

Faculty Senate Minutes

October 20, 2021

Virtual Meeting via Zoom

Zoom: Charie Faught (Chair), JoAnna Reeves (Secretary), Sue Schrader, Linda Granger, Bret Robertson, John Ray, Hilary Risser, Richard LaDouceur (sub for Peter Lucon), Courtney Young, Jackie Timmer, Douglas Galarous, Rita Lamiaux, Lonnie Horn, Raja Nagisetty, Jessica Andriolo, Dan Autenrieth, Ronald White, Chris Gammon,

Zoom Guests: Angela Lueking, Scott Risser, Matt Egloff, Michele Hardy, Les Cook (Chancellor)

Quorum @ 9:00 am.

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

Approvals for October 6, 2021 Meeting Minutes. Motion made and seconded. **PASSED.**

Action Items

- II. Marvin Speece Emeritus Recommendation (see attached)

Chris Gammon presented the recommendation that the MUS Board of Regents confer the rank of Professor Emeritus to Marvin Speece on behalf of the Department of Geological Engineering, noting Marvin Speece's many years of service and dedication to Montana Tech.

Discussion: Several senators spoke in favor of going forward with the recommendation, noting their positive experiences working with Dr. Speece on committees and in other roles.

Approval: Motion made and seconded. **PASSED.**

Informational Items

- III. Big Tech Announcement- Monday, October 25 at 10:30 in SSC

All who are able are encouraged to attend the announcement. There is no word exactly what the announcement will be except that it is good news.

- IV. Reverend Jaime Washington sessions:

- a. Workshops: Tuesday October 26 from 2-3:30 CBB 101, and Wednesday October 27 from 2-3:30 Big Butte Room
- b. Community Session Wednesday October 27 at 6:00 Library Auditorium

The LEAD team worked to arrange this visit. Reverend Washington is an expert on diversity and inclusion and all are encouraged to attend one of the workshops. The Tuesday and Wednesday sessions will be identical.

Discussion Items

V. Testing Space

Matt Egloff joined the meeting to request the Senate make a recommendation that Tech create a designated testing space to better serve students in need of accommodations while taking tests and exams. He cited difficulties faculty face finding quiet space for students, including instances when rooms have been double booked by other faculty seeking the space for the same purpose, as well as the logistical difficulties of managing multiple students needing accommodations. He noted that some faculty have teaching assistants to help with this, while others do not.

Discussion: In the past, TRIO was available for this purpose, though federal funding only provided this service for specific students. There was also note of communication from administration at the beginning of the semester advising faculty to be on the lookout for updates regarding testing services. Discussion was generally in favor of creating such a space, noting that this would not only ease the burden on faculty and keep Tech in compliance with the law, but it is the right thing to do for our students.

Approval: A motion in favor of approving the recommendation was made and seconded, followed immediately by a second motion to table this discussion until the next meeting so the issue can be brought to faculty constituents for discussion. The second motion was made, seconded, and **PASSED**.

VI. Faculty Governance at Tech (see below)

John Ray brought forward items VI-VIII, and Chancellor Les Cook attended to respond to questions pursuant to these resolutions. In order to provide context for the discussion, Charie Faught (Chair) tallied the number of resolutions faculty senate has brought to the administration since 2019. Of nine resolutions (including four Professor Emeritus recommendations), eight have been approved, the ninth recommendation being the resolution requesting masks for all indoor spaces passed on Sept. 22nd. Professor Ray presented his opinion that the mask resolution was unfairly rejected by the administration, as the senate passed the resolution by a heavy majority of 86%. He also expressed his concern regarding the faculty senate's role in shared governance, and whether input from the Faculty Senate is being given serious consideration.

Chancellor Cook responded to the comments above by detailing the ongoing efforts administration is taking in response to the ongoing COVID-19 pandemic, including regular meetings of the COVID Team which includes administration, OreDiggerRX, the Butte-Silver Bow Health Department, etc. The team meets to assess the COVID situation in the greater community and on campus, continues contract tracing, testing efforts, and also reports cases numbers to the appropriate authorities. The decision to implement the mask mandate only in instructional spaces was made based on input from the COVID Team and representatives from various campus bodies, and was decided upon as a happy medium, noting any measures in place must be enforceable. Currently a vaccine mandate would be unenforceable due to state law prohibiting such a mandate.

Discussion and Questions: Faculty asked for clarification regarding the state vaccine prohibition vs. the federal vaccine mandate. Chancellor Cook will look into this more, but current understanding is that state law takes precedent. For those receiving federal grants, preliminary counsel from the OCHE legal team advises that they are not considered federal contractors who would be subject to the federal

vaccine mandate, as this provision only applies to those in a cooperative agreement, per information provided by Angela Lueking.

Chancellor Cook is willing to send another email reminding the students to wear masks in instructional spaces, as some students are becoming less compliant, and it would aid faculty in enforcing the requirement. There was also discussion over the possibility of increasing communication between the COVID Team and faculty senate, and whether those meetings are currently covered under Montana's Public Meeting Laws.

Suggestions included

- A. Making the COVID team a formal committee with student, faculty, and staff representation
- B. Inviting someone from the committee to attend the faculty senate meeting periodically to give updates and answer questions
- C. To assign a liaison to the COVID Team.

The Chancellor will bring these ideas back to the COVID team for input. He noted that current infection rates on campus are very low.

- VII. Resolution: The Montana Tech Faculty Senate endorses the following resolution of the Montana University Faculty Association (see below)

Senators are asked to discuss this request with their constituency for further discussion at the next meeting.

- VIII. Request That the Montana Tech Faculty Senate create a special committee to describe and delineate the Faculty Senate Position on what constitutes shared Faculty Governance at Montana Tech: What it is; why it is important; what it encompasses and entails; what it will require; and how it will be implemented.

Senators are asked to discuss this request with their constituency for further discussion at the next meeting.

- IX. Activities/Goals for the academic year:
- a. Review of Faculty Staff Handbook:
Not discussed.
 - b. Faculty Satisfaction Survey
Not discussed.
 - c. Combined Faculty Senate/Staff Senate Meeting
Not discussed.
 - d. Strategic Planning
Not discussed.
 - e. Other?
None.

- X. Other Items

None

Motion made to adjourn and seconded at 10:05 am.

II. Marvin Speece Emeritus Recommendation (see below)

THAT: Upon the occasion of the retirement of Dr. Marvin A. Speece from the faculty of Montana Technological University, the faculty wishes to express its appreciation for his years of dedicated and valued service to the institution, the Department of Geophysical Engineering, and the state of Montana by recommending the rank of Professor Emeritus in the Department of Geological Engineering be conferred upon him by the Board of Regents of the Montana University System.

EXPLANATION: Professor Marvin A. Speece received his BS degree in Geological Sciences from Wright State University in 1982, his MS in Geology from University of Michigan in 1984, and his PhD in Geophysics from University of Wyoming in 1992. In 1992 Dr. Speece came to Montana Tech as an Assistant Professor in the Geophysical Engineering Department. He was promoted to Associate Professor in 1996, awarded tenure in 1999, and promoted to Professor in 2001. He served as department head from 2005-2008 and 2013 to 2020. He was also a Visiting Fulbright Scholar in the Geophysics Department at Ain Shams University in Egypt from 2002-2003. He was a NASA Dragonfly Mission consultant from 2020-2021.

At Montana Tech, Dr. Speece taught applied linear systems, seismic prospecting and processing, physics of the earth, field geophysics within his department, and he also taught physics service courses for engineering and science students. He has taught a significant number of special topics courses and other departmental courses (24 courses not mentioned by name in this letter). For years, he worked diligently in organizing physics instructors and geophysical engineering faculty for freshman and sophomore physics courses being taught on campus. Dr. Speece has won several campus and off campus awards. Examples include the United States Antarctica Service Medal (2011), a Montana Tech Merit Award (2021), and the Montana Tech Lifetime Distinguished Researcher Award (2021).

Dr. Speece's research at Montana Tech has focused on a wide range of geophysical approaches to answer difficult questions in earth sciences. Dr. Speece has published 40 peer-reviewed journal papers, one book, two book chapters, 13 peer-reviewed proceedings papers, and 8 additional reports. He has remained active in presenting and publishing work with students his entire career including 109 abstracts and 27 invited talks. He has also remained active in peer-reviewing scientific literature for many journals. Dr. Speece has also brought ~\$3.6 million in research grants to Montana Tech.

Dr. Speece's tenure at Montana Tech can be characterized as outstanding with significant service to the University and to the State for which he is to be commended. For these and numerous other contributions, the Department of Geological Engineering are pleased to nominate Dr. Marvin A. Speece for the rank of Professor Emeritus of Geological Engineering at Montana Technological University.

V.

Faculty Governance: Does it Exist at Tech? NO

Consider the following from the By Laws of the Montana Tech Faculty Senate.

By Laws Montana Tech Faculty Senate

Article II. Purpose, Functions and Duties

SECTION 1: Purpose

The purpose of this organization shall be:

To participate as an advisory body in the formulation, implementation, and review of institutional policy and to provide the means for the faculty to initiate action on matters with which it is directly concerned.

SECTION 2: Functions

Within the framework of rules and regulations set forth by the State Board of Regents, the functions of this organization shall be (*these are selected functions listed in the by laws that would pertain to the resolution the faculty senate overwhelmingly adopted with regard to Covid policies*):

- a. To study and discuss institutional problems referred to it and, where appropriate, to make recommendations to the administration.
- b. To initiate suggestions for changes in the area of institutional policies affecting the instructional program of the college.
- c. To serve as a channel of communication between faculty and the administration and, through the administration, to the State Board of Regents.
- d. To aid the students, the faculty, the administration, and the State Board of Regents in developing policies coordinating the total college community.

AAUP provides additional guidance as to what is shared faculty governance:

AAUP Statement

What is shared governance?

Shared governance refers to the joint responsibility of faculty, administrations, and governing boards to govern colleges and universities. Differences in the weight of each group's voice on a

particular issue should be determined by the extent of its responsibility for and expertise on that issue.

What is the role of the faculty in shared governance?

The role of the faculty is to have primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and aspects of student life which relate to the educational process. The responsibility for faculty status includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The faculty should also have a role in decision-making outside of their immediate areas of primary responsibility, including long-term planning, budgeting, and the selection, evaluation and retention of administrators.

Discussion of Resolution

While the role of the Faculty Senate is advisory, the implication is that the Administration will listen to, take seriously and meaningfully respond to Faculty Senate input. There should be some efficacy in regard to our input. Our input should be meaningful and help shape Montana Tech policy.

We are not supplicants begging the administration for some action. We are co-equal partners and have particular province with regard to academic issues on campus.

Administration after administration at Tech has articulated support for shared faculty governance but these words have not translated into deeds. That regrettable record continues today.

It is obvious that the Administration dismissed with little consideration our input regarding campus coping with Covid. The only response was a general missive from the Chancellor to the whole Tech community that in part referred to the senate resolution, said it had been received and that it had been dismissed. (Like the ghost in Hamlet: *Tis here, tis there, tis gone.*)

We need to proactively express our chagrin at being treated so dismissively

We are not and should not accept the role of supplicant. We should demand accountability from the Administration and a true, substantive, respectful response.

I also have concern about the Faculty Senate in that we seem to be too complacent in accepting rebuffs without explanation or justification from the administration. We are far too timid in our approach to the administration.

While some may relish and be content in the role of, for example, reviewing the work of the CRC that reviews the work of departments that reviews the work of faculty members who are

experts in their fields; while some may be content to spend endless meetings discussing a faculty satisfaction survey that has little efficacy, there is more much more to what we should be doing. Some are too unwilling to confront the administration when we need to confront them.

This is one case, the safety of the Tech campus, where we need to confront the administration and hold it accountable. (In passing, our chairperson has constantly pointed out that there was dissent regarding the resolution. By my count only three senators voted against it while 14 approved—an overwhelming majority. Rarely, regarding any controversial issue, will you have unanimity, which is why we have majority rule. Given the overwhelming support of the resolution, we have great justification in demanding accountability from the administration.)

Of course, the administration is going to be loath to give up any power to the Senate but we have a legitimate place in the power structure at Tech and should use it to discuss and act upon issues of significance.

I therefore offer the following resolution to be approved by the Montana Tech Faculty Senate:

The Senate respectfully requests that the Chancellor appear before the Faculty Senate to address and answer the following

1. Why, specifically, was the resolution of the Faculty Senate regarding additional Covid protection measures, which passed by an overwhelming majority, rejected by the administration?
2. What is the Chancellor's position on shared faculty governance at Montana Tech?
3. What role does Faculty Input play in administration decision making with regard to an issue such as the Covid crisis?

VI. *Resolution: The Montana Tech Faculty Senate endorses the following resolution of the Montana University Faculty Association:*

The Montana University Faculty Association Representatives (MUSFAR), which represents the faculty of the Montana University System, urges the Board of Regents to institute a vaccination requirement to help end the COVID pandemic.

Numerous vaccines are already required for the Montana University System and the Montana Annotated Code Title 20, Chapter 5, Part 4 states that postsecondary schools “may impose immunization requirements as a condition of attendance that are more stringent than those required by this part.” Further, the constitutional authority and moral responsibility to implement a vaccine requirement for the campuses in the Montana University System lies with the MUS Board of Regents. The Regents “*have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system*” according to Section 9 of the Montana Constitution. To date, the Board of Regents has not publicly discussed their position or justification for *not* requiring vaccines to protect the entire campus community. The Board of Regents is charged with the health, safety, and wellbeing of the Montana University System. Why is the Board of Regents failing to act? Why are they not requiring vaccinations, which we know is the best-known solution to end the pandemic?

Communities across the state are in crisis and our campuses are at risk. Every county in the state with a MUS campus is at a “high level of community transmission for COVID-19” as defined by the CDC. Our hospitals are at capacity, considering “crisis of care standards,” and the National Guard has been deployed to help support our healthcare system. Montanans are dying each week because we are well under the vaccination percentage required to limit and end the spread of the disease. We implore the Montana State University Board of Regents to require vaccinations for students and staff across the Montana University System to prevent the spread of the COVID-19 virus in our campus communities. We are gravely concerned about the health and safety of our students, faculty, and staff. We are watching COVID cases rise, following reports on the rising deaths in our communities, and continue to stress the necessity for evidence-based mitigation

strategies, at the system-wide level. Vaccinations are the most effective means to end the pandemic.

With the full FDA approval of the Pfizer-BioNTech COVID-19 vaccine on August 23, over 1,000 public institutions across the country have instituted vaccine requirements for all members of their campus communities. We now have the best tool available to end this pandemic in an effective and safe vaccine.

Colleges across the nation, and in Montana, already require students to be vaccinated against viral diseases like mumps, measles, and rubella. These measurements are required for public health and the wellbeing of students and the campus. The COVID-19 vaccines are FDA approved, safe, and effective, and they should be required in the Montana University System.

There are no logistical barriers to providing vaccines. Indeed, it has never been easier to provide access to vaccinations as the infrastructure to administer vaccines in Montana is already up and running. Healthcare providers across our communities already provide vaccination clinics, many of them on college campuses. There is no shortage of vaccinations, they are easy to get, and free for everyone. We urge the Board of Regents to utilize the systems in place and require vaccinations for everyone in the Montana University System.

Without a vaccination requirement we are putting our students lives at risk, we are failing to provide them with access to a safe education; we are contributing to the crisis in our communities; and we are damaging the long-term health, safety, and economic stability of our state.

We want to work collectively towards ending this global pandemic and ensuring the health, safety, and well-being of our communities throughout Montana. We implore the Board of Regents to expand vaccination requirements to include the FDA approved COVID-19 vaccine.