

**FACULTY SENATE**  
**January 29, 2014**  
**346 LEON JOHNSON**  
**4:10 PM – 5:00 PM**  
**MONTANA STATE UNIVERSITY – BOZEMAN, MONTANA**  
**Minutes**

**Members Present:** Arnold for Igo (Ag Ed), Babbitt (Physics), Bolte (Music), Bonnand (Library), Brester (Ag Econ), Cantalupo (Ext), Christopher (HHD), DeWeese for Newhouse (Art), Durham (COB), Gannon (Bio & Chem Eng), Greenwood (Math), Herbeck (Ed), Kohler (Chem & Biochem), Larson (M&IE), Lynch (Psych), Chaofu Lu (PSPP), McMahon (Ecology), Miller (CE), Reidy (Hist & Phil), Rossmann (Library), Swinford (Soc/Anthro), Waller (Hist & Phil), Wiedenheft (IMID), Zabinski (LRES)

**Others Present:** Larry Carucci, Martha Potvin, Chris Fastnow, Ron Larsen, Robert Mokwa, David Singel, Terry Leist, Glenn Duff, Paul Gore, Robert Maher, Renee Reijo-Pera, Kregg Aytes

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

Senate Business and Announcements – Chair Mokwa, Chair-elect Reidy

- The minutes from January 22, 2014 were unanimously approved.
- Mokwa reminded Senators to view the Legal Counsel website where policies are posted for final review and comment. FS will be voting on some of the policies at the February 5, 2014 meeting.
- Courses and Programs
  - A motion was made → seconded → all were in favor of accepting the following courses as posted on the FS web site:
    - ACT 116 - Walleyball
    - ACT 201 - Power Cycling 2 (Advanced)
    - ACT 232-001 - Argentine Tango Women Only
    - ACT 232-002 - Argentine Tango Men Only
    - ACT 249 - Classic Mat Pilates
    - SFBS 327 - Measuring Innovation in the Food System

Update on Faculty Handbook Status and Revision Process (f/u from December 4 FS Meeting)-  
Chair Mokwa

- Resuming the December 4, 2013 FS meeting when senate discussed how to transition from a CBU with a CBA to a new form of the Faculty Handbook (FH), Mokwa provided a short synopsis bringing senate up to date.
  - Mokwa noted that once a campus becomes unionized and subsequently decertified, previous FH structure and content must be modified to negate any/all references to policies that are bargainable.
  - August 2013 – OCHE crafted and submitted an Interim Faculty Handbook, replacing the old FH.

- Faculty reps met with OCHE and expressed concern that they were not included when the Interim FH was crafted. Going forward, faculty would like to have input in crafting the new FH.
- Commissioners informed faculty reps that the Interim FH included only terms & conditions of employment and campus administration have the directive to change those policies.
- A draft procedural flow chart (posted on the Fs web site) was produced by the Provost indicating two flow levels:
  - A gold flow path which identifies academic policies and procedures;
  - A blue flow path identifies faculty personnel policies.
  - Mokwa and Reidy stated that policy going through the blue flow path would be announced and a comment period would be available.
  - How to differentiate between the two paths?
  - From OCHE's perspective, everything in the Interim FH was faculty personnel policies. Those policies would follow the blue flow path, and FS is not included in the discussion/approval process.
- OCHE believes P&T, one of the main policies in the Interim FH, to be part of terms & conditions of hiring.
- The Provost asked faculty to participate in reforming the Interim FH, and a steering committee (SC) was formed to assist in that endeavor.
- Shared governance language found in the FS Bylaws attests to the cooperation among the university administrators, committees and faculty when making policy.
- Verbiage from the old FH states that FS/faculty have the prerogative and right to review and make changes to the handbook. Appendix A provides details on how policies are to be managed within the university environment.
  - Anyone can propose a new policy.
  - Faculty Affairs does a lot of the faculty policy writing. However, all policy revisions, etc. don't have to come through them, but we rely on them because they are so good at what they do.
  - FS goes through a process of approving a policy but administration has the power to veto. This is not the most efficient way to do things. It would be more efficient to get their input as we are reviewing/crafting policies.
  - Administration may make policy and if FS does not agree with it, they may make it into policy nevertheless.
- Mokwa proposed a Draft Plan to to update the FH using shared governance as the means to do so.
  - Faculty want to reinstate and update the FH using the shared governance approach.
  - Faculty want to continue using FS review in the approval process with some updates to improve efficiency.
  - Faculty would like to incorporate changes to the FH that were approved by Senate and have been in limbo ever since the union movement occurred two years ago.
  - Separate or "tag" language in the FH that is directly affiliated with terms & conditions of employment. Tagged language will not pass through FS for

approval. However, all other modified/new language will be vetted and approved by FS before moving forward in the process.

- Develop a process for identifying the tagged language. Initial activities for this effort are ongoing within the shared governance SC.
  - Academic policy modification will follow the upper, gold branch of the flow chart where parallel input from the provost and senate will occur simultaneously. Tagged language will follow the blue branch of the flow chart, which will be relabeled from “Admin Terms & Conditions of Employment” to “Faculty Personnel Policies”.
  - Utilize working groups (as a subset of Faculty Affairs) to immediately address three high-priority policies that were separated out from the OCHE Interim FH document, were:
    - Retention, P&T and Post-tenure Review;
    - Faculty Grievances; and,
    - Annual evaluations and letter of hire.
  - Senators interested in providing comments and having direct input in this policy revision/writing process are welcome to join or provide input to the working groups. Mokwa noted that the intent of the working groups is not to bypass senate rather, they will develop refined draft policies that will be presented to senate for discussion, further refinement and vote for approval.
- Discussions ensued:
    - Christopher asked if there was an accepted definition of what terms & conditions of employment mean and, if so, who chooses the definition? Larsen stated most of what is in the P&T document is not terms & conditions of faculty employment. The fact that faculty go through retention and if they do not succeed, they will be terminated; those are terms & conditions. The standards and criteria that are used for those reviews are not terms & conditions and are under the control of depts. And faculty.
    - Potvin stated that each dept needs a role and scope document (R&S) that contain specific things. The language used for the R&S is a dept/faculty process.
    - Lynch stated that role & scope and criteria and standards were always in the old FH, and they were never out of date.
    - Singel described an evolutionary process of the FH that was taking place when faculty became unionized. Certain changes became incorporated into the CBA, but never made it into the FH when MSU because decertified.
    - Bennett is not clear who has the authority to make such tagged changes.
    - Larsen stated that OCHE’s initial approach to the P&T document was that since there were some terms & conditions contained in it, the entire document must, therefore, be terms & conditions of employment. Administration, however, believes it is fair and reasonable that FS should review the Interim FH, and tag terms & conditions.
    - Potvin stated that FS may review the terms & conditions as long as we do not engage in negotiations. The final document will be approved by OCHE.
    - Brester commented on the disparity of work load between departments and asked how that would be controlled. Mokwa stated that the Interim FH has a section entitled “work load” but has no information under the heading and is something senate should investigate further. Potvin stated that during the two years faculty were

unionized, administration was to develop a new workload policy process. It was so complex, and the differences between units were so great, the task would take a long time to complete. Currently, Potvin is gathering benchmark information for the workload portion, as MSU has disequity that we should not have.

- Brester stated that the differences at each of the universities in Montana are not the same thing as disequity. MSU is different than any other university in the state because of more differences in terms of output and what we are doing. A plan, therefore cannot be developed other than the expectation that people to work hard and do well in the classroom. OCHE is not aware of these difference and want everyone to be the same.
- Babbitt asked if workload should be tagged or untagged? Reidy stated that the issue has not arisen, yet, and when it does, it will be examined.
- Maher stated that one of the issues involving the term “negotiation” is that MSU just recovered from a situation where the campus environment was deliberately adversarial. MSU is trying to reacclimate the campus where everyone is working together; it will take a while for the culture to equilibrate. Hopefully, the word “negotiate” will go away as administration and faculty work together.
- Lynch stated that there was already an interaction between P&T, workloads, letters of hire, and believes it will not be easy to decide which are terms & conditions, in the Interim FH. Missoula’s TT faculty will have increased teaching loads. Did they go through a bargaining process to enact that, and is it permanent? How does this operate in practice? One cannot separate all these entities. Mokwa stated that tagging the pieces within the complete documents, instead of removing them, is beneficial. He reminded senators that the tagged items are things faculty could not change previously, anyway.
- Potvin stated that it is up to the employer to determine what raises employees get. Potvin went on to say that she came up with a plan for compensation - market, merit, equity, retention pool - and made a presentation to FS for input, where it was received well. It was not negotiation, but a discussion. It moved forward in a way that leadership instituted terms & conditions that worked very well. Lynch remarked that although this might have worked well, this is a process that has been implemented in the past and some faculty were not happy with it, hence the reason the union was accepted.
- Mokwa remarked that shared governance means compromise. He asked for senate input on the Draft Plan and presentation.

As there was no further business, the meeting adjourned at 5:04 pm.

*Signature,*  
*Robert Mokwa, Chair*

*Signature*  
*Michael Reidy, Chair-elect*