

NDSU STAFF SENATE

Minutes

Wednesday, February 10th, 2021

ZOOM

- I. Call to Order at 9:33 by Latterell
- II. Attendance Report by Amanda Reil – 41 present, 8 absent, 26 guests
- III. Approval of Meeting Agenda by Swank/ Booher. Motion Passed.
- IV. Review of Meeting Purpose and Procedures by Margaret Latterell – Introduction to the raise hand feature of Zoom. Reminder to all that voting is senators only. Voting will be held by an anonymous Google Forms. The definition of censure: public statement of disapproval. At this time there has been no investigation into official violations of policy, the censure is a statement of opinion.
- V. Discussion of Faculty Senate Resolution of Censure –
Points raised include:

Multiple issues are in play here, including whether there was a violation of policy and whether there is disagreement with how things were done. It's not clear what the faculty senate is saying in regard to what they want done, only that are unhappy with the process. Concern about transparency concerning Faculty Senate process were raised, along with concerns about how effective input into governance decisions and governance structure is. Some expressed disappointment with Faculty Senate for going into Executive session and thus take the decision behind closed doors. The faculty voted with 21 yes votes, 13 no votes, 4 abstentions. There was a poll in one of the colleges was 2/3 opposed, 1/3 in favor and so there is definitely division within the faculty as well.

Policy allows for a presidential exception to policy 103 in unique circumstances. Reasons that we might be in such extraordinary circumstances were brought up. We are going through budget cutting and a pandemic and there was a need for stability. Starting over in the hiring process would have caused a lot of disruption. There is a chain of administrative positions in interim status is bad for the university. Belief that the President was prudent in his decision and made a decision in the best interest of the university and in accordance with his statutory authorities was expressed.

Questions were raised about the order in which things happened with Fitzgerald being appointed to the interim position. Going through the statement the complaints go back to the beginning of the process there had been violations of the process going back before the appointment of Fitzgerald. Both of the interim appointments occurred before the pandemic and thus were not exceptional situations. With those irregularities starting off the process, sympathy with the faculty position was expressed. Uncertainty regarding if there is a policy concerning the President making direct appointments, permanent or otherwise. The lack of formal hearings was also noted in the statement of censure, but a specific requirement for those was not cited.

No clear consensus on if policy violations have occurred. Consultation with Legal Counsel Matt Hammer stated that there was no precedence indicating that President Bresciani had violated policy in appointing Fitzgerald as Provost.

Concerns were brought up regarding how taking or not taking a stance will affect our relationship with faculty. Some communication from the faculty senate that seems to disapprove of student government having put forth a statement and having an opinion regarding the statement of censure. Predictions made that Staff Senate following suit would have a negative effect on our relationship with Faculty. It was noted that some have to be careful of what we say, because of how it might affect our relationship with our work on campus.

Disappointment expressed that as a community we don't feel that we can have an open and honest communication for fear of retaliation. We can't have shared governance without open communication.

A need to look at how we can have professional disagreements without fear of retaliation was expressed. We all know and should trust that we have what is best for students and the university in mind and without that trust we can't run things well. As the governing body of staff, our voice is just as important of that of faculty and we should have just as much position to state that. Shared governance is all of us.

Belief that we should put forth some sort of statement to re-enforce that NDSU is not all in agreement with this censure statement was expressed. A need to have a statement prepared in the event that the media does contact us was stated – a desire to express our right as a co-equal branch of governance to have an opinion. Seeing as at least some portion of the faculty think that the censure is a good idea and the remaining thousands haven't said anything there is concern that the censure is the only statement available to the public and if we let it stand with no response it looks like we are all in agreement. A note was made that we had high attendance at this special meeting and that those numbers show the importance of this issue and that a statement is necessary.

Belief that we can stay quiet and discomfort with putting forth a letter was also expressed. The concern that a statement would not lead to anything positive or constructive was raised. It was stated that censure doesn't require any action, it is just an opinion on record but doesn't mean anything. It will affect how people see the senate, but doesn't actually change anything. A desire to have our energy as staff senate go to making changes that actually impact staff and not making political statements was put forth.

Support for Fitzgerald, her work on campus, and her being Provost was expressed along with concern as to how this situation affects her. A desire to include this support in any possible statement was made.

It was stated that we as university employees are trying to do is what is best for students and the university, and subsequently noted that the censure doesn't have a focus on that. A desire that if we make a statement it should center the students and university was expressed.

Concern was raised that staff and students were mentioned in the censure rational and thus it could lead to the impression that we were consulted when forming the statement of censure. It was noted that the formal statement doesn't mention staff.

Motion by Swank/Lambertz for Staff Senate to put forth a comment on the censure. Friendly amendment by DiPalma to change the motion to a vote on if a statement is necessary. Yes we need a statement. No if a statement is not necessary. 26 in favor/13 opposed. Motion passed.

Motion by Cronin/Kopp to form an ad hoc committee work on language for the formation of several different statements to vote on at a later date. Friendly amendment by Hudson to add a quick deadline of seven to ten days.

Discussion on the motion was held.

Motion passed with 35 votes yes, 1 vote no.

The following volunteers were added to the ad hoc committee:

Hudson
Steinman
Hunt
Lambertz
Swank

Motion by Hudson/Bernardo to create a cross functional team to reinvigorate the governing bodies to work together better.

Discussion noted that Senate Coordinating Council is supposed to function in this way,
Motion retracted.

Motion by Lambertz/Kopp that the following statement be held available for publication if we are contacted by media: "While a full communication will be forthcoming, President Bresciani and Provost Fitzgerald had and continue to have the full confidence of the Staff Senate."

Friendly amendment by Hudson to clarify that the statement is from staff senate.

Discussion on the motion was held.

Amendment proposed by Booher to change language of the statement to: to state that "Full communication will forthcoming from staff senate". Amendment declined by Lambertz, seconded by Helgass.

Discussion of the amendment was held.

Young proposed a friendly amendment to the amendment to state: "Full communication will be coming forward from Staff Senate regarding the Faculty Senate's Resolution of Censure pertaining to the appointment of Dr.

Fitzgerald as Provost." Amendment accepted.

Kopp proposed a friendly amendment to change wording to "Full communication will be coming forward from Staff Senate regarding the Faculty Senate's Resolution of Censure passed on 2/8/21".

Voting on the amendment resulted in 36 in favor with 3 opposed. Amendment accepted.

Returned to discussion of the motion by Lambertz/Kopp.

Voting on the motion resulted in 23 in favor with 11 opposed to having the statement "Full communication will be coming forward from Staff Senate regarding the Faculty Senate's Resolution of Censure passed on 2/8/21" made available for publication if we are contacted by the media.

Motion by Hunt/Lambertz to help guide the discussion and potential language in any statement formed by the ad hoc committee. Motion for A) statement to express support and confidence in Fitzgerald B) recognition that the appointment was made in accordance with policy C) Senate looks forward to advancing our relationship with Faculty senate and Student government.

Voting results were as follows:

A) 24 yes, 6 no

B) 29 yes, 3 no

C) 31 yes, 0 no

All three portions of the motion passed.

As a reminder, if any members of the media contact you directly, please refer them to Brynn Rawlings.

Motion by Lambertz/Booher to adjourn the meeting. Motion passed.

VI. Meeting adjourned at 11:43 am.