

General Faculty Meeting Minutes

February 22, 2023

Approved March 22, 2023

SUB 321 and ZOOM: <https://nmhu.zoom.us/j/3755944464>

4:00-5:00 p.m.

1. **Called to Order at 4:05.**
2. **Approval of Agenda.** Motion made and seconded to approve the agenda. Motion passed unanimously with 23 votes counted.
3. **Approval of Minutes from November 11, 2022.** Motion made and seconded to approve the minutes from the November 09, 2022 meeting. Motion passed unanimously with 23 votes counted.
4. **Chair Report (R. Rock).**
 - **Presidential Search.**
 - **2022-23 Faculty Senate Committee Membership**
(<https://www.nmhu.edu/faculty-and-staff/faculty-senate/faculty-senate-committees/>).
 - **Department Chair Internal Selection Process (Faculty Handbook Section III. B. 7. b.)**
 - **Athletics Survey.**
 - **NMHU Faculty Concerns**
 - i. **Faculty Senate IPRA requests.**
 - Lengthy discussion ensued about number of requests, lack of response for most and incomplete response for others.
 - EH asked about the details of IRPA requests. When did the requests go in, for what, and what if anything was returned.

- **Motion made and seconded that the Faculty Senate EC send a letter to the administration (cc BOR) demanding that they honor IPRA requests including those currently outstanding. Motion passed unanimously with 23 votes in favor and 2 to abstain.**

ii. AVPAA-Forestry.

- Lengthy discussion ensued.
- Member said hard for us to understand the AVPAA-Forestry position without all of the information. The administration's verbal communication doesn't align with much of their written communication and much of their written communication is incomplete.
- Member asked *Did Sloan formally resign from his faculty position before entering negotiations?*
- Member offered, "We're left with damage, loss of trust between faculty and administration. Minner and other admins are leaving!"
- Member said creation of position violation of FH and tenure and promotion was violation of collective bargaining laws under PEBA.
- Member shared that what we want to accomplish is important, but fears it could be a waste of the faculty's time. We're going to keep hitting walls without positive outcome.
- Member DC said that the Faculty Senate did get a response – that there were no supplemental contracts. Noted that RG said in earlier FS meeting that it is an Administrative position.
- RR asked KJ if a grievance is the path forward? Option about going public? KJ said wants to listen to ensure that supporting faculty in ways that they want to go.
- RR asked General Faculty -- *Do we want to ask the Faculty Association to consider a grievance?*
- SW asked, *does the AVPAA-Forestry position violate HLC principles?* His thoughts are that it does. During the FS meeting seems the labyrinth has become even deeper and more complicated. Not that filing a grievance isn't a good thing to do, this process could go on for months. Wants to see consequences come from this. Two ideas: notify HLC and file a grievance.
- Member said that our administration is not all that much educated re our policies.
- Member offered that faculty should contact HLC, confirm whether it is a legal document that we do/do not have privity to.
- DC gave context to the "grey areas" that Minner and Gonzales referred to. Read from Minner's response (copied below). Noted -- *there are no gray areas.*

Summary of Issues Related To Faculty Status and Tenure

At a board meeting on December 6, 2022 the presiding chair of the Faculty Senate provided a document outlining several faculty concerns regarding Dr. Josh Sloan. The document was provided to the Board of Regents and the Chair of the board directed me to prepare a response. I noted that I would do so, but that it would be after the holiday break and into the spring term before I could devise my response.

I believe I have examined all the relevant documents related to the matter. Here are my findings:

1. On May 12, 2017, Dr. Sloan was employed as an Assistant Professor. He did not request consideration of tenure at the time of his hire. He was granted some credit toward tenure at the time of his hire and I can find no irregularities in that process.
2. Several years later during the fall term 2021, Dr. Sloan informed the administration of a competing offer of employment. In my view, his departure from NMHU would have effectively ended our efforts to establish or even play a major role in the development and establishment of a Reforestation Center. There were (and still are) millions of dollars at stake. After consulting with the Provost and in an attempt to retain him, I offered Dr. Sloan a contract for an administrative position at NMHU. Dr. Sloan then requested that the administrative position come with faculty status and tenure, which is permitted if certain steps are taken as outlined in *Article 37: Granting Tenure to Administrators*. Dr. Blanca Cespedes, the Department Chair, contacted the Provost noting a favorable departmental recommendation to award faculty status and tenure to Dr. Sloan in this new role. I cannot find anything inconsistent with the requirements of *Article 37* during this process. Dr. Sloan's faculty and tenure status is noted on his new contract.
3. I cannot find much information in any of our policies or procedures about what professional activities someone in the "Granting Tenure to Administrators" category may (or may not) engage in. I know that previously some of these individuals have taught and some had other professional interactions with students (e.g., thesis work), but if more clarity is needed or desirable about what is and is not permitted, I welcome those discussions and potential changes in our policies.
4. Having said that, Section IV of the Senate Faculty Handbook defines faculty and Administrative Faculty is one of those categories listed. Here is the relevant language:
Administrative Faculty shall be defined to include administrative employees who carry academic rank. Administrative faculty shall be employed by administrative contracts. Terms and conditions of employment of Administrative Faculty are provided for in the Personnel Policy and Procedures Manual. Coaches, librarians, counselors, and other administrative staff with faculty rank shall be Administrative Faculty. Administrative Faculty with tenure shall be entitled to receive a position equivalent to the position vacated at the time the administrative faculty staff position was accepted, in the academic unit in which the employee obtained tenure and at a rate of pay commensurate with what they would be earning had they remained as full-time faculty.
5. Several other artifacts were included in the packet of information provided to the board. For example, an ORG chart was provided, which noted that the new administrative position (with tenure) reported to the Provost and no one reported to him. That all looks correct to me.

In sum, as is the case at many universities, there are several paths to a faculty role and tenure at HU. Most individuals hired into a tenure track position work for several years and then apply for promotion and tenure. Those processes are clear to me. However, there is also Article 37 which outlines a process to potentially award faculty status and tenure to administrators. This is less common than the former approach, but it is permitted and based upon what I found, that is what happened here and furthermore, I believe the proper steps were followed.

I personally have worked under these conditions at two universities. I was hired as faculty member but after some time, offered a new position as an administrator. I requested to hold a faculty position with tenure in these new jobs. The process used at those schools was very similar to those we employ here at HU. The department examined my materials and then made a recommendation to the Provost. While in those jobs, I sometimes taught classes (one semester I taught four classes due to the illness of a colleague), sometimes advised students, frequently wrote and managed grants, and sometimes even attended departmental meetings. I cannot exactly recall, but I do not think I ever cast a vote at any departmental or senate meeting. I can't recall if I elected to not cast a vote on some matter or if was prohibited from doing so. I am not sure about that. As I previously noted, if we would like to clarify the professional activities someone in this special category may or may not participate in, I welcome that discussion and if desired to move the discussion along, will provide some examples from other campuses.

- Discussion continued about this body formulating a statement to HLC about issues we have, articles ignored, policies violated. **Motion made and seconded that the Faculty Senate inform HLC (cc BOR) about the lack of communication and information sharing from the NMHU administration with the Faculty in violation of governance, including:**
 - **Creation of a new position (AVPAA-Forestry) and reorganization related to the Forestry Department.**

- Tenure and promotion of an individual in violation of the Faculty Handbook and Collective Bargaining Agreement (mention sections, articles).
 - Results of HLC's Spring 2022 review. President Minner has not shared the results of the HLC Spring 2022 site visit with the NMHU Community.
- Discussion continued. Member offered that going forward is going to take years. This is a slap in the face of governance. Chairing thesis by an Administrator is not allowable. A Thesis Committee Chair must be a member of the graduate Faculty. This is a huge issue of governance. The Senate wasn't consulted about the new position, its responsibilities, and organizational structure. A reorganization essentially took place, which is a FH violation. The administration HAS to follow governance. They created an administrative position with faculty responsibilities. We should notify the HLC about major policy violations. This is an assault on tenure. Not following contracts.
 - Senator Hayward thought maybe break out into multiple motions. KJ disagreed because they could respond to one, not another.
 - **Motion passed unanimously with 23 in support and 2 to abstain.**

5. HLC report

6. HB 0102

<https://www.nmlegis.gov/Legislation/Legislation?Chamber=H&LegType=B&LegNo=102&year=23>

7. Other.

- KJ asked what is the FS reporting to the BOR at its next meeting? JL said typically to share passed motions and GF discussions (including these).
- MP asked about informing the press about issues discussed above? Shared that has been powerful in the past to prompt administration action. KJ said that BOR meetings have press attendance.

8. Adjournment. Meeting adjourned at 5:02.