University of Idaho
2008-2009 FACULTY COUNCIL AGENDA
Meeting #17

Tuesday, January 27, 2009, 3:30 p.m.
BRINK HALL FACULTY LOUNGE

Order of Business

I. Call to Order.

II. Minutes.
   • Minutes of the 2008-09 Faculty Council Meeting #16, January 20, 2009

III. Chair’s Report.

IV. Provost’s Report.

V. Other Announcements and Communications.
   • FC-09-030: Collective Bargaining (Gier)
   • UCC Report (Dacey)
   • Program Prioritization Process
   • RFI Report (O’Rourke)

VI. Committee Reports.

VII. Special Orders.

VIII. Unfinished Business and General Orders.
   • FC-09-028: NOI CLASS: BS/BA Organizational Sciences (postponed to February 3, 2009)

IX. New Business.

X. Adjournment.

Professor Karen Guilfoyle, Chair 2008-2009, Faculty Council

Attachments: Minutes of 2008-2009 FC Meeting #16
               FC-09-030: CB Resolution & Supporting Material
Present: Baird, Baker (w/o vote), Battaglia, Crowley, Fritz, Graden, Guilfoyle (chair), Holthaus, Hill (w/o vote), Huber, Johnson, Limbaugh, Machlis, Makus, Mihelich, Miller, Murphy, Schmeckpeper, Sullivan, Williams, Wilson. Liaisons: Budwig (Boise), Newcombe (Coeur d’Alene), Crepeau (Idaho Falls). Absent: Stoner. Visitors/Guests: Kent Nelson (General Counsel) and many others including Deans Aiken, Blackketter, Hammel, Hoversten, McLaughlin, Morris, Rowland, von Braun, Wood.

A quorum being present, the chair called the meeting to order at 3:32 p.m. in the Brink Hall Faculty Lounge.

Minutes: It was moved and seconded (Murphy/Miller) to accept the minutes of the December 16 meeting (Meeting #15) of the 2008-2009 Faculty Council as distributed. The motion carried unanimously.

Chair’s Report: The chair welcomed new and returning FC members, Graden, Johnson, Makus and Mihelich and then asked FC approval to change the order of business, as distributed, moving items other than PPP forward and allowing the entire remainder of the meeting dedicated to PPP. (approved).

Fall 2009 – Spring 2010 Sabbaticals. There being no discussion, the motion was approved unanimously.

FC 09-028 NOI CLASS – BS/BA Organizational Sciences Major. A motion to defer this item to the meeting of Feb 3 (Miller/Crowley) was approved unanimously.

Program Prioritization Process. The Chair continued her report by outlining the process for the discussion of the PPP. Today’s presentations would be for informational purposes and next week FC will discuss process and procedures following feed-back to FC members from their constituents.

The Chair noted that the President search is moving forward and an issue raised by several candidates was the effects of the recession across-the-board on higher education. Many universities are dealing with the realities of shrinking state funding and loss of other revenue.

The Chair noted her excitement about the inauguration of President Obama and quoted the President, noting that to deal with these fiscally trying times “..... we must experiment boldly” in finding solutions to the fiscal crisis. Although we may make some mistakes, it is essential that we move forward. The Chair thanked the university leadership for being so inclusive throughout the PPP, noting that her attendance at the recent Provost’s Council meeting was illustrative of the cooperative manner in which the process is being conducted. The Chair noted that her goal was to keep FC fully involved and to work to maintain an open and transparent process. The PPP will provide focus and resources for the areas in which we can achieve excellence. Today is an early step in working towards a sustainable future.

The Chair then invited President Daley-Laursen to speak. President Daley-Laursen thanked FC for the opportunity to speak today and expressed his appreciation of the great leadership of the faculty shown by Chair Guilfoyle.

He shared some thoughts germane to the PPP and posed a question he has been asked numerous times: Why are we implementing the PPP through the strategic plan? He noted that the answer was to ensure a sustainable work-place with three elements of importance: 1) to improve worker satisfaction, 2) to meet the financial need, and 3) to garner increased external support. The President noted that in his view current conditions limited our potential to be excellent. The downward trend in state support
continued to bring long-term challenges to the work-place. He noted that the expectation that the university should be everything to everyone cannot continue.

The President noted our desire to provide programs of high quality. To achieve this, it is essential that we reconfigure with a view to long-term sustainability and ultimately to grow. He noted that we had the capacity to reform ourselves. Through consolidation, integration, disinvestment and reinvestment, the process will provide greater support for a more focused set of activities.

He noted that throughout our history, when we have not led by making strategic decisions, we have given away flexibility and lost ground. He made a call to the university community to lead and to invest in places in which we can be great. He saw that this strategic planning would also lead to greater investment from others in the university.

He also spoke to 30 years experience in three land-grant universities. His perspective was that UI is ahead of many other universities in dealing with long-term sustainability and developing a vision for what we might look like in the future.

He noted that the leadership of the state including the legislature, the governor, leaders of JFAC all understand the importance of the process we are working through and are very supportive. He had also met with the editorial board of “The Statesman” and shared the great importance of UI taking leadership in strategic planning in difficult times.

The President noted that another institution in Idaho is rising. However, the UI has risen for 120 years and need not worry about being out-risen, just keep rising. Choices are not easy to make but we must define our own rewards which we are doing in new ways. In closing he noted – what is required of us in American higher education is a level of responsibility and recognition that we have a duty to ourselves to plan for a sustainable future. President Daley-Laursen quoted President Obama in considering how we might serve society “….. duties that we do not grudgingly accept but rather seize gladly, firm in the knowledge that there is nothing so satisfying to the spirit, so defining of our character, than giving our all to a difficult task.” He noted that we are indeed rising to our responsibilities today.

Provost’s Report: The provost provided a hand-out and spoke to a power-point presentation sharing an overview of the PPP: both the process and the Provost’s Council recommendations. He thanked the deans for their tireless work throughout the process, most of the deans being present as visitors at the meeting.

He noted that the context of the PPP was to focus our efforts and to operate in areas of strength through implementation of the strategic plan. Speaking to a slide entitled “The Transformation 2005-2009” the Provost noted the major steps along the path to the present process, beginning with former President White’s Plan for Renewal initiated in 2005 followed by the development of the Strategic Action Plan and a total of twelve defining processes involving university community-wide participation to the present action items: initial Program Prioritization Process, RFIs identified for implementation and university-level re-engineering projects launched (the final action item will be fully implemented in summer 2009). He noted that the RFI process had received 74 proposals.

In speaking to the objective of focusing university-wide efforts, he used a “pipeline of effort” analogy to bring the concept of focus to the “sweet spots” that intersect teaching and learning, scholarly and creative activity and outreach and engagement within the scope of the UI organizational culture and climate.
He noted that last week the Provost’s Council had conducted a two-day retreat and engaged in very constructive discussions. The Provost’s Council retreat was joined by President Daley-Laursen and for a session with the RFI advisory committee, chaired by Michael O’Rourke (full membership can be found through the provost’s website).

Over 60 programs were examined in detail by Provost’s Council resulting in 41 being brought forward for consideration for disinvestment. A combination of extensive metrics, informed by strategic judgments factoring in complexities affecting each program were used to identify those selected. The Provost added clarification noting that programs are in effect academic majors; they are not departments. He further noted that there were proposed a number of closures and some consolidations, e.g. Master’s programs in CNR, six will be consolidated to one.

The Provost noted that the time-line called for the process to move quickly and NOI preparation was already underway in some areas. He summarized the time-line noting the following steps:

- Dean, Department, College Curriculum Committee review (January 20-February 5, 2009).
- Original NOI signed by Dean and forwarded to the Provost (as developed to February 5-6, 2009).
- Provost’s Office forwards NOIs to Registrar’s Office for internal routing and review (Graduate Council, Outreach Council [if appropriate], UCC, etc.) (as developed) (February 13, 2009).
- Review by Faculty Council (as developed).
- Administrative Review, approval and signatures (Chief Fiscal Officer, Chief Academic Officer, President) (as developed March 2, 2009).
- NOI forwarded to the Office of the State Board of Education/Regents, approval and signature (as developed to April 2, 2009).
- Final approval and implementation (potentially on the April 16, 2009 SBOE agenda).

The Provost moved on to the RFI process time-line. He noted that initial selection of proposals following the Phase 1 submissions would be completed and forwarded to the Provost and President on January 28. Teams with similar proposals may be asked to collaborate. Final proposals are due to be submitted to the review committee on March 12. Review will be conducted March 12-20. Final recommendations to appropriate councils (March 23). President and Provost determine final proposals for implementation (March 31).

The Provost then summarized the Process Re-engineering component noting possible integration of some RFI proposals and final implementation in the summer of 2009. The effects of the state hold-backs on the PPP work reinforced the need for rapid implementation, flexibility in planning budgets and underscored the importance of working within the strategic “pipe-line”. He noted the importance of working with students who will be affected by the process. The university will provide the opportunity for junior and senior students to complete their curricula as they work in a timely fashion toward completion of their degrees. He noted that some options have also been discussed with WSU to provide alternatives for students to complete.

He reiterated the notion that this PPP and review would not be a one-time event. On-going review will be a process that will be improved and repeated as required.

The Provost closed with a quote from Ella Wheeler Wilcox “…. Tis the set of the sails, And not the gales, That tell us the way to go....”

The Chair then invited General Counsel, Kent Nelson to address the meeting on the legal aspects of the process.
He addressed the question of the role of faculty governance in the process. He noted that it was the faculty’s responsibility to review curricular matters and make recommendations coming from the process. He further noted that it was the role of the university administration to provide the faculty with the opportunity to participate in a meaningful way. Faculty could vet, have objections noted and be involved in discourse through the process. The faculty’s ultimate role is to advise and assist the Regents and the President in their decisions. The faculty process cannot become a veto for what is or is not considered by the Regents. He noted that all three university lawyers would be available and would carry specific assignments allocated to a sub-set of the 41 programs recommended for closure.

The Chair noted that the full process for the NOIs was posted on the Provost’s website and available for reference for the university community.

The Chair then opened the meeting for discussion noting that each question would be given a five minute allocation:

*Several of the proposed program closures have the appearance of “house cleaning” without a promise of substantial cost savings. Is this so?*

Much of the savings in these cases will be time-savings which are none-the-less real. In addition, salary lines supporting such programs as they undergo natural attrition, will not be refilled.

*The time-line for consideration of NOIs is tight. These are typically initiated within a department but in this case are initiated by the administration. What if a committee declares that it needs more time to formulate an NOI?*

The recommendation is that they should try to make the given time-line work. The obligation from administration is to provide reasonable opportunity and time. If there are requests for additional time, they will need to be considered on a case-by-case basis.

*The President’s letter to the community today indicated that there will be no faculty or staff layoffs in programs initially identified for closure. Does this mean that if programs are ultimately closed, faculty and staff in those programs will be laid off?*

No. The intent is that there will be no lay-offs as a result of closure of the 41 programs announced today.

*This initial process identified 41 programs recommended for closure. In the PPP plan, all programs are meant to be reviewed in a step-wise manner. Is there a time-frame in place for the remainder of that review process and what might that be?*

As Provost’s Council worked through the 66 programs, it became clear that there was a need for some of these programs that needed to make some form of transformation. The Deans have been asked to go back and work on these during the course of this semester. The next Provost’s Council meeting will have this topic on the agenda - to better fine tune those thematic areas. This will also allow us to work towards bringing together additional multidisciplinary teams. This process will evolve and will be repeated in the future.

*The process of review of NOIs by FC should be followed by approval by a General Faculty Meeting. The process does not appear to have this step factored in.*

It is possible that a general faculty meeting can be held at the call of the president. If necessary, a general faculty meeting could be held any time before the scheduled meeting in May.
Is there an option just to “moth-ball” programs rather than close them?
No. If it happens that there is a need to add a program previously deleted it can be established with a new NOI proposal.

How do we present to the legislatures, SBOE and our constituents proposed program closures in a positive light?
The legislature was invited to campus in November. Eighty-seven out of one hundred and seventeen attended. The process was given strong support from the legislators at that meeting. In addition, each of the executive team was assigned to State Board members in order to connect with them and discuss the process and the strategic direction.

What of a parent from say, Buell? How do we deal with their concerns when they hear of program closures?
Specific communications to reach parents and high school teachers are being developed. This is an important task.

Is there not a problem with dropping a bachelor’s program because it will impact student recruitment into graduate programs in that department?
One view expressed was that a graduate program should not be reliant on home-grown undergraduates and should be recruiting students from outside.

What is the university’s obligation to students in a program slated for closure?
Regents’ policy dictates that students within two years of graduating must be taught out. The time would begin upon final approval of the closure or as Kent Nelson responded “when the gavel comes down.”

The Chair reminded members that a reference resource for the NOI process was the Provost’s website. The Vice-Chair added that it is important for the faculty to recognize that these are curricular matters entrusted to the faculty by the university constitution. For recommendations to be adopted by the regents, presumably they will be counting on faculty to provide reasoned and considered input with a reasonable degree of agreement among all faculty, including this body. It may be both a matter of comfort to some, fear for others and a sense of trepidation for others. What we recommend will in the end, represent a great opportunity and a great obligation upon all of us.

Adjournment: It was moved and seconded (Murphy/Wilson) to adjourn at 4:47 p.m. The motion carried unanimously.

Respectfully submitted,

Rodney A. Hill
Faculty Secretary and
Secretary to Faculty Council
RESOLUTION ON COLLECTIVE BARGAINING FOR HIGHER EDUCATION

(Revised January 24, 2009)

Whereas, all persons have a right of self-determination in all areas of their lives;

Whereas, 319,000 American higher education faculty have union representation on 1,125 campuses, one third of the nation’s total, even though 19 states still deny bargaining rights;

Whereas, union representation on these campuses has led to increased compensation, better working conditions and the lowest number of strikes in labor history;

Whereas, multi-year union contracts lock in salary increases and offer appeal procedures and mediation services far superior to faculty without collective bargaining;

Whereas, faculty unions work very well with existing faculty governance structures, primarily because their tasks are quite different;

Whereas, public college and university faculties in Oregon, Washington, and Montana have bargaining rights and labor contracts now exist on 33 campuses in Washington State, 44 campuses in Oregon, and 20 campuses in Montana where some faculty have been bargaining for over 30 years.

Whereas, nearly 3,000 higher education faculty are excluded from Idaho’s Teachers Negotiation Act;

Whereas, in 1976 higher education faculties or their representatives at the University of Idaho (by a 99-51 vote), Lewis-Clark State College, Boise State University, and Idaho State University voted for collective bargaining legislation, which lost on a tie vote in the Senate HEW Committee;

Whereas, in 2008 the ISU Faculty Senate voted 23-4 to support collective bargaining legislation; followed by BSU Faculty Senate voting 21-4 for; the NIC Faculty went 44 in favor, none against with 6 abstentions; and the LSCS Faculty Association voted 57-8 in favor;

Whereas, under the legislation Idaho faculty would have the right to vote against bargaining as well as for it;

Whereas, the Moscow legislative delegation has introduced the bill in the Senate Education Committee and now seeks UI faculty support;

Be it therefore resolved that the University of Idaho Faculty Council support the higher education collective bargaining bill in the 2009 Idaho Legislature.
IN THE ________________________

__________________ BILL NO. ___________

BY ________________________

AN ACT

RELATING TO INSTITUTIONS OF HIGHER EDUCATION; AMENDING CHAPTER
37, TITLE 33, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS
33-3726 THROUGH 33-3731, IDAHO CODE, TO PROVIDE FOR
NEGOTIATION AGREEMENTS, TO DEFINE TERMS, TO PROVIDE FOR
NEGOTIATIONS, TO PROVIDE FOR THE APPOINTMENT OF MEDIATORS AND
FOR COMPENSATION, TO PROVIDE FOR THE APPOINTMENT OF FACT
FINDERS AND FOR A REPORT AND TO PROVIDE FOR RESERVED POWERS,
DUTIES AND RESPONSIBILITIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 37, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW
SECTIONS, to be known and designated as Sections 33-3726,
33-3727, 33-3728, 33-3729, 33-3730 and 33-3731, Idaho Code, and to read as follows:

33-3726. NEGOTIATION AGREEMENTS. The administration of each
institution of higher education is hereby empowered to and shall
upon its own initiative or upon the request of a local faculty
organization representing professional employees, enter into a
negotiation agreement with the local faculty organization and
negotiate with such party in good faith on those matters
specified in any such negotiation agreement between the
administration and the local faculty organization. A request for
negotiations may be initiated by either party to such negotiation
agreement. Accurate records or minutes of the proceedings shall
be kept, and shall be available for public inspection at the
offices of the state board of education during normal business
hours. Joint ratification of all final offers of settlement shall
be made in open meetings.

33-3727. DEFINITIONS. In sections 33-3726 through 33-3731,
Idaho Code:

(1) "Administration" means the person authorized to act on
behalf of the institution of higher education under the laws of
this state or such person's designee.

(2) "Institution of higher education" means university of
Idaho, Idaho state university, Boise state university,
lewis-clark state college, eastern Idaho technical college, north
Idaho college, college of southern Idaho, western Idaho college
or any other public institution of higher education created by

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the legislature or formed pursuant to chapter 21, title 33, Idaho Code.

(3) "Local faculty organization" means any local organization duly chosen and selected by a majority of the professional employees employed at the institution of higher education as their representative organization for negotiations under sections 33-3726 through 33-3731, Idaho Code.

(4) "Negotiations" mean meeting and conferring in good faith by the administration and the authorized local faculty organization for the purpose of reaching an agreement, upon matters and conditions subject to negotiations as specified in a negotiation agreement between said parties.

(5) "Professional employee" means any instructor of the institution of higher education; provided, however, that those individuals with the responsibilities of dean or above may be excluded from the professional employee group if a negotiation agreement between the administration and local faculty organization so specifies.

33-3728. NEGOTIATIONS. The local faculty organization shall be the exclusive representative for all professional employees in that institution of higher education for purposes of negotiations. The individual or individuals selected to negotiate on behalf of the professional employees shall be a member of the organization designated to represent the professional employees and shall be a professional employee of the institution of higher education. However, in the event the administration chooses to designate any individual, other than an employee of the institution of higher education as its representative for negotiations, the local educational organization is authorized to designate any individual of its choosing to act as its representative for negotiations. The administration or its designated representative shall negotiate matters covered by a negotiations agreement only with the local faculty organization or its designated representative.

33-3729. APPOINTMENT OF MEDIATORS -- COMPENSATION. In the event the parties in negotiations are not able to come to an agreement upon items submitted for negotiations under a negotiations agreement between the parties, upon agreement of the parties one (1) or more mediators may be appointed. The issue or issues in dispute shall be submitted to mediation at the request of either party in an effort to induce the administration and the local faculty organization to resolve the conflict. The procedures for appointment of and compensation for the mediators shall be determined by both parties.

33-3730. APPOINTMENT OF FACT-FINDERS -- REPORT. (1) If mediation fails to bring agreement on all negotiable issues, the issues which remain in dispute may be submitted to fact-finding by request of either party. One (1) or more fact-finders shall be appointed by the parties by mutual agreement. If such agreement
cannot be reached within thirty (30) days of the request for such appointment, the executive director of the state board of education shall make such appointment. The fact-finder shall have authority to establish procedural rules, conduct investigations and hold hearings during which each party to the dispute shall be given an opportunity to present its case with supporting evidence.

(2) Within thirty (30) days following designation of the fact-finder, he shall submit a report in writing to the administration and the professional employees, setting forth findings of fact and recommendations on the issues submitted.

33-3731. RESERVED POWERS, DUTIES AND RESPONSIBILITIES. Nothing contained herein is intended to or shall conflict with, or abrogate the powers, duties and responsibilities vested in the legislature, state board of education and the boards of trustees of the institutions of higher education by the laws of the state of Idaho. The administration of each institution of higher education is entitled, without negotiation or reference to any negotiated agreement, to take action that may be necessary to carry out its responsibility due to situations of emergency or acts of God.
REVISIONS TO HIGHER EDUCATION NEGOTIATIONS BILL

Offered by the Higher Education Council
Idaho Federation of Teachers, AFT/AFL-CIO

Sponsored by Representatives Tom Trail and Shirley Ringo

In response to a letter from Deputy Idaho Attorney General Jeffrey Schrader dated January 31, 2008, we have proposed the following changes to the bill submitted to the 2008 Legislature.

Under 33-3726 NEGOTIATION AGREEMENT, we propose that these words be struck on those matters specified in such negotiation agreement between the administration and the local faculty organization and substituted with "on matters of wages, hours of employment, and other terms and conditions of employment."

Under 33-3727 DEFINITIONS, we propose these bolded words be inserted (5): "Professional employee" means any professor, adjunct, instructor, lecturer, and graduate teaching assistants in that institution of higher education; . . . .

Under 33-3727 DEFINITIONS, we propose an additional section, which will read (6) "Bargaining units" shall consist of one for tenured and tenure-track professors, senior instructors, and instructors with renewable contracts; a second unit for instructors and adjuncts without renewable contracts; and a third unit for graduate teaching assistants."

Under 33-3728 NEGOTIATIONS, we propose that the phrase "or individuals" be inserted after "The individual" in the second sentence, and "any individual" appearing twice in the third sentence. We also propose to add "(s)" to the end of "designated representative (s)" appearing twice in the fourth sentence.

In consultation with our national office we have determined that the other points raised in the Deputy Attorney General's letter are either unfounded or need not be addressed, primarily because K-12 teachers have had very successful negotiations with their administrators for 37 years with nearly the exact same legislative provisions.