

**College of the Marshall Islands**  
**Friday, October 11<sup>th</sup>, 2024: 11:10 AM – 12:00 PM**  
**Faculty Senate: Minutes of Discussion**

**Chair:** Viviana Uriona – FS President

**Deputy Chair:** David Sinkey – FS Vice President

**Minute Taker:** Alexander Velasquez – FS Secretary and Treasurer

**Quorum:** 27 required, 32 in attendance.

1. Quorum was reached, and the meeting was made official at 11:24 AM.
  - i. CMI's Mission Statement was then read by the Faculty Senate Secretary.
2. Review of the Minutes from September 13<sup>th</sup>, 2024.
  - i. The minutes were approved and seconded with one abstention.
3. Recording Faculty Senate for Notetaking Purposes
  - i. The secretary expressed that, for the last two years, Faculty Senate meetings were recorded on Zoom **for the sole purpose of maintaining accuracy of the minutes**. Some faculty expressed their distaste for this, so the secretary explained the following:
    1. The minutes from 2020-2022 were not very good, and there was often contention as to what was said or issues with faculty who believed important things and details were left out of the meeting.
      - a. Thus, after COVID broke out in 2022 and the Board Room had the Zoom feature installed, the secretary made use of the Zoom recording feature so as to watch the meetings back afterward to ensure the minutes were accurate. This resulted in a much more accurate and detailed set of minutes. Things to note about the recordings:
        - i. The recordings require a Zoom link and passcode to access. The only one with the Zoom link and passcode is the secretary.
        - ii. *Never* were the Zoom links shared with *anyone else* and neither watched by anyone else other than the secretary for the purpose of recording the minutes.
        - iii. Recordings are deleted from the Zoom Cloud after six months. Therefore, for example, access to any meetings from April 2024 and beyond are impossible.
        - iv. There is no reason to keep the recordings after the minutes are approved; thus, once the minutes are approved, the Zoom email with the link and passcode are deleted. Theoretically, no one has access to the meetings after the minutes are approved, not even the secretary.
      - b. Question: Why not just use a tape recorder?
        - i. Tape recorders are old fashioned; there is the constant need to fast forward and rewind, and it's much more efficient to be able to see any single part of the meeting at the click of a button rather than having to fast forward and rewind constantly to find a certain part of the meeting.
      - c. One faculty member recommended using AI on Zoom to record the minutes instead of recording the minutes manually.
    - ii. Motion: To continue with Zoom recordings and to look into the AI recording the minutes as well, and if the AI has minutes that are on par with the current drafting of the minutes, then to use AI to record the minutes going forward.
      1. The motion was approved and seconded without abstention.
  4. Presentation of the Draft Concerning the Faculty Resolution
    - i. The Policies and Procedures Clarifications Committee's conclusion was not that the bylaws were bad (they could be made better), but that the application of the bylaws were not the reality of the situation for faculty.

- ii. President Viviana wanted to clarify the difference between the proposal put forth by the committee and a union:
  - 1. There are fundamental structural differences between an external union and internal dispute resolution and advisory bodies:
    - a. A union is an instrument of industrial action. The institutions proposed here, on the other hand, are not concerned with industrial action, but rather with the settlement of conflicts. The focus is not on improving wages and working conditions, but on the correct application of existing regulations which we have at CMI.
- iii. There was also a successful meeting last Wednesday with CMI's new president, Dr. David Newnham, where the president was informed that the draft would be presented to faculty during the Faculty Senate first before being presented to him on Monday, October 14<sup>th</sup>.
- iv. Vice President David Sinkey then read the draft aloud to all faculty:
  - 1. **Faculty Senate First Resolution Draft: September 30<sup>th</sup>, 2024**
    - a. The members of the Faculty Senate resolve that due to the repeated conflicts between faculty members and the different institutional areas of CMI, that it is time to propose a sustainable solution for the good of all parties and to achieve a peaceful and joyful environment, consistent with CMI's educational goals.
  - 2. **Proposals:**
    - a. We encourage the board to add to the bylaws a deadline on procedures concerning how our requests must be answered by the administration:
      - i. The response to issues must be concrete and relevant and must include no other issues.
      - ii. The response must include justification that references the section of the bylaws, laws, case law or constitutional law on which it is based.
      - iii. Issues must be addressed within a binding deadline, no longer than two weeks.
      - iv. Legal redress instructions have to be included. (What legal options are there to contest the decision?)
      - v. The answer has to be in text form.
    - b. We propose the creation of two new institutions before the beginning of Spring 25:
      - i. **Advising Center**
        - 1. To help faculty to do everything on time and according to the rules. This will help all parties in the college to avoid any possible conflicts.
        - 2. Compensation for the member's time/ expenses needs to be created and agreed upon. We believe it is reasonable that the person will receive three credits for their work.
      - ii. **Arbitration Board with a Two-Stage Process:**
        - 1. We need a CMI arbitration board as a second institution.
        - 2. Reason: On the one hand, CMI wants to avoid administrative court decisions. On the other hand, faculty must be able to have their conflicts decided bindingly by a neutral body.
        - 3. The arbitration board is staffed with three arbitrators, one of whom is from the CMI teaching staff, a second is appointed by the administration and a third from the board.
        - 4. The Arbitration Board will make its decisions by simple majority.
        - 5. The decisions are binding and final unless the case is brought to the state courts by one party.
        - 6. The arbitration board works according to a two-stage process:

- a. In a first step, it mediates between the disputing parties and tries to find an amicable solution with all those involved.
  - b. If this does not succeed, the chamber withdraws and makes a decision.
  - c. The state legal process before the ordinary courts remains unaffected. However, the decision of the arbitration board remains valid until a state court comes decides differently.
  - d. Compensation for the arbitrator's time/ expenses needs to be created.
  - e. The arbitrator representing the teachers will receive three credits for their work.
  - f. If cases are presented to the arbitration board that affect an individual arbitrator personally or for which there is an appearance of bias they should recuse and find a proxy.
5. Questions and Concerns Regarding the Faculty Senate First Resolution Draft
  - i. The Advising Center sounds like a job the department chairs should be doing. Why not just leave it to the department chairs?
    1. Answer: There is a conflict of interest if faculty want leave but don't want to go to HR or the chair and tell them the exact reason for why they want leave.
      - a. Example: If I want leave to go to Argentina to tend my garden, I cannot say that or give that reason to HR or to the VPASA.
        - i. What I can do instead is go to the Advising Center so they can help me find another reason or some other means of getting leave, such as taking care of a sick family member, without having to tell HR that I want to tend my garden.
    2. Answer: There is also the problem that faculty must apply for leave first before HR will respond. So, if you apply, you don't even know if your application is done the right way, and then you, as faculty, are left waiting and then have your application rejected because your application was not done the right way.
      - a. Hence, the Advising Center will also serve faculty to help them apply for leave the right way to prevent the above case from happening.
  - ii. This still sounds like a job for the department chair. If a faculty member needs help applying for leave, then they should go to their chair and ask for help.
    1. Answer: This was the problem Dr. Ekta had. She could not go to her chair because Dr. Ekta had a bad relationship with her chair.
      - a. The Advising Center would prevent this from happening because it would be a neutral body.
  - iii. This is still problematic because it still doesn't solve anything; the final decision is still in the hands of HR.
    1. Answer: This is why we have the second step: The Arbitration Board.
  - iv. There used to be a person in Faculty Senate that faculty could go to: The Ombudsman. This position was for faculty who, if faculty were not comfortable going to their chair, could go to the Ombudsman for mediation. Why not bring this position back?
    1. Answer: This Advisory position would, effectively, serve as, and replace, the Ombudsman position.
  - v. This still sounds like a job the department chairs should be doing.
    1. Answer: The problem is not limited to the chairs only; if a faculty member applies for leave, then we get different information coming from the deans, the chairs, and HR; this was one of the problems/conflicts faculty had with the VPABA, VPASA, and HR noted in the previous Faculty Senate meeting (see note 3.ii.1 from the Faculty Senate minutes of September 13<sup>th</sup>, 2024).

- a. This would also bring all the information to one source and disseminate less work to the department chairs.
    - b. Also, the application for leave would still be looked at by the chairs at the end of the process, anyway, but the Advising Center would ensure that the application itself would be reviewed by a neutral advocate in helping you apply for leave before the application gets looked at by the department chairs.
  - vi. If this person that works/gets credits for the Advising Center does not work for HR, what are their qualifications for holding such a position, and how can we know or trust that faculty are, in fact, getting the best advice?
    - 1. Answer: We can and need to discuss this issue after. But, yes, the person in this position would not be a member of HR but would need to communicate with HR.
- 6. Motion: To accept the draft resolution to be presented to CMI's President and, afterwards, the Executive Council.
  - i. The motion was seconded, but there were a number of faculty who either voted against the resolution or abstained from voting.
    - 1. Hence, the initial voting process was suspended due to an increased need for questions and the voting process was agreed to be moved online.
      - a. There was, therefore, a discussion had about putting an anonymous vote online with the question: Do you support the Faculty Senate First Draft Resolution as it is written?
        - i. The possible answers would be: Yes, No, or Abstain.
- 7. Institutional Review Board
  - i. The IRB needs new members.
    - 1. There are five members:
      - a. Chair and Research Director: Cheryl Vila
      - b. External Member (Outside of CMI): **Vacancy**
      - c. Faculty with a Science Background at CMI: **Vacancy**
      - d. Two Faculty without a Science Background at CMI: **One Vacancy**
    - 2. If you are interested in filling a vacancy, please email Cheryl Vila ([cvila@cmi.edu](mailto:cvila@cmi.edu)) with your interest and CV/resume.
    - 3. This is *not* a paid position; faculty will *not* receive credits for their position in IRB.
  - ii. The IRB reviews the research that comes from faculty at CMI or other entities outside of CMI to ensure that in they are using human subjects (i.e. students) that the research is done ethically to ensure that students are protected who otherwise may not be able to say no to the research. Hence, there are forms, such as consent forms, that are involved in the process.
- 8. Fall Festival
  - i. This information will be shared via email.
- 9. Closed-Door Hearing at Nitijela
  - i. Faculty should discuss their position; president Viviana will send an email regarding this after her meeting with the Staff Senate.
    - 1. President Viviana also shared her view that it's not faculty's business to take care of the audit.
      - a. One faculty member asked President Viviana what she meant by "it is not faculty's business" to take care of the audit.
        - i. President Viviana clarified that it is not faculty's business to check if Stevenson is doing his job correctly.
          - 1. That same faculty member mentioned that that is a misinterpretation of what was meant in the original email to the CMI community; rather, the idea was that everyone is, in some capacity, responsible (via submitting receipts, reporting missing students to Financial Aid, etc.) in helping complete the audit.

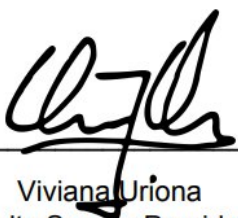

10. Ekta Madan

- i. She is leaving today in the evening.
- ii. Apparently, she has to leave the Marshall Islands and cannot come back for three years because of some law which Viviana never had an explanation for.
  - 1. President Viviana shared that she had issue with this because there is litigation between Ekta and CMI, and now Ekta will not be able to be present, physically, on island to follow through on her litigation.
    - a. One faculty member explained that if you are employed and wish to transfer, then you need to get a release form from your employer; if the employer doesn't give you a release form, then you are given fourteen days to go home; this is the law that President Viviana never received an explanation to.
      - i. But if you sue your employer, then the lawyer will write to Immigration and Labor to remain until the litigation is finished, and she will not be asked to leave. Therefore, this responsibility to keep Ekta on island falls on Immigration, as well as the lawyer.

11. Overload Contracts

- i. These are still not finished and have not been signed.

12. Meeting Adjourned at 12:20 PM.

  
\_\_\_\_\_  
Viviana Uriona  
Faculty Senate President  
\_\_\_\_\_  
Alexander Velasquez  
Faculty Senate Secretary