

FACULTY SENATE
December 4, 2013
346 LEON JOHNSON
4:10 PM – 5:00 PM
MONTANA STATE UNIVERSITY – BOZEMAN, MONTANA
Minutes

Members Present: Babbitt (Physics), Branch for Bennett (English), Durham (COB), Franklin (Micro), Gibson (NTT), Greenwood (Math), Herman (NAS), Hostetler (GC), Igo (Ag Ed), Kohler (Chem & Biochem), Larson (M&IE), Lu (PSPP), Martin (Mod Lang), McMahon (Ecology), Miller (CE), Newhouse (Art), Reidy (Hist & Phil), Rossmann (Library), Schachman (Nursing), Swinford (Soc/Anthro), Wiedenheft (IMID), Wilmer (Poli Sci), Zabinski (LRES)

Others Present: Larry Carucci, Martha Potvin, Leila Sterman, Chris Fastnow, Nancy Cornwell, Ron Larsen, Robert Mokwa, Melody Zajdel, Marvin Lansverk

Chair Mokwa called the meeting to order at 4:10 pm, and a quorum was present.

Senate Business and Announcements – Chair Mokwa

- The minutes from November 20, 2013 were unanimously approved.
- The December 11, 2013 Faculty Senate meeting will be devoted to approving applications for degrees candidates, including proposed honorary doctoral degree candidates. Senators are encouraged to attend.
- Chair Mokwa reported on the current status of the Dean of Engineering search.
 - A public forum for Michael Chajes, candidate for the Dean of Engineering, will be on December 5, 2013, 2:00pm, Procrastinator Theatre.
 - A public forum for Janet Callahan, candidate for the Dean of Engineering, will be on December 6, 2013, 2:00pm, Procrastinator Theatre.
- Blake Wiedenheft announced that the search for Dean of Ag is in process, and the search committee is discussing whether the new position will be a Dean or Vice President position. Wiedenheft also announced that the search committee is holding a public listening session in ABB 138 December 5 at 1:00pm. Martha Potvin indicated that the first meeting of the search committee is complete and a first draft of the job advertisement is done.

Faculty Handbook (FH) Updating Process

Chair Mokwa recapped the historical steps leading to this current plan for updating the FH.

- Upon decertification of the union-negotiated collective bargaining agreement (CBA), the Office of the Commissioner of Higher Education (OCHE) and in particular, Kevin McRae, crafted what is now referred to as the Interim Faculty Personnel Policies (IPPs) in August 2013.
- In response to the IPPs, MSU Senate Chair and Chair-Elect sent a document to OCHE that advocated for faculty participation and involvement in crafting a faculty handbook as Montana State University moves from IPPs to permanent policies.
- Three working groups (sub-groups of the Faculty Senate Steering Committee) were formed – each with its respective charges – to address:
 - Retention, Tenure, Promotion, & Post-Tenure Reviews;
 - Faculty Grievances, and;
 - Annual Evaluations.
- Chair Mokwa showed a proposed flowchart depicting how policies are drafted, evaluated, and approved. The flowchart shows separate paths for issues pertaining to Academic poli-

cies and procedures (P&P) and for issues relating to Faculty Personnel. Senate is still one of the approving bodies for the first category of issues; Senate is not involved in the proposed process for Faculty Personnel policy.

- Chair Mokwa explained that he and Chair-elect Reidy met with OCHE in Helena, and were told that OCHE and our MSU central administrators (hereinafter referred to as “task forces”) have the legal authority to implement the IPPs (or any variation on them) as permanent policy and that these governing bodies do not necessarily have to involve MSU faculty in crafting the IPPs.
- Marvin Lansverk, past chair of Faculty Senate, explained the IPPs as a top-down maneuver. He also explained that OCHE would like to take as much P&P out of the FH and move it into the domain of the Human Resources Department and into overarching personnel P&P. With such maneuvers, the notion of shared governance (SG) gradually disappears. In contrast, the FH represents true SG. Lansverk views the power bestowed onto these task forces as encroachment onto SG. The task forces – consisting of many professionals who are not MSU faculty and facilitated by three individuals who are not MSU faculty – can seemingly bypass Faculty Senate for any ratification of any new P&P that emerges from the forces’ work. While obviously each task force contains a handful of faculty, the input from this handful of individuals is drastically different from MSU’s traditional model by which new academic policy is formulated and implemented. Our Chair and Chair-elect are being told that the FH is a thing of the past and that these task forces are going to re-write personnel policies and procedures, in piecemeal fashion. Lansverk’s suggestion for faculty members on the task forces is to resist the temptation to achieve clarity soon, fast, immediate. He suggests that we instead advocate using, as a starting point, the Faculty Handbook – with the occasional voted-in changes that were approved by FS, were part of the CBA, but not were written into the FH.
- Miller made a comment and asked a question. He suggested that – at first glance and without having studied the details – this directive looks like a power-grab by OCHE. What is the motivation for the separate tracks for the Academic Policy & Procedure issues (‘gold’) and Faculty Personnel issues (‘blue’)? Miller suggests that we clarify which kinds of issues are ‘gold’ and which ones are ‘blue’.
- Kohler mentioned that many of us would like MSU to be more like aspirant universities in terms of faculty’s role in university governance – he shares the same concerns that Lansverk raised. Are faculty giving up too much power? Is this proposed, top-down model of governance in any ways similar to the structures that are in place at other Research-I institutions in the US?
- Potvin stated that policy & procedures might be more under the domain of human-resources departments and central administration, but that faculty need to have input in setting the standards and criteria. We need to move back in the direction of a model of shared governance
- Lansverk stated that most people within OCHE (without their own experience in master’s programs and PhD programs) have never fully understood faculty. Faculty members want the academic structures of our university to control P&T. There are members of OCHE who would understand this.
- Wilmer asked whether the FS memo from last August to OCHE could be made available for all Senators to see, just so that all Senators can have a better understanding of this issue’s foundation. She also suggested that Senate draft a letter that proposes using the FH as the starting point, as opposed to either using the IPPs as the starting point, or letting the task forces start from scratch. She also stated that faculty applying for retention, tenure, or

promotion currently face a confusing mix of standards and criteria across the FH, the IPPs, and any remnants of the now-defunct CBA.

- Chair Mokwa responded by saying that OCHE believes that we, the faculty, voted out the FH when we chose to unionize. He suggested that faculty consult an expert on labor law, or contract law, to gain a better legal understanding of whether the FH was rendered moot as soon as faculty voted to unionize. Did the faculty not implicitly vote to reinstate the FH when it voted to decertify the union, as well?
- Kohler noted that he is hearing words like “labor” and “management,” issues that we thought would evaporate with the disbanding of the union. He observed that this situation sounds like the worst of both worlds: We now have union-like issues without being unionized. OCHE is taking control of policies and procedures in which faculty should have (and historically have had) substantial input.
- Chair Mokwa and Chair-elect Reidy stated that they have heard the OCHE officers tell our President and our Provost that they (our MSU leaders) have the legal authority to implement all P&P, without necessarily involving faculty in the creation and implementation of the P&P. Chair Mokwa and Chair-elect Reidy indicated that these three working groups, each comprising administrators and faculty, represent our President’s and Provost’s good-will-attempt to try to ensure that faculty have at least some voice, some input, into the process. Chair Mokwa and Chair-elect Reidy reiterated that OCHE was very clear in telling our President and Provost that the don’t have to involve faculty.
- Babbitt inquired as to whether any AAUP rules indicate that FS has the right to ‘negotiate’ on behalf of all faculty? The AAUP Red Book should be a reference with which Senators all become more familiar.
- Potvin responded by saying that for FS to represent all faculty as a local bargaining unit, bargaining with administration and OCHE, would be illegal ... in a sense that to engage in union-like bargaining without formal unionization might be illegal.
- Rossmann followed up with her own personal example of having to navigate the myriad policies and procedures that are currently in place, suggesting that this complicated mixture of documents is likely grievable by faculty.
- Mokwa suggested that Senate try to get a better understanding of the legal status of the FH. Perhaps FS can find an expert in labor law to help us.

As there was no further business, the meeting adjourned at 5:08 pm.

Signature,
Robert Mokwa, Chair

Signature
Michael Reidy, Chair-elect