcommittee from CAPP

Charge - Do we need an overseer for undergraduate affairs and if so how to set up such an office.

a. Research

b. From research 4 models

- VP or VC; system wide
- University College; system wide
- Deal with at Arts and Sciences
- Empowered current situation (improved status quo)

c. Timeline envisioned

- joint effort of faculty and administrators working together collegially
- initial proposal in April
- narrow down model to 1 or 2 by congress and solicit feedback
- meetings with students
- meeting with President Mortimer
- integration with other reorganization committees such as the A&S millennium committee on reorganization of A&S. Discussion alongside with hope not to duplicate efforts
- discussions with David Robb and Ron Cambra

Casey Jarman asked if President has decided against a Manoa Chancellor how does this affect Joy Marsella's committee?

SR VP/EVC Dean Smith responded that there is no official committee on Chancellor. The President has talked to many people and does not think Chancellor is appropriate but has not ruled out.

It was suggested the President should come to the Senate and state his position on the matter.

Question was asked if the committee has taken a position on the 4 models?

Joy Marsella responded they were still weighing all of the pros and cons of each. They have concluded no one is in charge of undergraduate education and someone should be.

5. CAPP Resolutions - Manfred Henningsen

He is no longer the mailman and now less happy position as chair to bring CAPP decisions to the senate. Proposals to merge caused problems for units as well as the committee. Part of the problem was due to the administration not doing their homework in putting unusual circumstances to the committee

a. SSRI/Social Science

Resolution read from handout; narrative attached which provides reasons

Question; is linguistics no longer in SSRI?

Opens more not less research areas

1 of 2 SSRI faculty linguists

Were both units in favor or were they pushed by the Administration?

No pressure to do it; came from a joint committee. Financial factors created pressures.

Faculty was involved.

Sr VP/EVC Smith added the administration followed faculty lead.

Vote was taken by Senate and was unanimous in favor

b. CBA/TIM

Much more problematic

CAPP recommends not supporting the merger

Read the resolution from handout. CAPP reasons attached

David McClain, now Dean of CBA was a member of CAPP, spoke to the committee

Interim Dean Pauline Sheldon of TIM spoke to the committee

Matt McGranaghan led the CAPP subcommittee

Comment on Administration:

CAPP found it unbecoming for the President and BOR to send a letter to the Governor that this was a done deal when it was not approved by CAPP or by the Faculty Senate. Difficult to deal with this when committee was still under deliberation.

The committee's position was not unanimous

Question; is there not an appointed Dean for CBA/TIM?

Answer: No

Question; was Dean appointed to head both?

Sr VP/EVC stated BOR approved going ahead with a search. When candidates came through they were told merger was under consideration. It was not a factor.

It was suggested Dean selection was not relevant and we should stick to the merger, not other issues.

A senator pointed there was no real cost saving from the merger

Henningsen stated faculties were not in favor of the merger

Bill Lampe stated, as SEC liaison to CAPP he did not see a good case for merger. The ideas presented were not convincing. Decision made in advance by administration with an attempt to justify after the fact.

A CBA senator spoke on the process leading to the merger proposal and faculty involvement slight and well after President Mortimer had presented as a done deal.

Motion to call the question

41 in favor

1 opposed

2 abstain

Resolution from CAPP not supporting merger was voted on

41 in favor

2 opposed

1 abstention

c. Merger of Journalism/Communications

Henningson: Friendly marriage, no disagreement about the merger. There was disagreement within CAPP on question of the name to be used. Faculty seemingly had been given the green light to be called "School of Communications".

Opposition reference to a 1983 Simone to Matsuda communication relative to the School of Accountancy.

When asked Tom Brislin stated he was not aware of the memo. The President approved of the merger and name School of Communications

Joy Marsella, language matters; naming matters - names mean something. A school is different than a department.

Belinda Aquino, need for consistency. A Dean or Director heads a school. Does this mean there are unseen promises for the future?

John Wendell, need to speak for school of Accountancy. There was supposed to be a Dean. Former CBA Dean David Bess eroded all of the benefits and autonomy for accountancy.

Question: what are the adverse consequences?

Matt McGranaghan, speaking for members of CAPP against the resolution spoke of research on the issue. Problem of two small units. They saw alternatives to merge or die. It is not clear the faculties would have approved without the name School. An indictment of the communication process.

Call for the Question

In favor 10

Opposed 19

Abstentions 6

Matt McGranaghan offered as an amendment the minority position in the handout. It was seconded.

A new CAPP member, Leonard Huff, speaking for minority, it is obvious the name was important to faculty. Journalism is a professional degree and School gives them greater credibility. They were accredited with the understanding they would merge and would be called a School.

Journalism faculty member, Lowell Frasier; Journalism was given provisional accreditation in 1998 as governance was not clear. Part of accreditation was that Journalism would retain its identity.

Question asked by Physics and Astronomy senator, what if his much larger faculty wanted to be a School? Names do mean something.

Tom Bopp said Simone's memo does not make it University policy.

Bill Lampe as CAPP liaison will abstain but has sympathy that names do matter.

Call for the Question

In favor 38

Opposed 0

Abstention 1

Vote on the amendment

In favor 20

Opposed 16

Abstentions 3

Call for Question on resolution

In favor unanimous

Vote on the amended resolution

In favor 25

Opposed 10

Abstentions 4

6. The Committee on Professional Matters

Reported they had been given a work piece on non violence that they will send back:

- vagueness in scope
- vagueness in definitions
- first amendment rights

7. There being no further business, the meeting adjourned at 4:49 p.m.

Respectfully submitted

John R. Cox
Acting Secretary