

Faculty Senate Meeting Minutes
Monday, September 19, 2016, 3:30-5:00
STC Board Room
Faculty Senators & Administration

- Call to order: Megan Chilson, Erin Zavitz, Michael Hengler, Megan Kelly, Ashley Carlson, Laura Straus, Linda Lyon, Tyler Seacrest, Jack Kirkly, Fred Chilson, Delany Hansen, Deborah Hedeem, , Beth Weatherby, Nicole Hazelbaker, Charity Waiters
- Fred moved to approve the minutes as amended, Michael seconded.
 - Date wrong, add Michael Hengler and Megan Kelly to the call to order
- Chairs pilot program
 - Rob Thomas drafted a letter regarding the chairs pilot program outlining the history of the chair position and his recommendations moving forward. See attached.
- Communications from the Chancellor
 - Marketing has put together a document succinctly communicating UMW's success in national rankings. This document was used at the Board of Regents meeting.
 - For better communication to faculty, Beth recommends that faculty senate lead more all faculty meetings. We should also do more to keep faculty in the loop with the chancellor's cabinet meetings.
 - Fulfilling the promise of ExperienceOne
 - Strategic planning, workshops on experiential education, first Fridays have and will be successful outlets to push ExperienceOne
 - Creation of a Center for ExperienceOne
 - The Center would do outreach, host meetings, house research projects into the effectiveness of ExperienceOne, and support experiential teaching on campus
 - It will be run like a business to make the Center self-sustaining.
 - Looking at grant money to get it up and running – the Lumina foundation is interested.
- Strategic Planning and Accreditation
 - Deb has and will continue to meet with groups on campus to help them understand how the strategic plan impacts their roles and how that aligns with accreditation.
 - Shane Borrowman and the provost will be co-authors of the accreditation report, but it will be a campus-wide effort and will involve lots of different people.
 - One main task that is happening soon is that Eric Wright, Shane Borrowman, and Bill Janus will look at syllabi campus-wide and examine student learning outcomes.
 - Some work may need to be done with collecting samples of student work – typically during assessment, a three or four samples of student work are collected reflecting different levels of success on the assessment.

- It was clarified that the Strategic Planning taskforce has been dissolved, and that all such work is being handled by the Strategic Planning Committee.
- Board of Regents (BoR) Meeting
 - Approved the budget of the entire system
 - Indications that the BoR is open to lifting the tuition freeze.
 - System governance was a big topic. For example – can the presidents of the flagship campuses (like UM) also govern over the affiliate campuses (like UMW)? We talked about some recent conflict regarding proposed programs make that could be remedied by such a change.
- Nicole presented changes to the Grade Appeal Procedure
 - The main change from current procedure is that the dean of students will be the first appeal instead of the provost. The provost will still be in the loop.
 - The following questions were raised: Is the grade appeals committee needed? Could it be combined with University court? What if a student has an issue with a member of the grade appeals committee?
 - If a student has an issue, then a substitution could be made with the agreement of the provost. This was done in a case years ago.
 - Language regarding the Faculty Association at the end should be clarified.
- Nicole presented changes to the academic disciplinary procedures.
 - Again, the dean of students would play a larger role instead of the provost, although the provost will remain in the loop.
 - Jack suggested several edits to this document, and we agreed to table discussion of the document until everyone had a change to read those changes.
- Charity presented on the new procedures for Level I and Level II curriculum proposals
 - Every May, the UMW provost is to update the UM provost on any plans for new programs within the next one to three years.
 - For any new program, center, or institute, an Intent to Plan form must be filled out.
 - For any Level II change, another new form must be filled out.
 - Recommendations
 - For easy changes (such a prerequisite changes to a course), simplify the curriculum proposal process to save time and resources.
 - For larger changes, merge the MUS Level II form with our own on-campus form.
 - A subgroup formed last time (Megan, Karl Ulrich) will look into this.
- Good of the Order
- Fred moves to adjourn, Tyler seconds. However, the meeting went so long that we decided to just take a quick coffee break and start the next Faculty Senate meeting.

Various Addenda

(A letter, presented by Linda Lyon at the meeting, written by Rob Thomas)

Colleagues,

As we move forward with a pilot project for chair's duties, compensation and authority, it is my hope that the following historical perspective on chairs at Montana Western might be of value to those of you who were not on campus at the time the concept of chairs was developed. By the fall of 1993, Western Montana College of the University of Montana had a single department of Education, led by Associate Dean of Faculty and Chair of Programs in Education, Dr. Walt Oldendorf. Our faculty responsibilities were primarily to this program in the traditional normal school model, one of the last of its kind in the United States. By 1997, an existing Bachelor of Liberal Studies degree became the vehicle for the development of non-Education "options" in Arts, Communications Tech, Environmental Sciences, Literature and Writing, and Social Science (see the 1997-98 catalog). With a lot of hard work and lobbying, these options evolved into the non-Education baccalaureate degrees we offer today. We had no Faculty Senate, and the faculty governing body was the Faculty Association.

Informal groupings of faculty emerged around these option areas and a "Programs in Arts and Sciences Committee" was formed, but there was no formal structure, no chairs, and nothing defined by contract. Around this time, Faculty Association President, Dr. Alan Weltzien and Vice President, Dr. Rob Thomas lobbied Dr. George Dennison, President of the University of Montana to allow us to create departments with chairs. This request was repeatedly denied by Dr. Dennison because "we would request compensation" during contract negotiations. Eventually, he allowed us to form informal departments with uncompensated chairs that served as liaisons with the administration. The Faculty Senate was formed in the early 2000s at the urging of Chancellor Hulbert, and that group became the academic governing body of the faculty.

This relationship lasted for years, but for reasons that I do not fully understand, it became necessary to define the responsibilities of chairs, and so a committee (labor management or workload?) agreed with the administration to a set of responsibilities, which I do not have the data to know if they were ever voted on and approved by the Faculty Senate. Whatever the case, the memo was not contractually confirmed, because it is not in the CBA. There are numerous references to departments in the CBA, but the role, responsibilities and authority of the chairperson is not explicitly defined.

I think it fair to say that the role and responsibilities of the department chairperson has increased substantially in recent years, including service on a relatively new committee of department chairs. Last year, this group formed a subcommittee, on which I served, to come up with a proposal for the role, responsibilities, authority (or lack thereof) and compensation of the department chairs. The subcommittee came up with a proposal that included a substantial compensation package (10K), including the possibility of release time. It was my perception in

May of this year that the proposal was not completed and/or approved by the Faculty Senate by the end of the academic year and the departure of Provost Moore, and that we were still discussing raising revenue to help pay for the chair's compensation package (the Experience One "fee").

At some point after I stepped down as the ES chair, further discussion must have produced a proposal for a pilot project that would define in writing the role and responsibilities (and authority?) of the departmental chairperson in exchange for \$1000 and no release time. As I understand it, all chairs have signed this agreement, with the exception of the liaison from the Environmental Sciences Department, who has the unanimous support of the faculty in that department. I do not know if the Faculty Senate has voted on this proposal or provided a written resolution on the issue, but I believe this should be done early in this academic year, so that the pilot project does not become unofficially permanent.

As we move forward, I think it is important to note that the "chairs group" has been an informational gathering of chairs with the Provost for the purpose of communication, not decision making. The Faculty Senate is the "democratic governance system for Faculty in areas of academic concern" (CBA 16.100), and the "MEA-MFT is the elected bargaining agent and retains exclusive right to negotiate and reach agreement **on all matters pertaining to salaries, benefits, and terms and conditions of employment**" (CBA 16.100). The CBA (16.100) further states that "matters which shall be reviewed and recommended by the Faculty Senate" include issues that pertain to the "administration of the University" (item #5). Pilot projects are not mentioned explicitly in the language about Academic Governance (CBA 16.000), so it seems that we faculty should use caution if we are going to make agreements that go beyond our contractual protections.

It is my sincere hope that we can rapidly negotiate a respectful and professional compensation package to our colleagues who put in the extra time, energy and experience to serve us as department chair. If that is not possible, I believe we are (were) better off doing the job as a service to our students and faculty colleagues, than we will ever be by taking a disrespectful compensation offer in service to the administration. Thanks for considering my thoughts on the matter...Rob Thomas

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Grade Appeal Procedure

The Montana Western grade appeal process is designed to determine if an error in the calculation or recording of a grade has occurred and does not address student allegations of prejudicial or discriminatory actions by a professor. For such claims, see Section F below for a description of the policy and procedure.

Only final grades may be appealed and the burden of proof of a grading error rests with the student. Grades may not be appealed due to their impact on financial aid, athletic eligibility, or other extraneous factors.

The steps for the Montana Western grade appeal procedure are described below.

1. As the first step, students must attempt to resolve any error by meeting informally with the professor. In most cases, this will result in resolution of the situation. Before meeting, with the professor, students should refer to the course syllabus provided the first day of class to review the criteria and methods for determining grades. Students should then speak with the professor to review the final grade and determine if there was an error. Should this process not succeed in rectifying the situation, the student may proceed to Step 2.
2. A student wishing to continue the grade appeal process will next meet with the Dean of Students. The Dean of Students will review the student's concern to help the student determine if grounds for an appeal exist and, if warranted, to help frame the student's appeal in a professional and meaningful way. The student must bring to this meeting: A) the course syllabus, B) copies of the graded material, C) attendance verification if available. After this meeting, the student may elect to end the appeal or proceed to Step 3.
3. In the third step, the student attempts to resolve the matter by sending a signed, dated appeal letter outlining his/her concerns to the instructor of the course, who shall have ten (10) working days to respond in writing with a decision. The written appeal letter from the student must be submitted within one calendar year of the date the grade was issued.
4. If the appeal is not resolved after Step 3, and the student deems further action is necessary, the student will direct the appeal to the Dean of Students within five (5) working days of receiving the instructor's written response. The Dean will have the appeal reviewed by the Grade Appeal Committee (GAC) and a final decision will be rendered by the GAC within twenty (20) working days of receipt of the appeal. At their discretion, the GAC has the right to review the written materials and conduct interviews with all involved parties. The GAC consists of one professor from the

Education, Business, & Technology, one professor from Arts & Sciences, and the Director of the Advising Center. The GAC's decision is final unless the student or the professor believes that procedural irregularities have occurred during the appeal.

5. If the student believes that procedural irregularities have occurred during the appeal and would like to appeal those, he/she must do so in writing to the Provost within ten (10) working days. The Provost shall have twenty (20) working days to render a written decision.

The final step on campus is a written appeal to the Chancellor (which may be filed by either party) to review any allegations of procedural irregularities during steps 1-4. The Chancellor may interview each person involved in the process and request additional written material if needed. The Chancellor shall have twenty (20) working days to render a written decision concerning allegations of procedural irregularities.

If an allegation of procedural irregularities is not resolved on campus, the student has the right to take an appeal to The University of Montana President, the Commissioner of Higher Education, and finally the Montana University System Board of Regents.

If the faculty member alleges that any part of this procedure has been substantially violated, he/she may request the Faculty Association consider pursuing a formal grievance to address the alleged violation.

Academic Discipline Procedures

The focus of inquiry in disciplinary proceedings is to determine if a violation of the Standards of Student Code has occurred and, if so, to decide an appropriate academic penalty and/or University sanction. Student Conduct Code proceedings are administrative proceedings and do not follow formal rules of evidence applicable in judicial proceedings. However, the accused student must receive due process, and the University has the burden of proof to establish a violation by clear and convincing evidence. It is assumed, unless shown otherwise, that the faculty and the Dean of Students make impartial judgments concerning academic misconduct and fairly impose an appropriate academic penalty and/or University sanction. Minor deviations from prescribed procedures will not invalidate a decision or proceeding, provided they do not significantly prejudice the student or the University.

The adjudication of any alleged academic misconduct must be initiated within two years of discovery.

The following procedures apply in adjudicating charges of academic misconduct.

1. Investigation by Course Instructor.

a. Academic misconduct alleged during the term of the course: When an incident of alleged academic misconduct is discovered by or brought to the attention of the course instructor during the course, the instructor personally contacts the accused student within five (5) working days to arrange a meeting. The course instructor and the student may each have a person of choice present at this meeting. (Student Rights Section). The role of legal counsel, if any, at this stage should be restricted to consultation with the student. At this meeting the course instructor will:

- i. Inform the student of the alleged academic misconduct and present the evidence supporting the allegation.
- ii. Inform the student of the Student Conduct Code rules of procedure.
- iii. Allow the student an opportunity to respond to the charge(s) and evidence. The student is not required to respond.
- iv. Discuss the academic penalty and possible University sanctions, and allow the student to respond.

b. Misconduct alleged at or after the conclusion of the course, or after a student has withdrawn from the course: When an incident of alleged academic misconduct is discovered by or brought to the attention of the course instructor at or after the conclusion of the course, or after a student has withdrawn from a course, the course instructor notifies the student in writing within five (5) working days. The instructor documents 1.a above in

writing. Additionally, the instructor informs the student that an "N" grade will be given for the course or the assigned grade will be revoked until there is a final resolution of the charge(s).

- c. Consultation with the Dean of Students: The course instructor should consult with the Dean of Students in order to determine whether any record of prior academic misconduct is in the student's disciplinary file, which is maintained in Maxient.
- d. Resolution of charge by Course Instructor:
 - i. If he or she concludes the student engaged in academic misconduct, the instructor informs the student of the academic penalty to be imposed. The academic penalty does not take effect until the final resolution of the charge(s), or until the deadline for an appeal has passed. An "N" grade may be assigned in the interim.
 - ii. If a University sanction is recommended, the course instructor notifies the student that the case will be transferred to the Dean of Students through Maxient.
 - iii. The course instructor informs the student of the appeals procedure in the Student Conduct Code.
 - iv. If a University sanction is recommended, or if the student appeals, the course instructor will prepare a written summary, including a concise statement of the act of academic misconduct and the evidence for the Dean of Students through Maxient with a copy to the student, and the student's advisor. A copy of this written summary is placed in the student's disciplinary file maintained in Maxient. The student also may provide a written statement to be placed in the file. The written summary may also be prepared by the instructor and included in the student's file in cases where the student accepts the academic penalty
- e. Resolution of the charge by the instructor when the student does not appear for the meeting: If the student does not appear for the meeting with the course instructor, the course instructor informs the student in writing of:
 - i. The academic penalty recommended. The academic penalty is not formally imposed until final resolution of the charge(s) or until the deadline for an appeal has passed. If a grade is required before final resolution of the charge(s) or before the deadline for an appeal has passed, an "N" grade is assigned.
 - ii. The transfer of the case to the Dean of Students through Maxient if a University sanction is recommended.
 - iii. The Student Conduct Code rules of procedure and appeal. (A copy of this code will suffice).
 - iv. The fact that a written summary of the case has been sent to the student, the student's advisor, and the Dean of Students with a copy placed in the student's

disciplinary file maintained in Maxient. The student also may provide a written statement to be placed in the file.

2. Sanction Imposed by the University.

a. Investigation by the Dean of Students: After reviewing the course instructor's recommendation and written summary of the case and consulting with the instructor, the Dean of Students reviews the student's academic disciplinary record, reviews the evidence, and interviews individually or together the instructor, the accused student, and possible witnesses. Before the interview, the accused student is informed by email through Maxient, that he/she may bring a person of choice and that he/she also has the right to have legal counsel present during the interview. The student must notify the Dean of Students at least three (3) working days before the time of the interview of any intent to be accompanied by legal counsel. The role of legal counsel, if any, at this stage should be restricted to consultation with the student. The student is not required to make any response during the interview.

b. Resolution of the charge(s) by the Dean of Students:

- i. If the Dean of Students decides not to impose a University sanction, the Dean of Students notifies and provides written justification of the decision to the student, course instructor, and the student's advisor. The decision of the Dean of Students not to impose a University sanction may not be used by the student to justify or support an appeal of an academic penalty by the course instructor.
- ii. If the Dean of Students decides to impose a University sanction, the Dean of Students informs the course instructor and the student's advisor, and the student is notified through email. Before imposing a University sanction, the Dean of Students will consult with the course instructor. When a University sanction of Denial of a Degree, Revocation of a Degree, Expulsion, or Suspension is proposed, the Dean of Students will present the recommendation to the Provost for review and approval prior to notifying the student. The notice to the student includes:

- a statement of the specific academic misconduct committed;
- a concise summary of the facts upon which the charge is based;
- a statement of the University sanction; and
- a statement of the appeal procedure.

3. Student Appeal of the Academic Penalty and/or University Sanction:

- a. If, within ten (10) working days, the student does not appeal the decision to impose the academic penalty and/or University sanction, the allegation in the notice of University sanction will be accepted. The Dean of Students will instruct the appropriate University officials to implement the sanction. A written summary of the case will be placed in the student's disciplinary file in Maxient.
- b. No academic penalty and/or University sanction is imposed until final resolution of the charge(s) or until the deadline for an appeal has passed.
- c. If the student denies the charge(s) and/or does not accept the academic penalty imposed by the course instructor and/or the University sanction, the student may appeal to the Provost. A request for appeal with supporting evidence must be presented in writing to the Provost within ten (10) working days after the student is informed by the instructor of the imposed academic penalty or within ten (10) working days after the student received the notice of a University sanction, whichever occurs later. The Provost shall have twenty (20) working days to render a written decision.
- d. If the student denies the charge(s) and/or does not accept the academic penalty imposed by the course instructor and/or the University sanction, the student may appeal to the University Court. A request for appeal with supporting evidence must be presented in writing to the Provost within ten (10) working days. When a student appeals to the University Court, the Chair schedules a hearing date. The Chair gives notice of the time, date, and place of the hearing to the student, course instructor, the Dean of Students and the Provost. In the absence of extenuating circumstances, the hearing is held within fifteen (15) working days of the appeal. A student appealing to the University Court may be accompanied by a representative. If the representative is an attorney, the student must notify the Chair of the University Court in writing at least three (3) working days before the scheduled hearing. Failure to give notice of representation may delay the hearing. If the student is to be represented at the hearing by an attorney, then the University may also be represented by legal counsel. Hearings are closed to the public. However, at the discretion of the Chair, an open hearing may be held if requested by the student and if the individual privacy rights of others are protected. The Chair of the University Court is responsible for conducting the hearing in an orderly manner. The student presents witnesses and/or evidence in support of the appeal. The course instructor, the Dean of Students and the Provost also present witnesses and evidence. Each party may question the other party's witnesses. The burden of proof is on the University to establish a violation by clear and convincing evidence. Formal rules of evidence (such as in a legal proceeding) do not apply. The Chair decides the admissibility of all evidence presented and rules on all procedural issues. Minutes of the hearing are taken at University expense. The Chair may prescribe

additional procedural rules for the hearing that are consistent with this Code. The University Court reaches a decision by majority vote. The Chair has the right of vote. The vote upholds, alters, or overturns the academic penalty and/or University sanction. The decision of the University Court is submitted to the Chancellor of the University for review and final approval. Within ten (10) working days, a copy of the University Court's decision is provided by the Chair to the student, the course instructor, Dean of Students, and the Provost.

e. The final step on campus is a written appeal to the Chancellor (which may be filed by either party) to review any allegations of procedural irregularities during steps 1 through 3. The student has ten (10) working day to appeal to the Chancellor. The Chancellor may interview each person involved in the process and request additional written material if needed. The Chancellor shall have twenty (20) working days to render a written decision concerning allegations of procedural irregularities.

f. If an allegation of procedural irregularities is not resolved on campus, the student has the right to take an appeal to The University of Montana President, the Commissioner of Higher Education, and finally the Montana University System Board of Regents.

g. If the faculty member alleges that any part of this procedure has been substantially violated, he/she may request the Faculty Association consider pursuing a formal grievance to address the alleged violation.