

MINUTES
Faculty Senate Meeting 10/27/2009

Call to Order 3:38PM

Approval of Minutes

Move to approve minutes, seconded. Motion carries unanimously

Update from the President

Provost Garro's evaluation committee is now chosen and charged. They have begun their work on the evaluation. Should be completed by Spring Break.

Professional Science Masters program, the proposal is for a non-thesis track option for the Professional Science Masters. It crosses five colleges, so the curriculum committees for the various departments and hopefully there will be simultaneously approved. Bal Ram has asked for clarification of the Science Masters Program versus Professional Science Masters proposals.

Update from the BOT Committees. 18% State support now reliant on student fees. Next meeting 12/10 UMass Boston.

Report from Chancellor and Provost

Law School Concept Presentation and Discussion: Chancellor MacCormack Southern New England Law School offered to donate real estate, facility, technology and library asset to UMD for the purpose of creating a public law program in MA. These assets have an estimated value of \$22 Million.

These conversations began in 2000, first Faculty Senate approval in 2000 for going forward with talks. In 2000 there was a decision made not to pursue the proposal at that time. There have been a number of joint programs since that time.

In 2004 a proposal was presented to establish a public law school funded through PCE. In 2004 the Faculty Senate again approved the motion to move forward with the law school. The BOT approved the initiative and the Board of Higher Education rejected the proposal based on the use of continuing education. The student bar association of SNESE, the Commonwealth and the BHE settled the case with the students. Certain agreements were put in place in 2008 as a result of the settlement. Programs and program elements between UMD and SNESE have been approved and are ongoing.

It is once again time to submit the proposal. We are confident we can now get a fair review of the proposal. This time the proposal is different. In the Fall of 2009 the BOT of SNESE agreed to donate itself to UMD, thus the proposal this time will not be through continuing ed, will not require any additional state funds, will not take funds from any existing program and will be largely self-sufficient. This proposal will be good for the

long-term future of UMD. Having a law school in a comprehensive, research University is a benefit to the faculty.

We have decided to move ahead and submit this proposal to the BHE. We would also like to establish a task force after BHE approval for all the activities that will have to take place. We would like to accept the first class in the Fall 2010. It will be self-supporting and will generate revenue over time. It will generate revenue for the Commonwealth through tuition and fees. It will also allow UMD to assume a leadership role in the UMass system.

We need to get degree granting authority in order to conduct the full curriculum review that will be necessary to accomplish this transition.

Marty Xifaras, President of the BOT of SNESL. In order to take our students to our next level we felt the need to develop the continuing relationship with UMD. As a result of the BHE settlement, this time the BOT believed the proposal would receive a fair review. The settlement also requires a Monitor to review the proposal meetings, etc. In a letter, the reasons were set forth for the BOT in making the decision to donate SNESL to UMD.

Dean Robert Ward from SNESL. The faculty at SNESL understand that the opportunities for learning and expanding, to do interdisciplinary things are highly desired. There is a trend across the nation for small private independent law schools marrying up with public universities. The law school for the last 5 years has produced a legal periodical and have organized national conferences. This proposal is about our respective institutions, no one should be able to tell a public institution what it can or cannot offer its students.

Provost Garro. This proposal is to develop a UMass Law School and not a continuing ed of SNESL. Access and service are two of the drivers for this proposal. The external reviewers of the 04/05 proposal stated that the curricula that was presented was an ABA-accredited curricula. The only criticism was that the curricula had very limited flexibility, though this is not uncommon among law schools. The faculty were deemed competent and highly dedicated to teaching. Since 2000 there has been an increase in scholarship that would be acceptable for ABA accreditation. The only criticism of the publication record of the faculty was that they were not in the top law reviews. Once the proposal was accepted and ABA accreditation was achieved, the faculty would be published in top law reviews. There are four concentrations in the proposal in addition to the required core programs: economic justice, civil and human rights, operating businesses, and community law. This proposal has been further strengthened since the one endorsed by the Faculty Senate in 2005.

The faculty from SNESL would have to come through the UMD tenure processes. The faculty do feel that this is in the best interest of them and their students.

Chancellor MacCormack: Everyone is concerned about money. There is an opportunity here for revenue growth.

Deb McLaughlin, UMD Vice Chancellor of Accounting and Finance. No additional State dollars will be used for the Law School now or in the future. The building is mortgaged for about \$1.6 M. Money can be drawn down from this for ABA accreditation. Financial reviews have been conducted, and the library will need funding. The funds will be commensurate with keeping up an ABA accredited law school. Very conservative enrollment numbers were used in the projections. Some growth in enrollment was used in the pro formas. There is a \$2M excess reserve that will be used to support this initiative. No program at UMD will be negatively impacted as a result of this Law School being approved.

The schedule is to bring this proposal to the BOT in November, and ultimately to the BHE committee in February.

Motion: The Senate reaffirm its 2000 and 2004 votes in support of the concept of the Law School proposal, be it noted that the Faculty Senate and the Admin shall created a task force to review other issues and report on a monthly basis.

Motion Seconded.

Discussion:

Jim Griffith: The Faculty Federation has reviewed this proposal and is enthusiastic in its support of the Law School.

Comments Raised:

A reminder that the faculty are working without a contract and may be wary of new initiatives.

Creating this Law School will be an asset for the region, for our students and for our campus.

Accreditation will require resources. What assurances do we have that resources will be available for accreditation and that no programs will be cut. What are the servicing costs for the liabilities? If you go after enrollment do you need new faculty?

The faculty are being asked to review a proposal with no numbers and are asked to approve with no numbers. The Admin has made the decision to not circulate the proposal until the end of the week.

Chancellor MacCormack: If any faculty will like to see the proposal and the financials they are welcome to come up and review it.

What may be beneficial is to have someone go up to the office and have a review and then issue a report back to the FS prior to a vote of approval.

S. Leclair: The motion endorses the concept of the proposal but not the establishment of the Law School. The task force will be tasked with reviewing all the numbers and examining the feasibility. The motion is not an irrevocable commitment.

Chancellor MacCormack: We cannot go forward to the BOT with a conditional endorsement from the Faculty Senate. We have to have authority to do a substantive review of the curriculum. A conditional vote is handing our opposition exactly what they want.

Question? What is the timeline for the Senate to give a vote?

The Chancellor responded that the vote would be needed today. The Chancellor must have the approval of the faculty moving toward the BOT.

The Provost suggests to split the motion. One to enthusiastically support the motion to move the proposal forward. The second to establish the task force to do all the things we need to do to implement.

Comments: Beyond the unfortunate situation of being asked on the last possible day to approve this. I am not sure how we enthusiastically endorse this and then have a separate motion to establish the task force that says if this doesn't work out, we will deal with it.

Because of the previous vote, the Chancellor stated that the admin was not planning to come to the Senate this time, but it was recommended that the admin come and get a reaffirmation from the Senate. We have to have time for public comment.

Friendly amendment to split the motion

Motion One:

Motion the faculty senate enthusiastically reaffirm its votes in 2000 and 2004 for support of the Law School Concept.

In favor: 21

Opposed: Zero

Abstention: One

Motion Carries

S. Leclair: I request that the Secretary convey to the Administration that this was a **unanimous vote**.

Motion Two

The FS and the Admin create a task force which will report to the Senate on a monthly basis concerning their deliberation for the process of implementation.

In Favor: 19

Opposed: 0

Abstentions

Motion Carries

This concludes the law school portion of the agenda.

Report from the Gen Ed Task Force, Doug Roscoe

This is a request from the Gen Ed Committee to form a task force to conduct a comprehensive review of the Gen Ed program, including benchmarking etc.

The committee has been identified and will be in place for one year.

Motion regarding charge to the Gen Ed Task Force

Motion to approve proposed charge.

Motion seconded.

Discussion

Are the admin members Ex-Officio? No they are not.

This work is extensive and the Gen Ed Committee felt that this commitment was rather extensive and thus needed a committee.

Favor: 8

Against: 4

Abstain: 0

Motion Carries.

The intention of this task force is to make its report to the full Senate. It is up to the Senate to accept or not its recommendations.

Federal Regulation requiring the ordering of textbooks.

The higher education opportunity act as a textbook provision to provide students information when they register for courses. Instead of asking for faculty adoptions we will be using the registrars list of course. Fall textbook orders will be due March 5th.

We need to provide as much information as possible during pre-registration. But the faculty can change textbooks. It was suggested that students be advised NOT to purchase texts early.

Motion to adjourn, seconded.

Meeting adjourned 5:03PM

