



Faculty Senate Transmittal and Administrative Action Routing Form

To: Office of the President
From: Faculty Senate Chair, Gaylene Fasenko G. Fasenko
RE: Proposition: 04-23/24 [] Bill [] Resolution [X] Memorial [] Joint Proposition [] Other
Date: December 07, 2023

Please find enclosed Faculty Senate Legislation No. 04-23/24 entitled, 'Memorial Urging the NMSU Administration to Respect Faculty Rights Under the Public Employees Bargaining Act' approved by the Faculty Senate on December 07, 2023.

Please Route for Approval:

Form with two main sections: 'Faculty Senate Request' and 'Administration Action'. The 'Faculty Senate Request' section has three options, with the third one checked. The 'Administration Action' section has five options, with the first one checked. There are two handwritten signatures and dates: Alan Shoho, Provost (2/9/24) and Jay Gogue, Interim President (3/7/2024). A handwritten note says 'See attached memo'.

Please return form to:
Mari Cisneros
Faculty Senate Recording Secretary
Email maricis@nmsu.edu / Phone: (575)646-2127

Proposition: 04-23/24

Proposal Type: Bill Resolution Memorial Joint Proposition Other

(If Joint proposition, also select type)

Title: Memorial Urging the NMSU Administration to Respect Faculty Rights Under the Public Employees Bargaining Act

Date Submitted: 10/24/2023

Jamie Bronstein (A&S), William Boecklen (A&S), Christopher Brown (A&S), Avis James (A&S), Daniel Vega-Albela (A&S), Jean-Paul Vessel (A&S), Will Walker (A&S), Tanya Allred (Alamogordo), Azadeh Osanloo (HEST), Jessica Schultz (HEST), Amy Garcia (DACC), Debasmitta Roychowdhury (DACC), Hiranya Roychowdhury (DACC), Susan Beck (Library), Dylan MacDonald (Library)

Prior Approvals: None

Whereas: An organizing committee of NMSU faculty has been working since 2019 to increase the faculty voice on campus by founding NEA-NMSU;

And whereas higher-education unions promote a focus on student success by drawing on the expertise and priorities of those who teach the students;

And whereas the employment conditions that are part of a union contract are legally enforceable and thereby are more robust than the protections enshrined in NMSU policy;

And whereas: under [NM Public Employees Bargaining Act](#), public employees have the right to organize without restraint or coercion:

Therefore, the Faculty Senate urges the President and Provost of NMSU and the Chancellor of the NMSU system community college campuses to adopt a stance of neutrality with regard to the formation of a faculty union, and to direct the NMSU administration at every level and on each campus to refrain from the following [practices that are prohibited by New Mexico statute](#):

A public employer or the public employer's representative shall not:

A. discriminate against a public employee with regard to terms and conditions of employment because of the employee's membership in a labor organization;

B. interfere with, restrain or coerce a public employee in the exercise of a right guaranteed pursuant to the Public Employee Bargaining Act or use public funds to influence the decision of its employees or the employees of its subcontractors regarding whether to support or oppose a labor organization that represents or seeks to represent those employees, or whether to become a member of any labor organization . . .

C. dominate or interfere in the formation, existence or administration of a labor organization

D. discriminate in regard to hiring, tenure or a term or condition of employment in order to encourage or discourage membership in a labor organization;

E. discharge or otherwise discriminate against a public employee because the employee has signed or filed an affidavit, petition, grievance or complaint or given information or testimony pursuant to the provisions of the Public Employee Bargaining Act or because a public employee is forming, joining or choosing to be represented by a labor organization;

F. refuse to bargain collectively in good faith with the exclusive representative;

G. refuse or fail to comply with a provision of the Public Employee Bargaining Act or board rule;
or

H. refuse or fail to comply with a collective bargaining agreement.

NMSU faculty look forward to respectful discussion with the Central Administration on issues that will advance the success of our students and contribute to NMSU meeting its mission.



Office of the President

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president.gogue@nmsu.edu

DATE: March 7, 2024

TO: Gaylene Fasenko, Faculty Senate Chair

FROM: Jay Gogue, Interim President

A handwritten signature in red ink, appearing to read 'J. Gogue', is placed over the name 'Jay Gogue' in the 'FROM:' line.

SUBJECT: Faculty Senate Proposition 04-23/24

In response to your recent transmittal of Senate Faculty Proposition 04-23/24, this will clarify that the University is committed to following the requirements of the Public Employee Bargaining Act governing the rights and obligations of the University, unions, and employees. Similarly, we are hopeful that all of those engaged will follow the law as well.

We look forward to continuing the discussion of how the University as a whole can advance student success and NMSU's mission.