

Emergency Faculty Senate Meeting

Webex

5/6/2021

9:00am-10:00am

Name	Represents	Attended
Brody, Michael	Chair	x
Watson, Bradford	Chair-Elect	x
Amende, Kevin	EN/Mechanical & Industrial Engineering	x
Anderson, Ryan	EN/Chemical Engineering	x
Blaker, Amanda	Gallatin College	x
Carson, Robert	EHHD/Education	x
Coffey, Jerome	Emeritus	x
Dale, Catherine	AR/Film & Photography	x
Dratz, Ed	LS/Chemistry & Biochemistry	x
Ellis, Colter	LS/Sociology & Anthropology	x
Haynes, George	Extension/On Campus	x
Herman, Matthew	LS/Native American Studies	x
Hill, Andrew	AG/AgEcon & Econ	x
Izurietta, Clemente	EN/Computer Science	x
Johnson, Jerry	LS/Political Science	x
Little, Jeannie	AR/Music	x
McPhee, Kevin	AG/Plant Sciences & Plant Pathology	x
Roberts, Dave	LS/Ecology	x
Schmidt, Ed	AG/Microbiology & Immunology	x
Scott, Brandon	LS/Psychology	x
Thomas, Amy	LS/English	x
Walach, Michael	AG/Agriculture Education	x
Young, Scott	Library	x
ALTERNATES	Represents	Attended
Black, Laura	JJCBE	x

Lachapelle, Paul	Political Science	x
Maher, Rob	EN/Electrical & Computer Engineering	x
Moyce, Sally	Nursing/On campus	x
Olson, Bret	AG/Animal & Range Sciences	x
Reidy, Michael	LS/History & Philosophy	x
Stanton, Christine	EHHD/Education	x
Tillack, Peter	LS/Modern Languages	x
Wittie, Mike	EN/Computer Science	x

OTHER ATTENDEES	Represents	Attended
Babcock, Michael	Earth Sciences	x
Eggers, Mari	Microbiology and Cell Biology	x
Godwin, Ian	Planning & Analysis	x
Handley, Ian	Psychology	x
Kosto, Allison	Extension	x
Richards, Abigail	Chemical and Biological Engineering	x
Russell, Philip	Chemical and Biological Engineering	x
Seymour, Joseph	Chemical and Biological Engineering	x
Weber, Liz	Bozeman Daily Chronicle	x

- I. Received an email from Chris Palmer at UM. Chris is Acting Chair of MUSFar (Faculty Senate leadership)
 - a. Likely to be a suit filed next week.
 - i. MUSFAR has been in conversation with a lawyer who would file the suit.
 - ii. MUSFar agreed we would take vote on Friday to support and participate in the suit.
 - A. Some campuses have already weighed in, taken votes.
 - B. President and Provost both know about this meeting but will likely not attend to give us the space to be frank. One hundred percent in support of the Senate having this discussion.
 - C. Some legislatures don't believe in Tenure. That could be serious if we don't do something.
 - iii. Time scale:
 - A. Several bills (102, 112, 218, 349) signed into law that are the basis of this, but the suit is not about those specifically. These are examples of

the legislature and Governor unconstitutional attempt to govern the campuses.

1. Free speech
 2. Student groups
 3. Overstepping the BOR
- B. Monday is the last day the Governor has to sign any bills into law.
1. By Monday, the policy will be released as to how firearms on campus will be considered at BOR meeting on the 12th.
- C. Tuesday the suit would be filled.
1. Likely to be multiple suits filed on that day
- D. Wednesday, the 12th all public comment will be entered
- E. Won't make a decision until the 26th /27th when they meet.
- F. We called a FS meeting on the 19th. We can then discuss 102 completely.
- iv. Does the Senate support us signing up to file a suit?
- A. Would the Senate be willing to be a plaintiff?
- v. Leadership from associated campuses
- A. Was some hesitancy
 - B. Can't overstep the faculty to express their own needs

II. Senate discussion

a. Kevin McPhee:

- i. Questions regarding the freedom of speech, what specifically are the limitations that are of concern in relation to those two bills?
- ii. What is the thought behind the impacts behind the legislature reviewing funding for campuses?
 - A. Keep our eye on the ball and not look at the fence.
 - B. President is very concerned about a continuation of these practices.
 - C. How is the faculty harmed in any of these? We are not going after the bills; we are going after the constitutionality of the legislature and governor trying to govern campus.
 1. Michael Brody: Concerned that if the legislature gets permission to tell us what to do on our campus that eventually they will take Tenure away and tearing up our campus. Idaho is a good example
 2. Jerry Johnson: Agree, but potential harm is not harm. I teach this. You have to be very careful signing onto something like this without knowing what administration is going to do. This will likely go to court and could weaken our position. You can sign on as a friend of the court brief, shows support without legal standing. We may have standing, but it's not clear. Different bills effect faculty differently, and in sometimes not at all. Want a very firm statement from administration on what they are going to do.

1. It is possible.
- B. Kevin McPhee: I feel this is a risky approach. It may be the only approach, but I think it's risky.
 1. Though the faculty may want to sign up as the Faculty Senate and not as part of the MUSFAR. Do we have your support with Bradford and Michael signing on to support them as the Senate?
- C. Jerry Johnson: You keep using the word Plaintiff. Is that really what you mean? It reads more like "support". We are asking you, the Senate, for your support with Michael and Brody joining MUSFAR in their lawsuit.
 1. What is your role in this? Michael and Bradford are members of MUSFAR.
- D. Bret Olson: No one has mentioned that the legislature is going to withhold a million dollars that would have been given to campuses if we file suit.
 1. It's a buy off. Not worth the money.
 2. The BOR are not filing a suit, but several members are.
- E. Sally Moyce: Nervous about casting a vote on behalf of the faculty I represent without having the time to discuss this with them. Can someone help me reconcile that?
 1. Michael and Bradford represent the body of Senate. We are asking if SENATE, as Senate members in support of Michael and Bradford moving forward. Not asking the faculty, but the Senate body.
- F. Twenty-five in favor. One opposed. One abstention. Resolution passes.**
 1. Thank you everyone!
 2. Thank you, Michael, and Bradford, for your representation.
- c. Does the Senate want to go further?
 - i. Ed Dratz: Don't have time now but would like to talk about it. We could hold another meeting.
 - A. Would rather the Senators call the meeting instead of Chair and Chair Elect. It's now in your court.
 - B. We do have a meeting on the 19th, but we will probably be talking about guns.
 - C. Jeannie Little: Should we talk to our faculty about how they feel about the gun issues and then have a meeting to discuss?
 1. Don't limited to the gun law. Focus on the constitutionality of everything. The gun law has already been put in place.
 2. Robert Carson: What are we allowed to say and what are we allowed to ask if we communicate to our faculty? Do we have guidelines?
 - i. We have tried to be really careful. Anything said in this meeting is public. Members of the public are in

attendance. Anything that has been said here can be said to your faculty.

- ii. Robert Carson: Read Barrett's letter in the paper. It is an excellent source of information on this. Explains why this is an appropriate strategy. Focusing on the obvious governmental overreach.
 - iii. Jerry Johnson: Montana is in a unique situation. Not like Idaho. This is a constitutional issue. Before you talk to faculty, this has nothing to do with anything other than the constitutionality. We need to be careful as faculty. The legislature will take this out on us. Moving forward you need to be careful of the faculty status in this lawsuit.
 - iv. I would want to talk to my faculty between now and Monday. You can't just walk away now. You need to have the conversations. Serious business that faculty have strong feelings about.
 - v. Colter Ellis: Sociology faculty feel we all have skin in the game around this.
 - vi. When would we meet again? How long do we have to talk to our faculty?
 1. Could be Wednesday next week. If things work the way we think it will, Wednesday morning it would be in the paper. Lawsuits will be filed at the Montana Supreme Court level.
 2. Wednesday is the ARSA meeting, so Thursday or Friday would be better days to meet.
- d. Would the Senate itself be willing to take a stand.
- i. Andrew Hill: What would we gain from that since there is already a suit being filed. Is it just a "signal" at that point? Is it the type of signal we want to give?
 - ii. The more organizations and people involved in this suit, the more leverage it would have. Wildly recognized that the final decision is the court of public opinion. If the entire system is resistant, the court of public opinion would be formed in a different way.
 - iii. Transgender law: There was one transgender athlete in Montana, and they are no longer a student. Law seems ridiculous.
 - iv. Jeannie Little: Moves to schedule a Faculty Senate meeting next week, the morning of the 12th. We have ten Senators on board. We will meet on the 12th. Keely will send out webex info. Bradford will lead the meeting.