

Faculty Meeting Minutes

October 16, 2020

(via Zoom)

The meeting was called to order at 1:03 pm by Dean Sergio Pareja, once a quorum was reached. The following people were present for at least some portion of the meeting.

Faculty: Maryam Ahranjani, George Bach, Reed Benson, Camille Carey, Barbara Creel, Elizabeth Elia, Scott England, Paul Figueroa, Joseph Gallardo, Marc Tizoc González, Veronica Gonzales-Zamora, Vinay Harpalani, Steven Homer, John Kang, Joshua Kastenberg, April Land, John LaVelle, Jennifer Laws, Ernesto Longa, Nathalie Martin, Serge Martinez, Jennifer Moore, Adrian Oglesby, Aliza Organick, Mary Leto Pareja, Sergio Pareja, Sonia Gipson Rankin, Alejandro Rettig y Martinez, Leo Romero, Lysette Romero Cordova, Joseph Schremmer, Alexandra Siek, Sarah Steadman, David Stout, Carol Suzuki, Sherri Thomas, Cliff Villa, Samuel Winder, Peter Winograd (20 needed for quorum; names that count toward quorum in bold)

Staff: Krista Allen, Beverly Akin, Tony Anderson, Cheryl Burbank, Chad Covey, Stephanie Grant, Helen Padilla, Bonnie Stepleton, Ernest Tafoya

Students: Jessica Arreola, Taylor Bingham, Akram Hernandez

Announcements:

Dean Pareja reported on the COVID-19 situation. A student tested positive on 10/15/20 and was in class on Tuesday, 10/13/20. Camille is working with the Covid-19 coordinator for UNM. The cleaning crew came in and sanitized the building in the middle of the night on 10/13/20 and cleared the building to be reopened this morning. The Covid-19 coordinator said all students who were in the class that met in-person on Tuesday are now required to be tested today, Friday, 10/16/20. All students are being scheduled to have a Covid-19 test. The Covid coordinator said the law school could resume in-person classes already, however, the Dean is not comfortable with this and has decided, at least through next week, all classes will be remote. In-person classes will be reassessed toward the end of next week.

Vice Dean Camille Carey reports that the student who tested positive was in class in-person for Contracts with Emeritus Professors Alfred Mathewson and Bob Desiderio and Torts with Professor Carol Suzuki. The student had online classes for ELA with Professor Scott England, Lab with Adjunct Professor Bill Slease, and Criminal Law with Professor Barbara Creel. Vice Dean Carey asked for flexibility on attendance and assignments due to students needing to take time for testing. Although the Covid team is asking all students from that section to be tested, the faculty members that had personal exposure to the positive student are not required to be tested. Although main campus may have released them to return to work, they will need clearance from Dean Pareja or Vice Dean Carey to do so.

Associate Dean Sherri Thomas reports the library remained closed today because she had already told the staff not to report till Monday. Vice Dean Carey noted that two upper level in-person classes met on Tuesday, included ETP and Pre-Trial Practice but the student that tested positive was not in those areas.

Dean Pareja states being online feels safer; however, he spoke with many students and the feedback is:

- They are desperate for in-person instruction
- They mentioned mental health issues
- They also highlighted their struggles with online learning

The Law School tries to balance between their needs and their safety. Things change all the time and though the Law School can make some rules, Main Campus can overrule us.

Bonnie Stepleton states the first Tuesday night of every month is office hours by Zoom. Everyone is welcome, if interested, contact her for the link.

Professor April Land reported there was a visit from Karen Leaffer from the Jacqueline Leaffer Foundation for the Border Justice program. Many clinic students and work study students are working on asylum packets for victims of domestic violence. Karen announced they will continue to fund some border justice externs next summer. Professor Land welcomes questions and insights anyone might have to share on how they can improve or be more inclusive and be of more service. Dean Pareja added Karen is very enthusiastic about the work and she is impressed by what we've done.

Associate Dean Sherri Thomas reported the following:

- The Halloween Parade will be Friday, October 30, probably around 4:00 pm. Flyer going out next week. There will be a couple of areas to win prizes, one being a costume contest. Adults and kids can dress up. Parents can send feedback to Associate Dean Thomas when you think would be a good time. If your kids are going to participate, please send her your address. Everyone will win something.
- Professor Josh Kastenber, Professor Vinay Harpalani and Associate Dean Thomas are setting up a talk on the electoral process and Electoral College over Zoom. (Monday, October 26, 5:00 pm)
- Other sessions coming up after the election on self-care and ways for faculty to help manage hard conversations and emotions in the classroom. With final exams and the holidays coming up, and with Covid cases rising, faculty members are dealing with it while managing students and their stress. Will add to the series going beyond next semester. Flyers will be coming out.

ACTION ITEM: Approval of Minutes from the September 18, 2020 faculty meeting – Dean Sergio Pareja: Motion made by Professor Sonia Gipson Rankin, seconded by Associate Dean Thomas. Minutes approved by 31 yes votes, 0 no votes and 5 abstentions.

Report on budget forecast and planning – Dean Sergio Pareja: Dean Pareja reports that the pandemic has had an economic impact on the state, which affects the University and its funding. We had to produce a revised budget by August 31, based on the outcome of the special legislative session, which happened in late June. The revised budget is for this fiscal year, which started on July 1 and ends on June 30 of 2021. We are given a budget cut number from Provost and then have to show we will pay for it. In determining the size of our budget and budget cuts, the Provost considers such things as class sizes at the law school, credit hours, number of classes offered, how heavy we are on faculty, etc. These are all factors that impact our ending number. By August 31, we had to account for an annual cut of \$378,000 from our budget. Given that our annual I&G budget is about \$6 million, this is over 5% that we must cut, on top of multiple years of recent cuts. To do this, we

zeroed out travel funds for this fiscal year. We are not traveling anyway. We are not bringing people into the state for colloquia. After doing that, we made pro rata cuts to every index. In addition to this huge cut, we've been instructed to prepare for an additional 5% cut in the next legislative session.

Associate Dean Thomas reports that the library has made cuts, such as looking at the electronic resources they subscribe to that cost thousands of dollars. Electronic resources begin January 1, and they are in negotiations with all of them. The biggest impact has been the print collection. The library provides support around the state, to federal agencies, and to tribal governments. Even though the library has been closed to the public since March, we are still providing remote services. With continue cutbacks, some cuts will have to be made to the print collection. One series of reporters can cost up to \$20,000. The library's cut is \$100,000. The library is trying to cut as much as possible. After these cuts, there really is nothing to cut without reducing services being offered. Updates to NM Statutes are in, but, due to staff shortage, they are late getting them out. They will be placed in faculty mailboxes. Associate Dean Thomas noted that the ABA standards do not say anything about having a print collection. They only state that there must be a collection that supports the academic mission of the law school. Many law schools around the country are going through the same thing.

Dean Pareja stated there was a regional meeting of law school Deans in the Rocky Mountain area, which included several states. It became clear that all of these law schools are going through the same thing. Arizona had furloughs and cut salaries. UNM currently does not have any plans for furloughs or reductions in pay; however, we have not been replacing most people that leave. Professor Ernesto Longo notes that part of the faculty union contract negotiations is no reduction in force.

Report on communications with the Provost regarding class sizes – Associate Dean Sherri

Thomas: Associate Dean Thomas reached out to Provost Holloway about minimum class sizes, and the response she received states the policy is that graduate classes should have at least six students enrolled in order to proceed as regular courses in a faculty member's teaching rotation, but that is really a bare minimum floor and not something to aspire to. Classes generally should be much bigger than six students. Limited exceptions may be granted on occasion, such as when a class is required for degree, but regularly offering low enrollment classes should not be the norm. The existence of low enrollment courses adversely impacts the University's ability to get adequate legislative funding, and legislators are paying attention to our course enrollment numbers. Associate Dean Thomas can forward the email to you at your request.

Professor John Lavelle noted that in a 2017 correspondence with the Provost, he learned that at the time there was no policy regarding class size for the Law School. Professor Lavelle corresponded with Provost Holloway to let him know of the former correspondence between Professor Lavelle and the former Provost. Professor LaVelle's concern is for the Law and Indigenous Peoples Program. There have been years with enough students, but one year the program only had four students.

Associate Dean Thomas raised the possibility of cross posting some classes with main campus to increase enrollment. For example, social justice courses. That said, we have to think of the effect of doing that on administration and the Registrar's Office. It is been both successful and unsuccessful in the past. Professor LaVelle spoke about a letter received from Associate Provost Pamela Cheek with ideas to collaborate with the Native American Studies program on main campus. Professor LaVelle would like to continue to work on developing administrative links to Native American

Studies. Dean Pareja noted that we also have to be mindful of ABA rules about limitations of having non-JD students in classes. While Associate Provost Cheek's ideas are good, she would not necessarily be familiar with ABA rules.

Report from student representatives on student concerns – Jessica Arreola (3L rep), Taylor Bingham (2L rep), and Akram Hernandez (1L rep):

Akram Hernandez: There was a poll sent to 1L students about this semester. The findings are:

- Students raised concerns about consistency in teaching when one professor designs the quizzes, midterm, and finals in a course and different adjunct professors are teaching the students. The concern is that the adjunct professors may not be preparing the students for what they'll be tested on.
- Some classes still do not have a syllabus, which makes it hard to create an outline to help study.
- Students had issues with Exam4.
- Students have a concern about Covid and the student that tested positive, which caused everyone to be tested. Students want to know what the protocol is for incidents like this and what they should expect going forward.
- Students want to know if you are going to give them an option of in-person or online classes in the spring. Even though there are concerns over Covid, many still want in-person classes.
- How will the law school deal with the new orders from the Governor?
- Students also want to know how the classrooms are cleaned differently after we leave them versus when a student tests positive.

Dean Pareja responded to some of the questions:

- Governor's orders do not apply to the University, and the University operates under a separate agreement with the Higher Education Department for classes.
- There is regular cleaning of classrooms in between classes and there is deeper cleaning in the areas that the Covid positive student was known to have gone.
- We do have a protocol at the law school, but we also are subject to the UNM Covid-19 team and Coordinator on main campus. In this case, we were not involved in the decisions made by the team on main campus.

Vice Dean Carey added:

- There are separate UNM protocols for faculty, staff, student employees and volunteers than there are for students. There are also protocols for those that are tested positive, symptomatic, or who have been exposed. There is a clear policy for those that test positive and not for those that are symptomatic or exposed.

Dean Pareja continued:

- Main campus releases people to return to work or school but we've added a requirement that Vice Dean Carey or I have to approve people coming back into the building if they've been removed because of a positive test.
- The law school cannot publicly give out names if someone says they've tested positive, and there are health confidentiality issues we're dealing with.

- Several weeks ago, an email went out stating someone had symptoms and was in the building. That person ultimately tested negative, but many people stated they were very nervous; however, we are erring on the side of disclosing for safety.

Vice Dean Carey noted that she has a meeting today with Ernest and Muriel and will discuss Exam 4 and will communicate with the faculty about the syllabus.

Registrar Ernest Tafoya reported that they had total of 365 exams, and it was reported 4 students had issues with Exam 4 with technical problems. The students got an additional 5 minutes back for time missed. Tell your students to contact the Registrar if they have problems with Exam 4.

2L – Taylor Bingham: Surveyed students and met with students in Forum. Here are some issues that they raised:

- Students have not received a complete syllabus for some of their classes. They find it hard to plan for exams because they won't have a heads up on what they may look like and whether they are open book or not. It makes it hard to prep.
- Some classmates are living out of state and taking classes remotely. They want to know what is happening for spring semester because they cannot wait too late before the semester starts because they won't have housing ready. Students would like the option to do online classes again.
- Students worried about class sizes being capped because 3Ls can register first. They take classes they need to graduate, but 2Ls also need those classes. They are concerned that they will fill up.
- 2Ls are concerned about Career Services and want more communication of what's available for 2Ls in summer, fall, and spring. They want communication on timelines.
- What are faculty and admin doing to respond to the circumstances our class will be in moving forward?

Dean Pareja responded that there will be a remote option for the spring. That includes faculty and students.

Vice Dean Carey noted:

- Draft schedule of classes coming out Monday, October 26 to seek feedback.
- Monday, November 2, final schedule will be published.
- Registration will be November 11, 12 and 13.
- Only 2 or 3 classes will be in person and it will be one day a week and the rest online. If a student does not want to attend the in-person class, they can email Vice Dean Carey to inform her that they have a serious Covid-related concern.

3L – Jessica Arreola: Surveyed and met with students in forum with Isaac Lopez. These are the concerns of the students:

- Exam 4 issues. Would like a Q & A with Ernest and Muriel.
- Incomplete syllabi for classes.
- Career Services: More communication about job prospects. By now, we should have jobs lined up.

- Inconsistency between student organizations being allowed to do certain things on campus. Some organizations were told no when they asked Admin if they could have an event, while other organizations were allowed to. What is the protocol?
- Biggest concern: Format of classes is extremely difficult. There are a lot of expectations and the online classes seem to have triple the work over an in-person class. Because of home life, kids they have to also homeschool, etc., students have stopped participating in some activities in their classes.
- Students would like to know who is teaching the class because they take specific classes with a particular professor, and it shouldn't change after they've signed up for the class.
- The amount of time required in Clinic is a lot, and students request guidance on other classes they should take to balance their time.

Dean Pareja responded:

- Student organizations: Does not recall saying no to anyone but it may have been during the time when we had just gotten approval for in-person classes and how we were going to do it. Organizations must request advanced approval. If approved, they can set up a table outside the law school with no more than 2 students and using COVID-safe procedures.
- Approval was received to do in-person classes for up to 35 people, and 1Ls were chosen because they all take the same class, and it was easier to trace them.
- We will possibly have in-person 3L classes, but it will be like the 1Ls, come in one day and online the other days. We understand students want to meet in person.
- We have no intention of misleading students and altering who teaches courses at the last minute, but sometimes administrative things come up right before classes are going to start, and we have to adjust.

Ransomware update – Chad Covey, Director of IT and Facilities:

- He recommends website for Brian Krebs from the Washington Post on Cyber Security. <https://krebsonsecurity.com/tag/the-washington-post/>
- Recovery server is back and we can see data, but we cannot identify the user the data belongs to.
- We are working with a vendor to put it back together.
- He suggests using OneDrive, Google Drive or Dropbox to save your data now. Do not keep it only on your laptop as it can be dropped or stolen.

Strategic Planning report – Associate Dean Sherri Thomas and Professor Scott England, Co-Chairs of the Strategic Planning Committee:

Associate Dean Thomas noted:

- Surveys were sent out asking students, staff, and faculty for input regarding the mission of the law school.
- The committee has organized conversations by focus area, the first being curriculum.
- Companion document will be developed that incorporates goals and considerations from the feedback.
- Creating a comprehensive strategic plan in a short period of time is not going to happen.
- The general goals and directions with strategies will be given to our next dean (and dean candidates).

- We cannot assign responsibilities to people to create measurable outcomes yet because the next dean will need to make decisions on this.
- Will contact Chad to create a Sharepoint site to organize the feedback.
- Curriculum will be focus for now.
- There will be other opportunities for feedback if you did not put something in the survey already.

Professor England added:

- Faculty and students have a lot of ideas about how to improve curriculum.
- We need to identify goals and strategies for other areas while talking about curriculum.

The meeting was adjourned by unanimous consent at 2:24 p.m.