

SPECIAL FACULTY SENATE MINUTES

2015-2016 SPECIAL FACULTY SENATE APRIL 12, 2016

(Pending Approved from the August 23, 2016 Special Faculty Senate meeting)

The Faculty Senate meeting for March 22nd was called to order at 3:05p.m. In the Roberts Room of Scholes Hall. Faculty Senate President Stefan Posse presided.

ATTENDANCE

Guests Present

1. Introduction

Faculty Senate President Stefan Posse welcomed the faculty, Faculty Senators, Operations Committee, Committee on Governance, Health Science Center Council, the leadership of the Academic Freedom and Tenure Committee, University President Robert Frank, Board of Regent President Robert Doughty, Provost Chaouki Abdallah and Vice Chancellor Paul Roth.

2. Opening Remarks

The goal of the meeting is to inform the faculty about recent changes in the Regents Policy Manual providing a forum to listen to faculty concerns. The objectives of the meeting are to resolve uncertainties related to the lack of information needed to work together with the Board of Regents, and the Administration. The goal is to affirm the joint commitments of shared governance which is central to the Academic enterprise and to building trust.

Faculty Senate President Stefan Posse introduced three faculty members that have wide ranging and diverse opinions that will provide relevant background for the discussion from a faculty perspective. The following faculty members are; Committee on Governance Co-Chair, Dr. Liz Hutchison, who will describe shared governance principles, Dr. Kendal Rodgers, who is a Health Science Center faculty member, will present opinions from Health Science Center faculty members, Dr. Mala Htun, a faculty member from main campus, will provide a perspective from the group of faculty from both main campus and the Health Science Center.

Faculty Senate President Stefan Posse reported that University President Robert Frank, Board of Regent President Robert Doughty, Provost Chaouki Abdallah and Vice Chancellor Paul Roth will also be providing information on the issue.

3. Open discussion

Dr. Liz Hutchison reported, on behalf of the Committee on Governance, that the subject of this meeting is regarding the March 14, 2016 Board of Regents decision on the Health Science Center Governance structure. The Committee on Governance has endorsed the Faculty Senate Operations Committee's letter to the Board of Regents. The letter was issued prior to the meeting and did not speculate on the reason for the proposed change or argue for, or against, the change itself. Instead, the letter called on the Board of Regents to respect shared governance at UNM. The Committee on Governance endorsed the letter because the charge of

the Committee is to oversee faculty voting changes to the Governance structures of the University, the Faculty Constitution in the case of an amendments and to represent the faculty to the Faculty Senate when deemed necessary. The Committee on Governance is concerned about how to facilitate faculty representation and how to amplify faculty voices within the University. Shared governance is among the most important core principles of higher education, and is embraced nationally by the American Association of University professors, The Higher Learning Commission, who is responsible for reaffirming the University, and the Association of Governing Boards. The principles of shared governance are clearly articulated in the University's policy handbooks, along with the Regents, Faculty and the Administration. Shared Governance makes cooperation key to all aspects of the life of the University in which the work of the administration's faculty governance bodies and regent leadership depends. Without adhering to best practices for generating, reviewing and deliberating changes to University policies, communication then breaks down and the mandates are unable to be carried out regarding governance.

UNM faculty have a rich and storied history in shared governance with the administration and the Regents. All of these elements of University governance comply with the New Mexico Open Meetings Act, but the policies and practices actually uphold higher standards of communication, deliberation and decision making. The Committee on Governance endorsed the Faculty Senate letter because the policy changes brought forward at the March 14, 2016 Regents meeting violated principles of shared governance, and the policies of shared governance at UNM which contradicted best practices in communication and breaking with the history of UNM.

Dr. Kendal Rodgers reported that the HSC faculty have a dual mission in providing education to future healthcare providers but also in providing the highest quality clinical care to their patients. High quality care is the HSC faculty's main goal and the educational mission which is currently being threatened due to the lack of being able to provide high quality care. The HSC faculty pride themselves in healthcare delivery even though the quality metrics do not always support them. Unfortunately, what is provided is due to the heroic actions of everyone who works at HSC and who works within the hospital. A survey was recently done at HSC: 1% was given to providers because there is lack of control over their environment; issues regarding ease of practice; and, the ability to provide for their patients and the lack of access and lack of resources to provide proper care. The Board of Regents actions further divided the faculty regarding the lack of control they have over their local environments. A large initiative has recently been initiated that was termed the "Provider Engagement Initiative", but is now titled "One UNM". The faculty felt that they were making significant process toward the reenergizing of the faculty regarding optimism, and about changes that the faculty would be able to make in the future. There are also significant issues regarding both recruitment, and the retention, of high quality faculty that is threatening the educational mission. HSC faculty have reservations on what has happened and how it has happened. There is now a lack of trust in the institution emanating from faculty. Both need to figure out what the message is to the faculty, and give faculty action toward productive measures in the future.

Dr. Mala Htun spoke on behalf of the full time faculty members who signed the letter of concern to the Board of Regents about the lack of transparency in the governance decisions. The letter was explicit in stating that faculty are not being

given a position on the substance of the decisions. The faculty are concerned about the process, and the lack of opportunity for faculty input on issues that are critical to the mission of the University. The way that this decision was reached, by the Regents, has the potential to tarnish the University's reputation and that it has the potential to be consequential for the ability of faculty members to secure research funding and develop professional relationships with collaborators. In 2009 the accreditation process, reviewed by an outside evaluation committee, wrote a report which also flagged some governance issues. Even if a decision is a good one and a right one the process in which the decision is reached can undermine the legitimacy and the overall outcomes of that decision. In order to move forward the faculty would like to find a way to work together and to hear a public commitment from the Board of Regents that they will guarantee that they will abide by transparent and inclusive governance procedures in the future.

Regent Robert Doughty reported that he understands, and appreciates, shared governance. Regent Doughty made a public commitment to the faculty that he will abide by transparency, procedures and shared governance during his presidency. He understands each and every concern. Regent Doughty reassured the faculty that there is no plan for the Regents to take money from the Health Science Center. Regent Doughty stated that he is in support of the new hospital that the Board of Regents voted on a couple of months ago with a vote of 7-0, supporting the new hospital. Regent President Doughty has discussed the new hospital plans with HSC Chancellor Roth with a number of other people involved to make sure that it is done right and the project is completed. The reason this decision was made was to have a unified university and to streamline the core operations.

President Robert Frank reminded the faculty, regarding the Regents vote on moving ahead and trying to decide what kind of healthcare facility is needed, that the decision was made in early February 2016. The Board of Regents made the commitment to build a new hospital. The newspaper reported that HSC Chancellor Roth was very helpful regarding the budget. He has also offered help to the main campus. President Frank stated that the state budget has been in a tailspin and one of the ways to correct this is HSC transferring money to the state that matches Medicaid. There is confusion regarding the newspaper reporting that money is being moved from the HSC to main campus. This is not true.

Chancellor Paul Roth reported that there is no substantial change in regards to the policies that would directly, or adversely, impact the operations of the Health Sciences Center. The Regents have always had control over the Health Sciences Center and the changes simply made the representation consist of five Regents and a couple of community members. There are currently only 3 Regents serving on the Health Sciences Center Committee. The problem that exists is in regards to the process. Chancellor Roth stated that it was offensive when decisions and discussions were done in secret without conferring with the administration. Chancellor Roth feels encouraged that Regent Doughty has committed to moving forward and that UNM will conduct business according to the culture of shared governance which is what makes UNM strong. There was also confusion in regards to the multiple millions of dollars that HSC had to help the State with during this past session. At the end of the session the state did make a request of HSC to transfer \$50 million to the State of New Mexico. The type of transaction has been done for many years, especially when there is a public entity. In the process the State looked at every entity that could help with the budget. Chancellor Roth stated that what happened at the state legislature had no bearing on what

happened on March 14, they were separate issues. The State managed the budget without \$50 million, HSC is continuing discussions with the State with there being another intergovernmental transfer of \$20 million for FY17.

Interim Associate Dean of the College of Nursing for Academic Affairs, Carolyn Montoya, reported that it is easy to do the right thing when things are easy, but when things are difficult that is the true test of whether shared governance is being conducted as it should be, and if not, then that is where the Regents failed. In a tough time, they resorted to a process that was not inclusive of shared governance. Dr. Montoya serves on the Medicaid Advisory Committee for the State, and she is on a task force that has been charged with coming up with provider reductions in order to make up for the deficit. While the State was able to replenish its budget by the end of the session, that is by no means evidence that the budget was good. The State is now conducting research on how to come up with a deficit that will dramatically impact the citizens of New Mexico. Providers will have a percentage cut, and hospitals will take a percentage cut in order to make the \$50 million.

Emergency Medicine Academy Lecturer III, Coffee Brown, reported that his part of the program creates medics and paramedics for the entire state of New Mexico. The biggest complaint from the public is, "give us more". Due to the \$10 million reduction in funding to HSC campus, his program has been drastically cut. The deduction of funding from his program is reducing the ability to deliver services, especially the online program that delivers a service around the state. Dr. Brown stated that this is something Regent Doughty should have known, but since communication is so poor he was not aware of this situation. Dr. Brown asked Regent Doughty to let the Health Science Center do their job helping the community and in return, if the support is received, they will give the Regents a University that is more famous, more prestigious, more proud and more effective than when he started his tenure.

Health Science Center Chair, Lee Brown, reported that a letter went out with his signature the weekend before the Regents decision was made. The main point of the letter has become the main point of today's discussion. Due to the process of collaboration with the faculty was not followed. Dr. Lee Brown requested an explanation on what the unique situation was for the Board of Regents to act on so quickly. This is a plan that was put together with the assistance of a main campus attorney and without Dr. Roth's knowledge. What was the urgency? Why was this plan hatched the way it was? The change in the budget is going to affect people's lives and not just the current status in life and how they are cared for but the education of those whom we will depend upon to continue taking care for the healthcare of the New Mexico population.

African American Studies Professor, Jamal Martin, stated that the decision made by the Regents was an egregious breach of trust. The notion of this being a onetime need situation is very frightening because there is always going to be additional unique one-time situations. When the economics of prevention are discussed then preventive measures need to be discussed in order to keep this situation from happening again.

President Regent Doughty reported that this decision was made before Regent Koch came up with the idea to add regent members to the Health Science Committee, which was about 6 months ago. This decision was made because of

the concern of the two community members that served on the Board. Regent Doughty reported that the reasons of how the actions took place were due to the Opens Meetings Act prohibiting the Regents from discussing the change. That is why the meeting occurred, which allowed sixty people to speak and then a vote was taken.

Professor of Pediatrics, Teresa Anderson, reported that the overall sense of hurriedness, regarding the actions the Regents took, has her concerned. She senses there is no support for a new facility for UNM hospital that this is not just because of what the newspaper said but, rather, one of the memos President Frank talked about and how it has to be decided the hospital's clinical needs.

President Frank responded by stating that he believes very passionately in the Health Science Center's mission and he is very committed to the facility. The process continues with the new facility with Chancellor Roth charging the architects to look at a very fine molecular process that would lead to the facility. Chancellor Roth and Executive Vice President for Administration David Harris will do a more macro process and will work with the Bond Company to work with the costs. This process needs to be in place so there are no difficulties in the future of the planning process.

Professor of Biology, Howard Snell, reported that what Regent Doughty stated were the most collaborative words that he has ever heard from a Board of Regent since first starting faculty governance. He can appreciate that the situation seemed to be unique but shared governance has become the norm which is why faculty are reacting in this way. Professor Snell stated that shared governance at UNM has simply decreased year after year and that is the faculty's frustration. He stated that it will take a lot of work for the Regents to regain the faculty's trust again. Shared governance is not simply asking what people's opinions are, it is where those people make the decisions with the Regents. This is not happening at the University.

Professor of Surgery, Jorge Wernly, reported that he has worked at the Medical Center for 35 years. Dr. Wernly has become interested in Faculty Governance during the last decade of his career. He stated that Faculty Governance has been decreased and diminished over the last 20 years. Dr. Wernly requested that one of the Faculty Senators propose a resolution that this is what is needed to explore and to find ways in which to correct it. Faculty Senate President Posse made it clear that the call for a motion was out of order.

Chancellor Roth stated that the funds are the reserves at UNM Hospital, and that there is a formal relationship with two other entities: The Indian Health Service and Bernalillo County. Part of this agreement states that all revenue generated, or in reserve, by the hospital must be used for hospital purposes. Chancellor Roth and Chief Executive Office of UNM Hospitals Steve McKernnon felt that they needed to come back to the Hospital Board of Trustees, the County, Indian Health Service and the Regents for approval to send the money to Santa Fe. Chancellor Roth has no indication from the Regents, nor from the President's office, that the planning for the new adult replacement hospital has been compromised due to the Regents policy changes.

Referring to the new hospital facility working group, President Frank stated that the task is currently in discussion for the first step to understand the full scope of the

entire project. This project will cost around \$600-\$700 million dollars and will be phased into the Hospital. One of the factors that will determine the first phase of the project will be the method of financing. The financing will be either reserves from the Hospital or a bond that assumes certain debt. What President Frank is working away from is beginning the first phase and destroying the entire Universities bond rating. The goal of the work group that President Frank created is to get all of the finance people from main campus, and north campus to design the project. The work group will determine what the first phase should be but also taking in account on what the financial limits are. President Frank stated that this would have been done even if the Regent's March 14, 2016 meeting had never taken place. It was learned this year, while working on the bonding for main campus, that there wasn't enough discussion regarding bonding needs which is important so there is no interference with the needs of the two sides of campus.

Professor of Chemistry, Richard Holder, stated that his overall concern is political interference, with the operation of the University, through the Board of Regents. During Governor Richardson's appointment the Governor's office felt that the UNM Board of Regents were a tool of the Governor and were used for political purposes. The faculty are worried that this action has been taken at the behest of the Governor. It also makes faculty worried that the University is a political tool and that the faculty are being subjected to governance from Santa Fe. Once the Regents are appointed their business is with the University.

Regent Doughty stated that he had not signed a letter of resignation. The first time hearing about the issue, he was appointed Regent in December of 2014, replacing Regent Gene Gallegos who resigned on his own. Gene Gallegos shared his University knowledge with Regent Doughty. One of the first things Gene Gallegos informed him of was the split between the north and main campus. Gene Gallegos admitted that he voted on the change within the governance and that it was a mistake.

Clinician Education Associate Professor of School of Medicine, Stephen Lu, stated that in terms of the substance in the decisions that has been made makes him very concerned. Decisions like these move against what a lot of modern management practice follows. When a patient's trust is violated who is the judge of that, the patient. When it occurs, it's the ethical responsibility to do so to understand their concerns and to do the best to heal their trust.

Professor of Biology, Howard Snell, requested that at the next Faculty Senate meeting, Tuesday, April 26, 2016, that Dr. Jorge Wernly's motion be up for discussion. Professor Snell stated that the consequences in treating the faculty and staff as a revenue stream, for example, through insurance premiums. Last year funds were collected in insurance premiums than what was required. The Faculty Senate requested that those premiums be fed back into the system and, had that happened, the premiums would not have had to be increased this year by 4%. The Faculty Senate requested that this not happen again. In response to this request the Regents put in place a policy that states they can take this action repeatedly.

Health Science Center Chair, Lee Brown, reported that he had the opportunity with HSC Council members to sit down and chat with the Governor's Secretary of Higher Education. Dr. Lee Brown mentioned he would like to have a Faculty

member added to the membership of the Board in the same manner that the students have a Student Regent.

Dr. Kendal Rodgers reported that the evolution of the HSC, up until 2010, had been that of two separate entities. UNM Hospital and the School of Medicine. Currently it had started to break some of the walls between the two, the faculty were involved together making decisions that benefited patients and the educational mission. Since this action by the Board of Regents, the walls are beginning to re-erect. If the goal of the Regents is to meet the fiduciary responsibility of UNM they will not meet the healthcare needs.

Dr. Liz Hutchison reported that on behalf of the Committee on Governance faculty members are one with the governance structure integrating the Health Science Center. There is a unity of purpose. The grounding with shared governance is not only in the nationally articulated documents about what constitutes shared governance but it is the policy grounding. The principle of shared governance is in the policies within the Faculty Handbook, the Administrative Handbook as the Regents Policies rest on principles enhancing and implement them in the units. Without the principle of shared governance being the core there is not structure, it is not an abstraction.

4. Adjournment

Meeting adjourned at 5:00 p.m.