

Faculty Senate Policy Committee  
Meeting Notes  
March 2, 2022  
3pm – 4:30pm  
Zoom Meeting

Members Present: Karen Armitage; Lee Brown (co-chair); Robert Christenson; Matthew Hofer; Karen Patterson (co-chair); Min Young Ro

Members Absent: Monika Nitsche; Jacob Ormsby

Ex-Officio Present: Amy Levi, Vice President for Academic Affairs, HSC; Nancy Middlebrook, University Secretary; Barbara Rodriguez, Senior Vice Provost for Academic Affairs; Brandon Toensing, Associate University Counsel; Vivian Valencia, University Secretary Emerita

Guests Present: Amie Chavez-Aguilar, Chair, Branch Community College Council; Tracy Lassiter, Member, Branch Community College Council; Ernesto Longa, President, United Academics of UNM

Staff Present: Carol Stephens, Professional Consultant, Office of the University Secretary; Caitlin Wells, Operations Specialist, Office of the University Secretary

**Quorum achieved at 3:03pm and Karen Patterson called the meeting to order.**

### **1. Approvals**

Agenda and minutes from previous meeting were approved by Committee members.

### **2. Updates**

#### *C07 “Faculty Misconduct and Progressive Discipline Policy”*

Policy C07 is on the agenda for the Board of Regents Student Success, Teaching, and Research (SSTAR) Committee. Lee Brown requested that Carol Stephens review the changes that had been made at the request of the Regents and the Office of University Counsel. To ensure that those faculty working for organizations like UNMH have access to due process and an appeals process, there was a sentence added to the applicability section that if a UNM faculty member is assigned to an institution that does not have a formal appeals process, C07 will take precedence. Additionally, references to “graduate assistants” were removed from the policy draft, as they were not previously included in C07 and there is currently a question about how the newly formed graduate student union will affect things. There were some alterations to specific definitions to clarify who misconduct should be reported to or investigated by, and the clarification “to the extent legally permissible” was added to several sentences.

Vivian Valencia asked about the use of the term “reckless disregard” in the Policy Statement and whether that is redundant. Brandon Toensing said it is a term that is generally used, but will look into how it is used here and let the Committee know.

#### *C150 and C240 Political Activities Policies*

These policies are out for campus comment. So far the Office of the University Secretary has not received any comments. The comment period will close on March 21, 2022.

#### *D175 “Undergraduate Student Conduct and Grievance Procedures” and D176 “Graduate and Professional Student Conduct and Grievance Procedures”*

President Stokes signed both D175 and D176 on February 7, 2022. Both have been updated and posted to the Faculty Handbook website.

### *Consensual Relationships Policy*

There are no updates about the UAP consensual relationships policy that is currently in the President's office. It does still need to go for campus comment, and Nancy Middlebrook will notify the Committee when it does go out for comment. Once the UAP policy is issued, the Faculty Senate Policy Committee will review it and determine whether a separate Faculty Handbook policy is needed or whether the UAP policy is sufficient to cover faculty.

### **3. Discussion/Action Items**

#### *F100 "Branch Campus Teaching Load"*

There were three guests at the meeting to discuss this policy: Amie Chavez-Aguilar, a faculty member at the Taos campus and chair of the Branch Community College Council (BCCC); Tracy Lassiter, a faculty member at the Gallup campus and a member of the BCCC; and Ernesto Longa, a faculty member in the School of Law and president of United Academics of UNM. There have been requests to repeal or change the policy because of its conflict with the collective bargaining agreement (CBA) with UA-UNM.

Longa laid out UA-UNM's rationale for repealing the policy. The policy applies exclusively to full-time faculty at the community colleges, all of whom are covered by the Unit 1 CBA. Article 13 of the CBA governs academic workload and gives precedence to the CBA over F100. He named three main conflicts between the CBA and F100:

- The CBA requires each division to have a published workload policy, while F100 only requires this on the branch level;
- Under the CBA, the workload policy for each division outlines the workload at each faculty rank, while F100 defines the same workload across ranks and campuses;
- The CBA requires the division chair approve any deviations from the division workload, while F100 gives that authority to the Dean of Instruction for the campus.

Additionally, F100 is inequitable as it counts courses taught at a community college as worth less in terms of workload calculation than the same courses taught on the Albuquerque campus. For example, according to main campus procedures, a three credit hour course taught on the Albuquerque campus counts for 10 points out of a total workload of 100 points, putting a 4/4 teaching load at 80 points. At the branch campuses, a 5/5 load is worth 80 points, making courses taught at the branch campuses of less value than those same courses on main campus. This assessment came from F100, which outlines an expected 5/5 teaching load at the branch campuses. Longa also stated that F100 has prevented faculty at some branch campuses from having their scholarship and service properly accounted for in their workload, meaning that many have to work upwards of 50 hours a week to complete the minimum requirements for their jobs. Longa quoted Dean Paul Allen of Los Alamos as saying that a 5/5 teaching load at branch campuses is not sustainable and does not account for the amount of time that goes into office hours, scholarship, and service. For all of the above reasons, Longa and UA-UNM argue that F100 should be repealed.

Brown said that the conflict between the CBA and FHB policies has come up in other venues and agreed that the CBA should take precedence for branch community college faculty members who are covered by the CBA. He asked if there were any faculty at the community colleges who are not covered by the CBA and still need to be covered by the FHB policy. Chavez-Aguilar said there are some faculty members that are not covered by the CBA. Brown said that since that is the case, the policies should probably be revised to define those faculty who are not part of the bargaining units and ensure they are protected by FHB policy.

Carol Stephens said that her question was, since there are non-unionized faculty at the branches, what would be the best way to ensure those faculty are protected? She outlined two possible approaches: one revising F100 to begin with a sentence specifying that the policy does not apply to faculty who are a part of a bargaining unit, and then revising the rest of the policy to protect non-bargaining unit faculty; and another which would be to repeal F100 and instead say that all non-bargaining unit faculty are subject to C100, the general campus workload policy. She asked Chavez-Aguilar to think about which faculty at branch campuses are not in the bargaining units and what they might need in a workload policy.

Brown asked the guests their opinion on whether branch faculty not covered by the CBA should be required to adhere to the same workload policy as faculty at main campus (C100). Chavez-Aguilar said she would need additional time to review C100, and noted that there would be some differences and flexibility for branch campus faculty when it comes to teaching load as part of an overall workload. For example, one could teach 12 credit hours while also doing research, service, etc. Brown said that he and Karen Patterson would be attending a BCCC meeting soon and that maybe everyone could review C100 and F100 beforehand to discuss this issue.

Tracy Lassiter noted that it would be very helpful to come up with a list of exactly who the faculty are that are not covered by the CBAs, as then the policy could more specifically address their concerns.

Longa reiterated that a better point of reference for faculty excluded from the CBAs would be the division-level workload policies, which are determined by division chairs and would be most relevant to their work than F100. Karen Patterson noted that if they were to repeal F100, C100 and C110 would also apply to non-bargaining unit faculty.

Nancy Middlebrook went over the process for repealing or revising F100, which would involve a campus comment period as well as a vote of the full faculty. It does not need to receive approval from the Board of Regents.

Lassiter said that one reason this issue is becoming more relevant is because the fall schedules are beginning to be posted and students will be registering for classes. This has been a point of contention with branch and Albuquerque leadership, because some chancellors and administrators are trying to hold branch faculty to the 5/5 class load and they are worried they will be stuck with that workload without recourse.

Stephens wanted to point out that faculty not covered by a bargaining agreement should probably be covered by a workload policy of some sort in order to give them the ability to appeal to the Academic Freedom and Tenure Committee. If they are not covered by some policy, there may be no recourse through AF&T.

Brown reiterated that the process for either repealing or revising F100 would likely take some time, as the comment period is 30 days and then the Committee on Governance would have to coordinate a vote of the full faculty. He estimated that it would likely take until the end of the semester for any changes to be completed. Patterson reiterated that the CBA is supposed to take precedence over F100 for faculty in the bargaining units.

Chavez-Aguilar said that since there are faculty that are not in the bargaining units, it would probably be more useful to revise rather than repeal the policy in order to ensure those faculty are protected.

Brown and Matthew Hofer suggested that the Committee could write a memo or resolution reiterating that the CBA supersedes F100 for unionized faculty and that those faculty should not be held to F100 as the standard for workload.

Lassiter said that a statement from the Committee would be helpful. She said that a colleague was wondering if there were any other policies that would need to be revised due to changes put in effect by the CBAs (for example, C100), and what the pros and cons are for revising vs. repealing F100 and how that process works. Stephens said that one potential revision would include a very clear opening statement that says "Faculty members who are covered by a bargaining agreement are not subject to this policy," and then revise the rest of the policy to apply to those faculty members not covered by a bargaining agreement. Brown said that current work revising Section B policies is taking the CBAs into account, and that concerns can be brought up during the campus comment period. The Committee does take the CBAs into account when revising policies as they come up, but they are not systematically reviewing every policy in the Faculty Handbook. If someone has a concern about a specific policy, they should email the Committee with their concerns and they'll look into it. Stephens mentioned academic leave as one possible aspect of the CBAs that might be incorporated into the Handbook, and that the best way to address updating policies might be as issues arise.

Longa argued that F100 should be repealed, not revised, because it sets out a workload that is inequitable for faculty both within and outside the bargaining unit. Lassiter agreed that F100 is inequitable because even when teaching a 5/5 teaching load, community college faculty are still expected to conduct service and scholarship, and that the policy should be revoked because even though the CBA takes precedence, the UNM administration is using F100 as a justification to hold branch faculty to a 5/5 teaching load. Brown said that the Committee will be making that decision, and that any revision should be enough to clarify that F100 does not apply to faculty in unit. Patterson acknowledged the time crunch and said that the Committee will work on crafting a memo soon.

The guests left the meeting and the committee discussed what action to take moving forward. Rodriguez noted that because there is an arbitration pending related to branch campus workloads, and that is why she is not commenting on that specific matter. A motion was made for the committee to write a memo affirming that the CBA takes precedence over F100 when it comes to the workloads of community college faculty members in the bargaining units. The motion carried with one abstention. Brown and Patterson will work with Stephens to write the memo once she is back from vacation, and then will pass the memo along to Faculty Senate President Coleman to send to admin.

**Meeting adjourned at 4:34pm.**