

College of the Marshall Islands
Friday, September 13th, 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, 28 in attendance.


1. Quorum was reached, and the meeting was made official at 11:26 AM.
 - i. CMI's Mission Statement was then read by the Faculty Senate Secretary.
2. Review of the Minutes from August 23rd and September 3rd, 2024.
 - i. The minutes were approved and seconded with no abstentions.
3. Policies and Procedures Clarifications Committee Presentation
 - i. The Founding of the Committee
 1. Per the minutes from the Faculty Senate Meeting on Friday, August 23rd, point 4.ii, a subcommittee was formed for the purpose of searching for and delineating our rights as faculty.
 - a. This subcommittee consists of Faculty Senate President Viviana, Faculty Senate Vice President David Sinkey, Mellessia Crawford, and James Henry.
 - ii. Faculty Challenges and Conflicts
 1. The Committee asked each faculty member before the start of the meeting to write one challenge or conflict each faculty member may have with one of the following: VPABA, VPASA, or HR.
 - a. This way, the Committee can know the similar challenges and conflicts faculty have with these particular areas of CMI.
 - iii. The Committee's Review of the Bylaws
 1. The 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.
 - iv. The Committee's Findings
 1. Faculty are in a subordinate relationship: If faculty need something, they must wait and be patient. If faculty do something wrong, they can be terminated quickly.
 - a. There is a grievance process for this, but there is no way for faculty to resolve their issues without this grievance process.
 - i. Hence, the Committee presented ideas on how to move forward given points 3.iii.1 and 3.iv.1 above:
 - v. Idea:
 1. Faculty Senate must bring their work forward in a transparent manner through letters and resolutions.
 - a. This could be through our own website or Facebook page.
 2. Faculty Senate could then present their First Resolution (see point vi below) to the Board with a description of the situation and the commitment to find a quick solution to all the topics.
 3. Faculty Senate would then present the First Resolution to CMI's President with a description of all the problems and a proposal for the solutions.
 - vi. First Resolution:
 1. Part I: The Committee will encourage the Board of Regents to add a deadline and procedure to the bylaws concerning how administration must answer faculty requests:
 - a. The answer to requests must be concrete and must include no further topic.

- b. The answer as a decision must be justified by referring to the concrete legal basis on which it has been founded on and naming (i.e. citing) it (e.g. bylaws, laws, case law, constitutional law, and so on).
 - c. It must be given within a binding deadline: no longer than two weeks.
 - d. Legal redress instructions have to be included.
 - i. The above will give faculty a quick resolution of problems and will ensure that administration has justification for their actions and decisions.
- 2. Part II: The Committee proposes the creation of two new institutions before the beginning of Spring Semester 2025:
 - a. Advice Center: To help faculty to do everything on time and according to the rules. This will help faculty and administration avoid a lot of conflict.
 - i. Example: If faculty need to take sick leave or maternity leave, then this will be the institution to go through.
 - 1. The problem with our current situation as faculty is that if faculty go to HR, then there is a conflict of interest.
 - a. If a faculty member wants to leave but doesn't want to tell HR *why* they want to leave, then they can go to the Advice Center to find out how to apply for leave the right way.
 - b. Arbitration Board: On the one hand, CMI wants to avoid administrative court decisions. On the other hand, employees must be able to have their conflict cases decided bindingly by a neutral body.
 - i. The Arbitration Board would be staffed by three lay judges:
 - 1. The first from the CMI teaching staff
 - 2. A second by CMI administration
 - 3. A third sent by the Board
 - a. The court would make its decisions by simple majority, and the decisions would be binding and final unless the case was brought to the state courts by one of the parties.
 - ii. The Arbitration Board would work according to a two-step process:
 - 1. Step 1: Mediation
 - a. According to 3.vi.c above, faculty issues or conflicts that are brought to administration must be answered in two weeks or less.
 - i. If faculty do not hear back from administration, then the faculty member may go in-person to the Arbitration Board, and the Arbitration Board would then have the right to make a binding decision on the said issue or conflict.
 - 2. Step 2: If CMI decides to resolve the conflict, then the Arbitration Board will sit between CMI and the faculty member until a result is reached.
 - a. If CMI cannot resolve the conflict, then the Arbitration Board will resolve the conflict.
 - 3. Steps 1-2 above are all solutions within the institution of CMI, but there is also the possibility that a faculty member, or even CMI, could also seek legal representation outside of CMI.
- vii. Questions about v-vi above:

1. In the past, Faculty Senate elected an Ombudsman with paid credit/s. Given where we are, it seems like such position should be restored.
 - a. Answer: The Ombudsman was only one person from Faculty Senate. But the idea behind the Arbitration Board is that there are more checks and balances (i.e. one representative from faculty, administration, and the board).
2. Isn't there already a grievance process in place to handle these types of conflicts?
 - a. The grievance process is a very serious level of conflict resolution. But certain things can, and probably should, be dealt with before reaching that level; v-vi above is the proposed solution.
 - b. The grievance process also allows the final decision to be made by one person rather than three individuals in a more neutral-like setting and manner.
3. Will there be compensation for those on the Advice Center or the Arbitration Board?
 - a. Yes, because it is a lot of work.
 - b. Compensation would result in credits (e.g. three credits for being in either the Advice Center or the Arbitration Board).
4. What is the next step in getting the Advice Center and Arbitration Board approved?
 - a. It would be taken up to the Executive Council, to CMI's new President, and to the Board and to be made public via our First Resolution of 2024.
5. What is the difference between the Arbitration Board and going through the grievance process?
 - a. Not everyone is entitled to the grievance process; you may apply for a grievance process, but having one is determined by CMI's President to be had at a later date.
 - b. The Arbitration Board would come before the grievance process, and the process of investigation and resolution would be much quicker before it's escalated further into a grievance process.
6. What's the difference between what the Policies and Procedures Clarifications Committee is proposing and a Union? It seems as if the Advice Center and the Arbitration Board is doing the same work as a Union.
 - a. In a Union, you must pay dues that come out of your paycheck.
 - i. An Advice Board and/or Arbitration Board would receive credits from CMI and would be empowered by the Board of Regents as an internal body within CMI.
- viii. Motion: For the Policies and Procedures Clarifications Committee to put together an official proposal and circulate it to faculty via email (given that there is no Faculty Senate meeting for Friday, September 27th due to Manit Day) and, if necessary, make an online vote to see if the majority of faculty accept this idea or if there are any objections.
4. Human Resources Committee
 - i. The majority of faculty have finalized their voting for the Revised Faculty Job Description.
 1. The Revised Job Description will now be presented to HRC.
5. Enrollment Management Committee
 - i. The Associate Dean of Learning Support announced that the meeting be rescheduled and the following documents be reviewed:
 1. Policy on Access, Retention, and Destruction of Records
6. Meeting Adjourned at 12:08 PM.



Viviana Uriona
Faculty Senate President



Alexander Velasquez
Faculty Senate Secretary