

Faculty Senate Agenda

December 1, 2022

- I. Welcome and Minutes (<https://www.mtech.edu/facultystaff/facultysenate/minutes/index.html>)

Approvals for November 10, 2022 Meeting Minutes

Action Items

- II. CRC Items
- III. Additional changes to the FSH
 - a. From 11/02/2022- see attachment
 - b. Safety Committee Update- see below
- IV. Representation on Grievance Committee- see below

Informational Items

- V. Chair Report
 - a. CPR
 - b. All Faculty Meeting

Discussion Items

- VI. Old Business (from 9/28 meeting)
 - a. Adjunct Faculty Pay- see below
- VII. New Business-

III. b

I received an email from Karen Wesenberg regarding some additional changes to the F/S handbook, Appendix A, regarding the Safety & Health Committee (approx. pg 23 on the proposed changes). I don't know if there is much to be done at this point, but may be worth bringing to the next meeting if appropriate.

Here are some of her suggestions (condensed/edited a bit):

- 1) Original text: "The Safety & Health Committee is appointed by the Vice-Chancellor of Academic Affairs and Research. According to Administrative Rules of Montana, 4.30.2542-2546,"
 - a) The Administrative Rules of Montana (ARM) that is referenced is not correct. It is **24.30.2542 SAFETY COMMITTEE REQUIRED FOR EVERY EMPLOYER WITH MORE THAN FIVE EMPLOYEES.**
 - b) There is no Vice-Chancellor of Academic Affairs and Research at Montana Tech, at least not anymore. There is a Provost and Vice Chancellor for Academic Affairs – Dr. Steve Gammons and a Vice Chancellor for Research and Dean of the Graduate School – Dr. Angela Lueking. And, the Director of EH&S falls under the Vice Chancellor for Administration and Finance.
- 2) Proposed addition to this section of the F/S handbook:

The Montana ARM indicates that "(3) Federal law prohibits domination of a safety committee by management. (4) Every safety committee shall: (a) be composed of employee and employer representatives and hold regularly scheduled meetings, at least once every 4 months. The committee(s) should be of sufficient size and number to provide for the effective representation of the workforce."
- 3) If the F/S Handbook is to be updated, then these changes should be considered. The Montana legislature has mandated the formation of safety committees and obviously, it is not clear who is the chair(s) of this committee at Montana Tech.

IV.

Information about the committee is on page 89 of the faculty staff handbook section 506.5 (some clips are below)

506.5 GRIEVANCE COMMITTEE

There will be eight regular members of the committee with two appointed from each of the following constituencies: (2) faculty, (2) administrative and professional staff, (2) nonacademic staff, and (2) students.

Appointments will be made by the Chancellor from a list of four candidates nominated by each group. The Affirmative Action Officer is an ex-officio member of the committee. The Chair of the committee is elected by the committee and approved by the Chancellor. Appointments will be for two years unless otherwise specified at the time of the appointment, with half of the committee members' terms expiring on alternate years. When a vacancy occurs on the committee, the group that the vacancy represents shall make nominations to fill the unexpired term. Any three of the eight regular members shall constitute a quorum for purposes of conducting a formal hearing.

In the event that a member of the Grievance Committee feels that he/she has a personal conflict of interest with the Grievant or the issue, he/she may request to be excused from the proceedings. Should the absence(s) of the excused member(s) bring the number of regular members below that needed for a quorum, the Chancellor may appoint a replacement(s) from the appropriate constituency for this hearing.

The Grievance Committee is charged with making a recommendation to the Chancellor for resolution of complaints by faculty, nonacademic staff, students and applicants for employment or admission arising out of an alleged violation of any applicable state or federal law or regulation or any contractual relationship, policy, or procedure the breach of which would cause a valid complaint.

Complaints will be reviewed by the committee, which after full consideration will determine the facts and make a report to the Chancellor.

506.6 AUTHORITY OF THE COMMITTEE

The Grievance Committee is authorized to conduct whatever reasonable investigation is required in order to make a well-considered determination of the validity of a complaint. It may require the presence and testimony of witness and may compel the production of documents and other evidence.

The Committee may, when necessary, hold informal hearings the procedure and conduct of which are to be determined by the Chairperson in accordance with this policy.

Depending on the nature of the complaint, the committee will either make findings of fact for consideration by the Chancellor, or make recommendations to the Chancellor. If the committee makes recommendations to the Chancellor, those recommendations will not be disregarded without a statement by the Chancellor to the Commissioner and/or The University of Montana President and to the Grievant.

There is presumption of innocence on the part of the Respondent and the Respondent, without question, retains all civil liberties and rights afforded a U.S. Citizen and as a member of this academic community.

506 GRIEVANCE POLICY AND PROCEDURE

506.1 PURPOSE

The purpose of this grievance policy is to provide an accessible and impartial hearing mechanism for the prompt and equitable resolution of complaints through the process cited in the procedures and to provide an opportunity to resolve grievances at the earliest possible stage. Students, employees, or applicants who believe they have a grievable issue must seek resolution through this grievance procedure prior to or rather than pursuing redress elsewhere. In all such matters, appropriate confidentiality will be maintained; **no public announcements should be made by any of the parties involved until the proceedings have been completed through the final administrative review.**

These grievance procedures apply to all grievances from **persons who are not covered by collective bargaining agreements.** Members of collective bargaining units must utilize the contract grievance procedure unless the complaint is clearly outside the scope of the contract.

Grievable issues are those **in which there is an alleged error in the application of Montana Tech's policies, procedures, and practices; or in varying combinations of these to include discrimination.** A grievable issue becomes a discrimination complaint if a violation of any applicable nondiscrimination law or regulation is alleged. Student grievances not covered by policies in the student handbook, which allege error in application of Montana Tech's policies, procedures and practices, may be filed using this mechanism.

Whenever any person considers that he/she has been discriminated against in a manner which may have violated Title IX or any other state or federal law or regulation prohibiting discrimination, that person may discuss the concerns, and seek advice prior to executing any formal grievance procedures, directly with the Affirmative Action Officer for resolution. Montana Tech's Affirmative Action Officer is charged with insuring compliance with state and federal laws and regulations dealing with unlawful discrimination. This direct access to the Affirmative Action Officer is intended to insure that the complaint, if founded, receives prompt and equitable resolution at the earliest possible instance without being constrained by administrative time limit penalties. If the complaint is against the Affirmative Action Officer, the complainant may proceed directly to the Chancellor for resolution.

IV.a. Adjunct Pay

I was able to communicate with Vanessa, and the rate of pay for union faculty on overload is \$1100 per credit hour. The adjunct rate for all others is \$1000 per credit hour, as this rate has been in effect since the late 1990s/early 2000s, I would like to add it as a discussion item to piggy back on our discussions of overload.