

Faculty Meeting Minutes  
February 26, 2002  
Room 2405

Present: Baum, Bay, Bergman, Blumenfeld, Bobroff, Browde, Canova, Cruz, Deloria, Desiderio, Ellis, Fort, Gill, Gonzales, Hall, Hughes, Kelly, Kovnat, Land, Lopez, MacPherson, Martin, Martinez, Montoya, Montoya-Lewis, Moore, Nathanson, Norwood, Occhialino, O'Leary, Rapaport, Romero, Schwartz, Taylor, Valencia-Weber, Winograd, Wolf.

Others Present: Andrew Knight

Dean Robert Desiderio called the meeting to order at 4:00 p.m.

**Dean's Report:**

The Dean indicated that the Committee on Promotion and Tenure will meet next Tuesday at 4:00 p.m. in Room 2405.

**Other Reports:**

Andrew Knight, member of the Dean's Search Committee, reported the student's recommendations as to dean. He explained the process, and then indicated that the students enthusiastically recommended Suellyn Scarnecchia and Fred Harris to be dean. They also indicated that the students found Thomas Guernsey acceptable. The report of the students has gone over to the Provost.

Professor Rob Schwartz reported that the staff had met and that the staff is recommending Suellyn Scarnecchia and Fred Harris to the Provost. He also indicated that the staff found Donald Zillman acceptable.

The faculty then proceeded to consider a motion by Professor Leo Romero, which motion is attached. After discussion, the faculty voted by ballot, and the majority of those ballots were in favor of amending the process suggested by the dean by Professor Leo Romero's motion. The faculty then discussed each of the candidates in the order in which they interviewed. After discussion, the faculty decided to inform the Provost that the faculty enthusiastically supports Sueellyn Scarnecchia and Fred Harris to be dean.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Robert J. Desiderio  
Attachment

## MOTION

I move that the procedure recommended by the dean be amended as follows:

1. Delete paragraph (2), which provides that the results of the balloting will not be disclosed at the meeting and that the ballots will be sent directly to the provost.

2. Substitute the following as paragraph (2):

" When we have completed discussion, we will take an initial vote to determine the level of support for each of the candidates. This vote will be by secret ballot and the results of the balloting will be disclosed at the meeting. In order to refine the position of the faculty, we will then take additional votes as necessary, and these votes will also be disclosed at the meeting. Based on the results of the balloting, we will then decide what we should communicate to the provost."

3. Substitute the following as paragraph (3):

"For the first vote, the ballot will list each candidate, and you are to vote for as many of the candidates whom you would like to recommend to the provost for appointment as dean without ranking them in any order of preference. For subsequent votes to refine the position of the faculty, the names of each candidate will appear on the ballot, and you are to vote by marking one of the four following options for each of the candidates:

- Very Well Qualified: My First Choice
- Very Well Qualified
- Acceptable
- Would not now be the right dean for us

have read emails from and have spoken to a substantial number of faculty members about the process to follow at Tuesday's faculty meeting. These discussions revealed three positions: (1) discussion without a vote (my original proposal); (2) discussion with one or more ballots, the results of which are disclosed at the faculty meeting; and (3) discussion with a ballot that is sent directly to the provost, but not disclosed at the faculty meeting (Ted's proposal). None of these positions garnered a majority of the faculty.

I have decided to adopt Ted's proposal as the method we will follow at the meeting. Ted's proposal is the "middle ground" that I believe a substantial number of the faculty who discussed the issue can support. Moreover, the provost will accept this method; it gives him the sense of the faculty without having a disclosed vote.

Accordingly, we will follow the following procedures at Tuesday's meeting;

- (1) We will discuss each candidate in the order that he/she interviewed: Gurnsey, Scarnecchia, Zillman, Mathewson, and Harris;
- (2) When we have completed discussion, we will vote by secret ballot. The results of the balloting will not be disclosed at the meeting. Instead, I will send the ballots directly to the provost. I will not review the ballots;
- (3) The ballots will list each candidate. You are to rank the candidates in order of your preference with "1" being your first choice. You do not have to rank all candidates;
- (4) Any of us may communicate our sense of faculty opinion to the provost; and
- (5) We are not to discuss the specifics of the faculty discussion or attribute any statements to any individual outside the faculty meeting.

According to faculty policy adopted in 1972 and amended in 1976, which policy we have followed since its adoption, the individuals who may attend, participate in discussion, and vote (cast ballots) are as follows:

- (1) Tenured, tenure track faculty members and instructors (Barbara and Raquel) may attend, participate and cast ballots at the meeting;

- (2) Visiting faculty may attend the meeting and participate in the discussion, but may not cast a ballot because the issue before the meeting involves a personal matter;
- (3) Directors of programs (Paul, Franklin, Sam and Marilyn) may attend the meeting and participate in discussion, but may not cast ballots; and
- (4) Student representatives are permitted to attend, participate in discussion and vote. However, the student representatives have agreed not to attend this meeting.

Voting by proxy is not permitted. However, the policy does not prevent anyone from sending his or her views to the provost.

What is most important at the meeting is that we discuss the candidates openly and frankly and that we respect each other's opinion. The provost has indicated to me that the faculty's opinion will carry the greatest weight with him. An open and frank discussion will also serve as a means for us to understand not only the characteristics and qualities we are looking for in our new dean, but also the reasons for those desired attributes. This will give us a better understanding of our collective vision of the law school.