

FACULTY SENATE
Oct 6, 2010
LEO JOHNSON 346
4:10 PM – 5:00 PM
MONTANA STATE UNIVERSITY-BOZEMAN, MONTANA
Minutes

Members Present: Anderson, Biber, Brown, Cherry, Engel, Merzdorf for Eiger, Eitle, Engel, Fisher, Kaiser, Lansverk, Lawrence, Martin, McClure, Mokwa, Neumeier, Palmer, Schachman, Sobek,

Others Present: Tom Burgess, Joe Fedock, Wes Lynch, Joy Dale, Gail Schontzler, Mike Stevenson, Peter Fields, Hilary Ehlert, Bob Swenson, Larry Carucci, Aleks Rebane, Doug Downs, Bennett Link

Chair Lansverk called the meeting to order at 4:10 PM. A quorum was present.

Announcements – Chair Lansverk

- Next week, Regent Todd Buchanan will attend Faculty Senate.

MEA/MFT Field Consultant - Tom Burgess

Tom Burgess is the field consultant for the MEA/MFT, which represents 18,000 workers in Montana; He is responsible for bargaining for the MUS, except the community colleges. He is involved in disciplinary actions and arbitration hearings to helping locals with bargaining contracts. To expedite the discussion today, Faculty Senate Steering Committee crafted questions about the union from listening to other faculty. Question categories include: a bargaining update, merit pay issues, P&T, communications, processes, contract process.

- *When the first contract is available to be voted upon, how much time are faculty given to review it before voting on it?* As soon as contractual agreement is reached, the union then calls a meeting of the members as soon as possible; all information is shared and a vote is conducted within a few days afterwards, typically in about a 7-10 days. That timeframe for when union faculty first receive the contract and when it is voted upon is not proscribed by law. Remember that there are two different bargaining units and two different votes; tenure track and non-tenure track.
- *Who attends the meeting and who gets to vote?* The meeting is called by the union and only union members may vote. Non-union members may see the contract and if they choose to join the union at that time, they may. The bargaining team is comprised of 15 people and will not reach a tentative agreement unless they agree unanimously to what is done. There will be hard copies and the document will be about 35 pages long.
- *Does the vote take place at the meeting and is there oversight from the state of Montana to make sure procedures are correct?* There is no oversight from the state. There is information in the constitution that describes how the vote takes place; secret ballot; someone watches and the ballots are counted by 3-4 volunteers 3-4 times at the meeting. From the amount of members present to cast ballots, the majority wins.
- *What happens when a vote is a “no” vote?* The bargaining team goes back to the table and conducts department rep meetings, written surveys, electronic surveys to find out what caused the vote to go down. That information is taken to the bargaining table and the bargaining agreement is rewritten to accommodate changes discussed.
- *Can you give a bargaining update on meetings and activities? We heard that a lot of boiler plate language was agreed upon and now you are in the more specific language phase. Any news to report on that?* Detailed bargaining updates are not possible because issues have not been formalized or agreed to, yet. One thing to report, however, is that after the member assembly last week, the BT met and edited the draft Letter of Support which they are encouraging members and non members to sign: it is a call for administration to continue bargain in good-faith, showing support from the faculty for union goals. By signing the letter, it indicates that you support the union endeavors as they are articulated.
- *Can you shed any more light on the “merit pay issue,” the money that was budgeted by UPBAC for AY09-10 but has not yet been distributed. Is it still part of the plan for this to be*

put into the contract and then distributed retro-actively, once an bargaining agreement is reached and ratified, or is this still subject to changing strategies and the give and take of bargaining? Even though by law, this is a mandatory subject of bargaining, the union has listened to faculty views on this and decided not to wait: but to agree to let administration distribute the AY09-10 budgeted merit pay monies now, outside the contract. And while the union could still become involved in the method of distribution, they've decided to let the university follow its own procedures this time, though this will set no precedent going forward. The union will then continue to write language in the contract which will describe how future merit pay will be distributed, which will then have the protections of the grievance process that the CBA affords.

- *What is the union's role of FS in Promotion and Tenure process? How would you characterize FS's role?* It is not our goal to take it away from FS and it is not our goal to completely re-write the process that has been used. We took the faculty handbook and other collective bargaining agreements and used them as guidelines. And the 15 bargaining team members have worked on the language. Faculty Senate will be included. The handout distributed is a sample agreement that is used between a faculty senates and unions on other campuses, called "Compact of Mutual Understanding and Support." It spells out the roles of each. The union represents wages, hours and working conditions. All academic issues that relate to P&T are Faculty Senate's. Ideally, Burgess would like definitions of roles of FS and the union to be articulated and how each interacts with one another.
- *Historically, FS has worked on definitions, criteria and standards that are in the faculty handbook. They define what we expect faculty to do to get promoted and tenured. There are also procedures to make sure those definitions, criteria and standards are met and those processes begin in the department. Departments have committees and their own policies and procedures. Then they move up to the college and the university P&T. Is the union going to be involved in defining that assessment process? Are we going to have some kind of standardization of procedures in the departments regardless if the definitions, criteria and standards remain the same in the Faculty Handbook?* The short answer is, "Yes." If you look at all the other union agreements at the other university campuses, those things are defined. They are defined within the department/college and it ends up on the provost's or president's desk. That doesn't mean that the entire faculty handbook, or part of it, will be changed. It just means that in the final analysis when the tentative agreement is brought to you for the vote, whatever is in there is written, designed and supported by those faculty representing you on the bargaining team. *But there would be some attempt at standardization at that?* Yes.
- *I have a question regarding this document you handed out. At the end of the document there is a reference to a law. Do we have something like that?* Yes. Title 39, Section 31; The Montana Collective Bargaining Act. <http://www.mt.gov/>
- *Should Faculty Senate spend any time this year on continuing to make progress on revising/modifying the P&T document section, "Criteria and Standards for the Evaluation of Teaching?"* My expectation is that it will be in the collective bargaining agreement.
- *If that will end up in the bargaining agreement, and Faculty Senate still continues to work on the P&T processes for the evaluation of teaching (the so called Bite #3), will these ideas make their way to the union for consideration?* I would hope so. We tore the faculty handbook apart and there are several areas where we never changed anything that we put on the table. There are some sections that we are looking at and are not on the table yet, and we are making some attempt to write it so that it does make it consistent and does have an impact on everyone on campus.
- *From what I've seen with the collective bargaining agreements from other campuses and Missoula in particular, it looks like the sections on P&T are very scant in comparison to the documents that exist in departments and colleges. I am surprised by your statements because it seems to me that the collective bargaining agreement would have to be extremely large to incorporate that.* I think it does. Keep in mind that those campuses bargained for those contracts and they bargained for either what they had before or what they want in the future. They vote on them themselves. They are individual agreements. They have different intent. We don't have complete P&T language yet and I can't share it with you. We understand how

it works and we considered the faculty handbook, and we have worked very hard as a bargaining team to achieve something that we think the faculty will accept.

- *In terms of communication, how are faculty at large that don't hear this from you often enough to be convinced that the union now knows what the faculty does want? I know you took a survey and you say you know what they want. One very blunt survey cannot tell you what faculty want. I know this because in the course of discussions in FS, we discuss things continuously. It's not whether I know what faculty want; it's the 15 unit bargaining team that knows what you want. Every department on campus has a faculty rep. We had a faculty rep meeting just before the start of school, and there were 25 faculty reps. If you don't think you have enough people representing you from your department, I encourage you to join. That is the communication channel we use; both input and output. If that is the chief mechanism now, is there a route for communication with Faculty Senate as Faculty Senate? The mechanism is the route you took today. I'll come and never turn you down. You can call me or email me.*
- *The Faculty Senate process is that we meet every week. The representative union process is that they meet every semester. We wonder if this produces as robust an information flow as one might want. How then, are detailed faculty opinions on P&T to reach the bargaining process. Further, how are FS's views to be tapped: for example, contracts typically include language defining the role of FS, yet FS has never been asked about the language going into the contract that defines our existence. I think the Senate has been asked. Of the 15 members of the bargaining team, at least 7 are FS members. So there are reps on the bargaining team and on FS. Could the communication be better? Absolutely. But I will never turn you down to come here. Will the president of the local come here and speak to you? Absolutely not. Will the bargaining team members come and speak to you? Absolutely not. It's not because we are being secretive. It is because you cannot negotiate amongst yourselves. Everything on the table, we expect the faculty will support. It's a learning process; every time I come here I learn something. Every time you come here, I hope you learn something too.*
- At the end of this discussion, Chair Lansverk thanked Tom Burgess for taking the time to drive down from Helena for this discussion.

Stadium Proposal - Michael Stevenson, Peter Fields

President of the MSU Foundation, Michael Stevenson addressed FS about the new stadium proposal, starting with some history: He described how President Cruzado began to explore enhancing the game-day experience for Bobcat fans by expanding our football stadium to provide more access to students and fans. In July, she addressed the MSU Foundation and asked if we could get financial support for this project. The project is estimated to cost \$8M; \$4M will be from private donor support and \$4M will be matched by the university in hopes that the expansion would be completed by the 2011 football season. Yesterday, in a conference call meeting, the BoR unanimously voted to allow MSU to use private donor dollars and to move forward with the architectural plans. There was legislation passed two years ago that provided legislative dispensation for athletic projects using private donor money only. This gives the university or the BoR the ability to lease the stadium to a private non-profit, in this case the University Foundation, and we would make improvements to the stadium.

- *How much money has been raised so far? Out of respect to our Board of Directors I am meeting with this Friday, I cannot discuss with you at this time the total amount. I can tell you that we have just been given a \$1M gift and we have previous commitments for balance. After the conversation with our Board on Friday, I will be able to communicate with the community about the rest of the \$4M.*
- *Your proposal says that no state funds or students fees will be used. How do you intend to raise the other money? The university is discussing the many options they may have and one such option might be revenue from tickets sales.*
- *Will there be some sort of safeguard built in so that the financing is complete and students won't have to pick up the slack if the project doesn't go through? We do have a definitive business plan. President Cruzado requested that whatever is financed would be collateralized at a rate of two to one; there would be \$2 of revenue for every \$1 the university would be responsible for financing. Beyond that, you might want to consult with President Cruzado.*

- *Could you define state funding in this context?* I understand it is money in the general fund. We would be in violation of the state law if we used taxpayer dollars. No state resources are to be used when a project is expanded using this mechanism.
- *There are other funds in the so-called auxiliary budget. Are they protected or are they to be used?* That is a question for President Cruzado.
- *May other foundation funds targeted for other things utilized for this project?* No. Only donor funds earmarked for this project may be used.
- *Where is this other \$4M coming from at the university level?* You should ask President Cruzado. It is unclear what financing mechanism they will use and how it will be structured. The first step in making this successful is getting private donations.
- *Are you trying to get construction approved by the November BoR meeting, so does that mean you will try to raise the entire \$4M before the next Cat/Griz game?* Correct.
- *Are the students excited and behind the project?* We have had a number of discussions with students since September 1; AdvoCats, Greeks, 14 or 15 groups that were invited to a town hall meetings with students and so far the response has been very positive. There are two reasons for student enthusiasm: 1. It would increase the game experience, and 2. Students will not have to pay for the expansion.
- *Does the timing of this project bother you? I hear from faculty that athletics seems to always find money, but equipping classrooms and laboratories is always a challenge. Further, are you concerned that next year if we have to raise tuition that the general public will automatically associate the tuition hike request with the stadium project?* I know it is perception, but how are you going to address that? We have to do a good job of educating the best way we can about where this money is coming from. 7.5% of what the Foundation has raised is restricted to athletics; 6% of our endowment is designated for athletics. Therefore, 93-94% of the funds distributed from the foundation go the academic mission. I might also point out that our athletes are students who happen to participate in sports and are also doing well in the classroom with an average of a 3.2 GPA. We graduated about 60 students last year. The donors specify where their donations go. This sets a tempo that we are able to engage our community during strained economic times. This project raises the bar for future commitments.
- *Why not raise a larger chunk of the money?* Given the economic conditions, it will be a stretch for our donors, given such a short amount of time. Our donor who gave \$1M asked that once the focus of the stadium has been completed, they wished that the focus be on academics.
- *Is there anything you would specifically like from the Faculty Senate?* We would like to see you in the stands to cheer on the Bobcats, especially this season. A lot people are excited this year because of the success of the team. And what the President has done so far in her leadership.
- *Looking at the University of Montana, would this be setting the stage for us to be moving to the next level?* Peter Fields responded: We're not in a position to move to that level. That conference is about \$20M and that is base budget. We would have to come up with another \$8M. In ten years, if someone asked that question again, it might be a different answer.
- *What is the primary motivation for this project?* Peter Fields: This year, for example, we have had three consecutive sellouts. It would be a bonus to the university and it is exciting to see young people coming in and leaving as successful adults. That is a three-part maturation process which involves academics, socialization and athletics. This is a team effort. We are doing what the mission states which is to educate and we are doing one component of that mission.

In the quarter million dollars raised by the Foundation and given to the university for academic scholarships, a large portion of that money was raised through athletics. This project will be the first primary fund-raising initiative through capital improvement. All previous fund raising for athletics was meant for scholarship support.

- *What happens if you are only able to raise \$3M and you go before the BoR and now instead of asking for \$4M, you ask for \$5M or \$6M. Is there a possibility to scale the process back or do it in stages?* We have looked at options and we will not take the project forward if we are

not able to finance it. We've looked at alternate bids and other options to make decisions about how to prudently finance the project.

- *Are we going to end up moving all students down to the end zone, or will students be in the seats they already have?* We're having discussions with students, but at this point we don't know.
- Chair Lansverk thanked Peter Fields and Michael Stevenson for presenting this information to FS.

The Faculty Senate meeting ended at 5:18 PM, as there was no further business.

Signature

Marvin Lansverk, Chair

Signature

Gale R. Gough, Secretary