

DEANS' COUNCIL MEETING – AUGUST 27, 2009 - ROBERTS ROOM

Present: Martha Bedard, Douglas Brown, Finnie Coleman, Uday Desai, Reinaldo Garcia, James Gilroy (via phone), Felipe Gonzales for Brenda Claiborne, Richard Howell, James Linnell, Arup Maji, Christine Marlow, Kate Massengale (via phone), Roger Schluntz, Amy Wohler

Guests: Wynn Goering, Joy Griffin, Richard Holder, Rick Holmes, Raquel Martinez, Jessica Ramos, Mark Saavedra, Melissa Vargas, Magdalena Vigil

Provost Ortega called the meeting to order at 3:35 in the Roberts Room.

1. Comments/Announcements from the Provost: (Suzanne Ortega, Provost)
 - a. Executive Cabinet Update on the H1N1 virus issue – Dr. Bailey recently gave a presentation with PowerPoint regarding the virus. The Provost will ask Dr. Bailey to attend the Deans' Council and give a short update on the issue. A lot of questions were raised on how to handle different scenarios if a pandemic begins. Dr. Holder and Felipe Gonzales are on the planning committee to find resolution to some of the questions being asked. Dr. Holder said there is an Emergency Operations Committee on north and main campus and topics such as thresholds for closures or libraries, classes, etc. have been discussed. Feedback from the Deans is needed in one week regarding what plan(s) will be used in each college/school to address large absences and other problems associated with the illness.

Three main concerns were drawn from discussions:

- (1) Closures – all reasonable steps will be taken to avoid closing the university, and this will not be determined by percentages but by the functionality of each unit or by directive of the New Mexico Department of Health. Each faculty member should determine individual class closure in consultation with their department chair, Dean, and finally the Provost.
- (2) Tracking absences of faculty and students – only unusually high absenteeism will be tracked and faculty will report this to chairs, chairs to Deans, and on to the Provost if they become excessive.
- (3) Tracking of personal protective equipment – some students may prefer to wear masks, but it is important to watch for those students who may be wearing masks in order to attend class when they are ill. If they are ill, they should stay home. Other students may wear masks in order to avoid catching the virus.

Senior Associate Dean for Faculty Felipe Gonzales said that discretion is given to the units. Departments should figure out how to track absences, using a non-obtrusive manner. This should be gone on a weekly basis and flyers to students from each unit may be a good communication tool so they may be kept informed. As far as staff goes, supervisors need to use discretion regarding sick leave.

Employee Relations Director Magdalena Vigil indicated that if staff does not have sick leave, they can use annual leave, and beyond that they can take leave without pay. However, they cannot take the time until they have accrued it.

Dr. Holder and Dean Bedard asked what happens if all leave has been used and how will staff get paid in at a time when they may need money for care? Dean Howell asked if it could be handled on a case by case occurrence. Director Vigil said that she will talk with Duane Arruti about the situation and that Human Resources would likely assign one person to deal with this specific issue. Dean Linnell was concerned

about events and the number of attendees, and Dr. Holder suggested that since the meeting would be fairly lengthy that people contact him with specific questions. The Provost said, in general, there is a non-closure stance being taken.

Dr. Holder asked Deans to meet with the department chairs and give him input into the three main objectives mentioned earlier. He will email those to the Deans for the chairs. It was also mentioned that no excused absence documentation would be needed during this time.

- b. Provost Ortega asked if the Deans think it is a good idea for her to spend some time each month in a college or school with office hours for one-half day. Generally, everyone thought this is a good idea.
2. E-Verify (Magdalena Vigil, Employee Relations Director)

Director Vigil presented the following:

In June of last year, President Bush issued executive order 12989 requiring all federal government contractors use "E-Verify," an electronic verification system designated by the Secretary of Homeland Security, to verify the work authorization of all new hires and existing personnel assigned to perform work on future federal contracts. The order was issued to ensure that the Federal Government contracted only with providers who "do not knowingly employ unauthorized alien workers."

The Final Rule that was issued requires that Universities verify any individual working on contracts that have this E-Verify clause (48 CFR Parts 2, 22, and 52). The language will only be placed on primary contracts of \$100,000 or more and at least 120 days in length and subcontracts of \$3000 or more that are greater than 30 days in length. The rule is scheduled to become effective September 8, 2009.

Although the Federal Government has received much criticism because of their four percent error rate per Director Vigil, the verifications are scheduled to begin as scheduled. This will affect all employees who work on contracts. This could end up in the discharge of some staff if they cannot be verified. However there is a process to challenge the non-verification through the Social Security Administration.

Dean Coleman asked if the Deans need to do anything. Director Vigil said no, that the wording will come through on any contract that involves verification. She added that lots of people have been contacted already about this including the School of Medicine, Larsen's group, RANS, and DANS. Provost Ortega asked that the Deans tell chairs about this and they should in turn let their faculty know about the verifications. Director Vigil also mentioned that this is for contracts and not grants. It was noted that some foreign students could be affected when they were named as a specific group. Dean Wohlert asked why Contracts and Grants are not managing this verification process instead of the broader management of Human Resources and possibly covering too many people who do not need to be checked. Again, Director Vigil said it would only affect those people as defined in the order.

3. Parental Leave (Richard Holder, Deputy Provost)

Dr. Holder reported that comments were requested from Deans on this issue in May but only two have been received. He added that this is an unfunded mandate and that it should address sick leave for faculty. The conversation centered on the disparity between faculty and staff and how equity could be maintained. It was mentioned by

Dean Coleman that many of these types of issues should be looked at more closely, for instance child care. The cost is a concern and it was suggested that a possible benefit menu might resolve some of the disparity (Dean Wohlert). The fact that new fathers do not receive leave but new mothers do was a consideration as well. The policy is fashioned after best practices at other universities and there was agreement that the current policy, which is very old, should be changed as a first best step rather than leaving it the way it has been. There was also agreement that it has to be an across-the-board policy and not left up to departments. Dean Brown added that fairness not only to faculty, but to staff, should be considered carefully. Provost Ortega asked for feedback to Dr. Holder as soon as possible as a first best step.

4. Policy C110 (Teaching Assignments)

Provost Ortega said that in two weeks she would need to know the number of courses of less than nine load units or course loads for all faculty. Dean Linnell said that he has numbers but he is not sure how helpful that will be. Administrative work and service work were asked about by Associate Dean Gonzales to which the Provost stated that those would add to the load unit. The Provost added that she needs to be able to say, according to policy, that 100 percent of the faculty is working nine load units.

Dean Garcia asked about the 15 credit hours the branches have and different scenarios that make the 15 hours so variable. Provost Ortega asked what the branches could use as a strategy, and Dr. Holder suggested that the branches propose changes to the Faculty Handbook through the Faculty Senate.

Several of the Deans said they have formulas that help them determine load units or course loads and they would send them to the group to provide some guidance. Associate Dean Gonzales asked what the numbers would do, and Provost Ortega reiterated that it would allow her to answer the question regarding nine load units using policy wording to reinforce legitimacy.

5. Advising (Wynn Goering, Vice Provost)

Provost Ortega asked Vice Provost Goering to forego the discussion on advising because there was not enough time left to cover it sufficiently. He agreed.

6. Special Projects (Dean Linnell)

The Provost also asked Dean Linnell if Special Projects could be discussed by Deans at a meeting next week. He agreed but stated that the issue, for the record, on the table at currently is the results of the rankings of special projects and what to do with that information. He suggested meeting with Deans first and following up with project directors. More will be covered at the next meeting.

Provost Ortega stated that the President is worried that Deans think they may not understand they have to come up with five percent of their budgets, therefore Financial Officer Kate Moore and the Provost will be checking with Deans to make sure they have the money.

There was a question about whether the amount might be more than five percent and the Provost said probably not. Furloughs were asked about too, and the Provost responded that they are not likely this year but for consideration in the 2011 budget, they are a possibility. The Provost also mentioned that in two to two and one-half weeks there will be a day-long budget strategizing session with Deans and chairs for mid- and long-term perspectives.

Dean Howell indicated that he might need a financial analyst and Financial Officer Kate Moore to go over his budget while Dean Wohler thought a strategizing session would be good because what each college does affects the others. She also said there are probably things they should not be doing, such as layoffs and/or class reductions, and those would be good to know.

Provost Ortega said she feels that Deans can meet requirements for this year, and that Deans have maximum flexibility to manage any way they want. The important principles to remember are that it is best to try to protect current people and student employees. In the longer term there will be some approaches that could be helpful and those can be discussed at the meeting.

Dean Maji asked why a meeting would take place in September rather than in November. The Provost does not want to wait until the last minute when there is no time to plan. That would mean scrambling in January and February when budgets are again discussed.

Dean Schluntz said he thought they went through a process last year that put everyone under a lot of duress and that it was unnecessary. He appreciates the flexibility being given to the colleges. However he is concerned about revenues in the process of strategizing. He notes that if you do not know what is coming in, you do not know how to plan. Even if it is a projection, the Deans need to have that. The Provost stated that as state support declines, UNM does not have the time to figure out how to do the budget better. She said the budget process is a very complex issue. In addition, she said that the entire university is cross-subsidized and most want that, otherwise money would flow directly back to departments that generated it and others would suffer. Certain issues have to be dealt with now.

The Provost added that there is tuition money that will be used to offset the amount of money that the academic side has to pay. She does not know the exact amount. A safe number to plan on is 3.4 percent of I&G and 5 percent of your direct appropriations.

Dean Brown said that it is important to really think about furloughs and how they can be useful. He added that early retirement might be an option for some rather than furloughs which could be good or bad. The Provost agreed with him and said that they hope to have a "go" or "no go" decision by the end of September.

Dean Howell said there are two critical issues; one being how much the true amount will be because there could be a big difference between percentages that have been suggested; the second being what will happen with Arts and Sciences because it will certainly affect the other colleges. The Provost asked if he is talking about long-term budgeting or the rescission. He said he was referring to 2009 primarily. He said that they can cover the rescission but at some point there is a tipping point where A&S says they can't do it and they start talking about a differential cut system. That situation is important to consider.

Provost Ortega said that if everyone agrees that she will tell the President that she brought the proposed strategizing meeting to the Deans and they will move forward with a date. There was general agreement.

The Provost indicated that there was not enough time to get to the advisement agenda item so it would be taken up next week at a special Deans' Council. Special Projects will be discussed as well. She asked if Mark Saavedra could attend next week and he said he would call in to participate. In the meantime he reported that the legislature is not as concerned as much about solvency as much as FY 2011. He says to think in terms of no less than three percent and no more than six percent. That's the target. The Legislative Finance Committee is working towards that goal. The Governor has different plan that he will talk about in 2 weeks that has different strategies. He will have more information for the Deans as soon as it is available.

Minutes provided by Donna Hoff, Program Specialist, Provost's Office