

MINUTES OF THE 6TH MEETING
of the
NMSU FACULTY SENATE
Domenici Hall, Room 109
February 05 2015 4:00 p.m.

SENATORS PRESENT: Chair Munson-McGee, Vice-Chair Blank, Parliamentarian Erickson, Acharya, Amatya, Andersen, Baker, Bawazir, Berning, Billings, Bronstein, Brown, Campbell, Christensen, Corran, Creamer, Dawe, Dean, Fisher, Goehring, Gutierrez, Huhmann, Jimenez, Kelly, Leon, McAteer, McCormick, Miller, Mora, Morandi, Morgan, Oesterreich, Rayson, Reinhardt, Rice, Roark-Diehl, Schirmer, Simon, Sohn, Turner, Van Winkle, Vasiliev, Vazquez, Villa (41)

SENATORS ABSENT: Abbott, Barney, Bishop, Bock, Butler, Cai, Huang, Keys, Mandabach, Querty, Sassenfeld, Spencer, Walker, Wear, Zhang (15)

EX-OFFICIO: Dr. Dan Howard, NMSU Executive Vice President and Provost; Karen Reid, Employee Council Liaison; Nancy Flores, Graduate Council; Katie Deaven, ASNMSU Representative

GUESTS: None

1. Call to Order

This meeting was called to order by Chair Munson-McGee at 4:00 p.m.

2. Recognition of Guests

Provost Howard: NMSU Outside Employment Policy

Provost Howard took time to clarify tuition waivers for graduate students.

Undergraduates getting a 135 mile waiver will need to complete 12 undergraduate hours each semester and earn a minimum 2.5 g.p.a. The waiver will be renewable for maximum of 8 semesters.

Graduate students must complete a minimum of 9 graduate credit hours each semester and earn a minimum 3.0 g.p.a. The waiver will be renewable for a maximum of 6 semesters.

The Provost is working with the Faculty Senate Chair to draft a memo to all Faculty and Staff regarding NMSU's Outside Employment policy. It has become clear that many are unaware of the current policy, or what state law is regarding outside employment.

State Law: The Governmental Conduct Act, NMSA, 1978, 10-16-4.2 requires "All state employees disclose, in writing to their employee, all outside employment engaged in by the employee other than employment with, or service to, a state agency or governmental agency."

NMSU policies are specific with regard to expectations. Policy 4.5, a general policy, stipulates employees are not to be engaged in outside business activities while on duty. It further stipulates employees holding a part time or full time second job should not allow that employment to interfere with their job or attendance at NMSU. It also stipulates that a supervisor can ask their employee to terminate their outside employment if the outside activity is interfering with their job performance.

Policy 5.3 regulates consulting activities by Faculty members. With regard to outside consulting activities, employees are allowed to engage in consulting activities that

average not more than one day a week. The employee is required to prior written obtain permission for consulting time from the Department Head and Dean. In cases where it is unreasonable (employee is unable) to obtain prior written permission, the Department Head should be notified as soon as possible the employee has taken on additional responsibilities.

Permission can be denied based on:

- Clear conflict of interest.
- Unprofessional conduct by the faculty member negatively reflecting on the University.
- Significant interference with assigned University activities.
- Consulting time exceeding an average of one day a week.
- Misuse of University facilities, equipment, personnel, or supplies.

If a request is denied, the employee can appeal the denial to the Faculty Grievance Review Board. Exempt employees are also allowed to engage in outside consulting activities, but must also obtain permission. Exempt employees hired as part-time faculty members may teach a class if it is outside of regularly scheduled working hours with approval of their supervisor, Dean, Vice President or Campus President.

The supervisor and/or Dean cannot be arbitrary when denying a request. The supervisor's decision on whether a conflict exists must be based on whether the outside employment adversely affects the employee's ability to perform the work for NMSU. The decision making must be made on a non-discriminatory basis. Consistent criteria must be applied to all employees reporting outside employment. When approval is denied, the supervisor and/or Dean must be able to articulate how the outside employment interferes with the employees work for NMSU, or is otherwise detrimental.

Discussion:

Consulting over the summer for 9 month employees: No approval is necessary, unless the consulting runs over into the semester.

Teaching online is considered consulting.

Volunteer activity does not require permission, unless it causes you to miss a class, or if it interferes with University activity.

3. Approval of Agenda

Motion to approve amended agenda moved and seconded; no opposition or abstention.

Amended agenda approved as submitted.

4. Approval of Minutes of January 15, 2015 meeting

Move to approve amended minutes made and seconded.

Minutes unanimously approved as submitted.

5. Reports of Officers

a. FS Chair, Stuart Munson-McGee

- Propositions 02-13/14 & 13-14/15 were added to the Board of Regents consent agenda and were passed by the Board.
- Looking for help/input with legislation that will be a revision of current legislation regarding salary bumps upon promotion.

b. FS Vice Chair, Larry Blank

- Proposition 07-14/15 has been passed by ADAC. References to tuition in this legislation have been removed.

6. Reports of Standing Committees

Faculty Affairs: James Rice

Faculty Affairs had no assigned legislation to cover. The committee did meet as per request from the Provost. The committee reviewed section 5.90 of the NMSU policy manual. A report summarizing critiques and concerns will be sent out via email. The committee plans to release the report before May. The report should become evidentiary basis for revising the section of the policy manual.

Long Range Planning: Ram Acharya

Long Range Planning had no assigned legislation and so did not meet.

University Affairs: Liz Schirmer

University Affairs reviewed Proposition 17- 14/15. Committee approved the proposition and unanimously voted “Due pass as amended”.

Move to accept report made and seconded. Senate votes all in favor; none opposed.

Scholastic Affairs: Deb McCormick

Scholastic Affairs had no assigned legislation and so did not meet.

Government Affairs: Larry Blank

Government Affairs had no assigned legislation and so did not meet.

7. New Business

Proposition 18-14/15: Senate Memorial to Encourage a Campus-Wide Increase in Student Effort/Class Preparation (Jamie Bronstein (A&S))

Assigned to Long Range Planning, meeting Thursday, February 12, 2015.

Proposition 19-14/15: A Proposition to create a Graduate Certificate Program in Sustainability (Larry Blank (Business))

Assigned to Scholastic Affairs meeting Tuesday, February 17, 2015.

Proposition 20-14/15: A Proposition to modify the Faculty Senate Bylaws to create a senator liaison for the NMSU Office of Government Relations.

Assigned to Government Affairs, meeting Thursday, March 05, 3 p.m.

8. Unfinished Business

Proposition 17-14/15: Changes to Sec. 4.05.50 of NMSU Policy regarding the Faculty Grievance Review Board. (S. H. Munson-McGee (ACES), Larry Blank (Business))

University Affairs Committee reviewed this legislation and voted “due pass as amended.”

Move to approve seconded with no discussion.

Senate voted all in favor; none opposed. Motion passes unanimously.

Discussion:

Move to amend the proposition as passed by committee to replace the language in E.2.j. with: “Issues that have been raised in a previous grievance proceeding that was accepted by the FGRB, involving the same parties, and arising from the same or substantially similar facts, as determined by a majority vote of the Board. This exclusion is intended to bar duplicative claims, or claims that could have been brought at the time the prior grievance was filed.”

Senate votes all in favor of the friendly amendment to Proposition 17-14/15. Amendment passes unanimously.

9. Other Business

- a. Faculty Senate Chair Election Results
 - Faculty Senate Chair Stuart Munson-McGee has been reelected.
- b. NMSU Athletics Council Annual Report
 - Report has been posted to the Faculty Senate website.

10. Remarks and Announcements

- a. FS Chair
 - No additional remarks.
- b. FS Vice-Chair/SLC Chair
 - No additional remarks.

11. Adjournment

This meeting was adjourned by Faculty Senate Chair Munson-McGee at 4:53 p.m.

Respectfully Submitted,

Britney Stout
Faculty Senate Recording Secretary