University of Idaho
2009-2010
FACULTY SENATE AGENDA

Meeting #5

Tuesday, September 22, 2009, 3:30 p.m.
BRINK HALL FACULTY LOUNGE

Order of Business

I. Call to Order.

II. Minutes.
   • Minutes of the 2009-10 Faculty Senate Meeting #4, September 15, 2009

III. Chair’s Report.

IV. Provost’s Report.

V. Other Announcements and Communications.
   • FS-10-006: FSH 3900: Non-Reappointment at End of Contract of Non-Tenured Faculty and Exempt Staff

VI. Committee Reports.

VII. Special Orders.

VIII. Unfinished Business and General Orders.
   • Efficiency Cost Reduction Policy Memo
     1. Y account issues
     2. Department Consolidation & Department Chair Issues

IX. New Business.

X. Adjournment.

Professor Jack Miller, Chair 2009-2010, Faculty Senate

Attachments: Minutes of 2009-2010 FS Meeting #4, September 15, 2009
FS-10-006
A quorum being present, the Chair opened the meeting at 3:30 p.m.

Minutes: It was moved (Murphy/Marshall) to accept the minutes of the meeting of September 8, 2009, meeting #3 of the 2009-10 Faculty Senate. Approved, with a friendly amendment – Professor Stark was present at the Boise site.

Chair’s Report: The Chair reminded the Senate that the first General Faculty Meeting of the year is coming up tomorrow September 16 at 3:30 Pacific in Janssen Engineering Room 104, Moscow and connected sites at Coeur d’Alene, Idaho Falls and Twin Falls. This would be the first meeting in which approved designated sites across the state could actively participate.

Provost’s Report: The Provost noted that there would be a $173M shortfall in state revenues compared to previous projections. The Governor had asked state agencies to plan for reductions this fiscal year. It is anticipated that this cut would become a permanent reduction. It was estimated that this would convert to about an additional 6% cut in state funding to the university. This year there is a university budget reserve that is hoped will cover the short-fall. However, the effects in subsequent years are yet to be determined. The President has encouraged development of ways to be entrepreneurial in revenue generation and to increase enrollments through summer certificate courses and other innovations. The effect of increasing revenue from these sources should go some way to redressing reductions in state funding. The Provost noted that 10 day enrollments are up only 1.5% despite a record freshman class. The issue is retention. UI freshman to sophomore retention rate is around 78%, peer institutions being around five points ahead of this number. The Provost noted that several groups are working on improving retention and introduced Vice Provost for Academic Affairs, Jeanne Christiansen to comment. Vice-Provost Christiansen outlined several mechanisms that were being implemented: Early warning grades for freshmen were designed to provide early alerts so that students could be assisted early to overcome issues with transition to college life. A student self-assessment module was provided so that students could assess their achievements against institutional norms. The Vice-Provost for Student Affairs will be sending a newsletter to parents asking if they have any concerns with student progress, and asking for direct feedback. These and other mechanisms were designed to help students make good choices and to be well informed early in the semester. Another supporting mechanism will be implemented next academic year in which all freshmen will live on campus either in the dormitories or in the Greek system. There are national data that show that students achieve at a higher level and retention is at a higher rate for those students living on campus.

The Provost then noted that the third annual President’s Sustainability Symposium will be held this year in Idaho Falls on October 22-23. There were some high profile speakers presenting. Professor Dakins noted that it was hoped that there would be strong interest from Moscow faculty and that it was
intended to organize a bus to transport faculty from Moscow to Idaho Falls in order to contain travel costs.

The Provost closed noting that announcements of outcomes from the RFI process will be out in the next day or two.

The Chair noted that Professor Edwards had agreed to fill the open position on the University Budget and Finance Committee that would be vacated by Professor Sullivan who would be going on sabbatical leave beginning in the spring of 2010. It was moved (Miller/Murphy) to nominate Professor Edwards. Approved.

The Chair went on to note that faculty at Twin Falls had requested approval for a temporary substitute delegate for the General Faculty Meeting tomorrow. It was moved (Edwards/Fritz) to approve Professor Don Morishita as the temporary delegate at Twin Falls for the General Faculty Meeting of September 16, 2009. Approved.

**FS-10-002 FSH 3520 Faculty Tenure.** There was a brief discussion of the language in section F-2 being stricken, thus: “F-2. The granting of tenure to a librarian, student counselor, other academic officer, or a member of the Cooperative University of Idaho Extension Service does not provide tenure in the particular position held.”

There was a concern that for faculty tenured in the Library that there was closer identification with the rank and the position that may support retention of the statement. [Later investigation by the Faculty Secretary’s office indicates that it is the faculty who is tenured, not the position.] There being no further discussion the question was called. Approved, unanimously.

**FS-10-003 FSH 3560 Faculty Promotions.** Approved unanimously.

**FS-10-004 FSH 3570 Professional Portfolio.** Approved unanimously.

**FS-10-005 FSH 1565 Ranks and Responsibilities** (sections from the beginning through Section C-3). It was moved to amend (Mihelich /Guilfoyle) section C-2 to strike the latter part of the final sentence. Thus,

“C-2. SCHOLARSHIP AND CREATIVE ACTIVITIES: Scholarship is creative intellectual work that is communicated and validated. The creative function of a university requires the appointment of faculty members devoted to scholarship and creative activities. The university promotes an environment that increases faculty engagement in interdisciplinary scholarship. The university's Carnegie designation as "research university high", fosters an emphasis on scholarly and creative activities that support the university's strategic themes and land grant mission, and strategically important graduate and professional programs.”

It was noted that language to support the university’s strategic themes impinged on faculty’s academic freedom to pursue research of their choice. It was further noted that similar language had been deleted from the forms and accompanying policy around this issue at the General Faculty Meeting in April, 2009. The question was called and the amendment was approved 14 in favor, 2 against. The question of the main motion was then called. Approved, unanimously.
Provost’s efficiency Memo: The motion that was tabled last week suggesting a recommendation to the Provost to amend his memo was called up from the table (Murphy/Edwards) Approved. The written motion as circulated:

The Faculty Senate recommends to the Provost that he amend the first bulleted paragraph of his memo to Provost’s Council of August 25, 2009 as follows:

Undergraduate courses with less than 15 students and graduate classes with less than 8 students will be merged with other sections or cancelled. Exceptions will be made to comply with specific accreditation requirements related to Washington State University, external funding, or specialized laboratory requirements and for other good causes shown. Each Dean will develop a report on these exceptions and have it approved by the Provost and Executive Vice President. We need to undertake this exercise in a very serious manner, so we anticipate these exceptions will be infrequent. While these changes will be in place in the fall of 2010, I ask that each of you begin the implementation of this policy during the current academic year where possible.

There was extensive discussion about softening the tone of the text as many faculty felt that the policy describing the minimum class size (15 students for undergraduate classes and 8 for graduate classes) was set by administration and could not be changed.

Another perspective was that a minimum number of students across all courses taught for each faculty might be a more suitable metric.

The Provost was appreciative of the suggestion but noted that pedagogies are different across departments and colleges. There was a range of parameters considered by the Provost’s Council through the summer. The class size minimum appeared to be the best fit across the university.

The Graduate student perspective was that the present limiter of 8 graduate students per class would result in cutting 62% of the graduate classes offered. The Provost noted that he had met with Dean von Braun and that he was aware that this number would likely need to be adjusted. He and Dean von Braun would be working through this issue. Dean von Braun would be setting up meetings with GPSA leadership for further discussions.

Another suggestion was that the faculty should get out of the way of the administration and allow the proposed changes in response to the present budget cuts to be implemented.

This view met disagreement. In the present language of the Provost’s memo on class sizes there was no “escape clause” and many classes might be cut that were of great strategic value.

Another view was that the Faculty Senate had an obligation on behalf of the faculty to comment on the memorandum.

Yet another view was that the terminology might be amended to use “reviewed” to replace “merged with other sections or cancelled”. The student view was in agreement with this suggestion.

The Provost responded that he felt we had established common ground around what needs to be done. We have tried to deal with the issue of small class sizes in the past and there has been no follow-through to implementation. He saw his memorandum as being catalytic: to stimulate active discussion. He noted
that he will listen to constructive suggestions but the process needed to move forward and be implemented this academic year.

After several friendly amendments, the Chair requested for clarity that the written motion be voted upon, which would require retraction of the friendly amendments. Two friendly amendments (Geist and Guilfoyle) were then accepted. An amendment was moved and seconded (Edwards/Graden) to delete “merged with other sections or cancelled.” and replace with “reviewed to determine their strategic importance to UI programs.” The amendment was approved, 12 in favor, 3 opposed. The final motion before the senate became:

The faculty senate recommends to the Provost that he amend the first bulleted paragraph of his memo to Provost’s Council of August 25, 2009, as follows:

Undergraduate courses sections with less-fewer than 15 students and graduate classes with less-fewer than 8 students will be merged with other sections or cancelled, reviewed to determine their strategic importance to UI programs. Exceptions will be made to comply with specific accreditation requirements related to accreditation requirements, and for co-taught courses with Washington State University, external funding, or specialized laboratory or studio requirements, and for programs’ strategically vital courses, and for other good causes shown. Each Dean will develop a report on these exceptions and have it approved by the Provost and Executive Vice President. We need to undertake this exercise in a very serious manner, so we anticipate these exceptions will be infrequent. While these changes will be in place in the fall of 2010, I ask that each of you begin the implementation of this policy during the current academic year where possible.

A motion (Marshall) that everything be written down and sent out by email for all to look at tabling the discussion until later, failed for lack of a second.

There being no further discussion the question of the main motion was called. Approved, 11 in favor, 5 opposed.

Adjournment: It was moved (Battaglia/Murphy) to adjourn at 5:00 p.m. The motion carried unanimously.

Respectfully submitted,

Rodney A. Hill, Faculty Secretary and Secretary to Faculty Senate.
POLICY COVER SHEET

(See Faculty Staff Handbook 1460 for instructions at UI policy website: www.webs.uidaho.edu/uipolicy)

[3/09]

Faculty/Staff Handbook [FSH] □ Addition □ Revision* □ Deletion* □ Emergency
Minor Amendment □
Chapter & Title:

Minor Amendment □
Chapter & Title:

All policies must be reviewed, approved and returned by a policy sponsor, with a cover sheet attached to apm@uidaho.edu or fsh@uidaho.edu respectively.

*Note: If revision/deletion request original document from apm@uidaho.edu or fsh@uidaho.edu, all changes must be made using “track changes.”

Originator(s):
(Please see FSH 1460 C)
Telephone & Email:

Policy Sponsor: (If different than originator.)
Telephone & Email:

Reviewed by General Counsel □ Yes □ No Name & Date:

I. Policy/Procedure Statement: Briefly explain the purpose/reason of proposed addition, revision, and/or deletion to the Faculty/Staff Handbook or the Administrative Procedures Manual.

To conform to Board policy II F5a.

II. Fiscal Impact: What fiscal impact, if any, will this addition, revision, or deletion have?

None

III. Related Policies/Procedures: Describe other policies or procedures existing that are related or similar to this proposed change.

IV. Effective Date: This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.

If not a minor amendment forward to:

FSH
Appr. ____________
FC ____________
GFM ____________
Pres./Prov. ____________
[Office Use Only]

APM
F&A Appr.: ____________
[Office Use Only]

Track #
Date Rec.: ____________
Posted: t-sheet ____________
h/c ____________
web ____________
Register: ____________
(Office Use Only)
NON-REAPPOINTMENT AT END OF CONTRACT OF NON-TENURED FACULTY AND EXEMPT STAFF

PREAMBLE: This section outlines the procedures, including appeal procedures, used when the university does not reappoint a non-tenured faculty member or an exempt employee at the end of his or her contract. It was a part of the 1979 Handbook, but was extensively revised in 2002 to conform with Regent policy changes. Further information may be obtained from the Provost’s Office (208-885-6448) or the Office of the Faculty Secretary (208-885-6151). [rev. 7-02, ed. 12-07]

CONTENTS:

A. General
B. Notice of Non-Renewal of Term Appointment
C. Elimination of Positions—Not Under Financial Exigency
D. Reduction in Force Under Financial Exigency
E. Review of Non-Renewal Decision
F. Appeal or Grievance Procedures

A. GENERAL. A non-tenured faculty member or other exempt employee with a term appointment must be advised at the time of his or her appointment of the criteria and procedures that are followed in decisions affecting reappointment.

B. NOTICE OF NON-RENEWAL OF TERM APPOINTMENT. Except as provided in D, the president’s decision that a term appointment not be renewed must be communicated in writing to the employee concerned in accordance with the following standards [rev. 7-02]:

B-1. With the exception of the nontenured faculty members covered in B-2 and the categories described in a and b of 3080 D-2, the employee must be notified at least 60 days before the end of the existing period of employment. [ed. 7-98]

B-2. A nontenured faculty member, as “faculty” is defined in 3520 B-4, must be notified (RGP IIG5):

a. Not later than March 1 of the first full academic year of service if the appointment is not to be renewed at the end of the academic year or, if a one-year appointment terminates during an academic year and is not to be renewed, at least three months in advance of its termination.

b. Not later than December 15 of the second full academic year of service if the appointment is not to be renewed at the end of that year or, if the appointment terminates during an academic year and is not to be renewed, at least six months in advance of its termination.

c. Not later than July 15 preceding the academic year at the end of which the appointment is to be terminated; or if the appointment terminates during an academic year and is not to be renewed, at least twelve months in advance of its termination. (RGP IIG) [rev. 7-02]

d. Failure to provide timely notice of nonrenewal because of mechanical, clerical, or mailing error does not extend or renew the letter of contract of employment for another term, but the existing term of employment will be extended to provide the employee with a timely notice of nonrenewal. (RGP IIG) [add. 7-02]

e. Nontenured faculty members who are notified that they will not be reappointed or that the succeeding academic year will be the terminal year of appointment are not entitled to a statement of reasons upon which the decision for such action is based. No hearing to review such a decision will be held. (RGP IIG) [add. 7-02]

B-3. Failure to give timely notice to an exempt employee not covered in B-2 or in a or b of 3080 D-2 because of mechanical, clerical, mailing, or similar error is not deemed to renew the appointment for another full term, but
the existing term must will be extended for the number of days length of time necessary to allow sixty (60) calendar days notice provide to the employee, the required 60 days' notice. RGP IIF\[ed. 7-97\]

B-4. Reasons for nonrenewal of a fixed term appointment need not be stated. If reasons are given to the employee the furnishing of reasons does not convert nonrenewal to dismissal for cause and does not shift any burden of proof to UI. Except as provided below, nonrenewal is not grievable within UI and is not appealable to the board [but see E and F]. \[rev. 7-02\]

C. ELIMINATION OF EXEMPT POSITIONS--NOT UNDER FINANCIAL EXIGENCY. Circumstances may require the elimination of some positions even though the board has not directed a reduction in force resulting from a declaration of financial exigency [see 3970]. The departmental administrator, dean, or equivalent administrator makes the determination as to which exempt positions (those not defined as “faculty” in 3520 C-3) are to be eliminated. This determination is based on considerations of budgetary restrictions, priorities for maintenance of programs and services, employees’ fields of specialization, and their work performance. \[rev. 7-02, ed. 12-07\]

C-1. When an exempt position is eliminated the employee occupying the position may be notified of a nonrenewal of the term appointment, with notice being given as specified in B. \[rev. 7-02, ed. 12-07\]

D. REDUCTION IN FORCE UNDER FINANCIAL EXIGENCY. Notice of nonreappointment is not required when the board has authorized a reduction in force resulting from a declaration of financial exigency and an exempt employee with a term appointment is to be laid off before the end of the contract term. In that event, notice of layoff shall be given as provided under the rules for reduction in force [see 3970].

E. REVIEW OF NONRENEWAL DECISION. Nonreappointment of an non-tenured faculty member or an exempt employee at the end of his or her term of appointment is not subject to investigation or review, except as provided in F, and with the further exception that the employee may request an investigation and review to establish that written notice was or was not received in accordance with the provisions of B. In such cases, the investigation and review will be concerned only with the manner and date of notification of nonreappointment and will not consider grounds for nonreappointment. The employee must address a written request to the president for an investigation or review within fifteen days of receipt of the written notice of nonrenewal. \[rev. 7-02, ed. 12-07\]

F. APPEAL OR GRIEVANCE PROCEDURES. A non-tenured faculty member or exempt employee may have recourse to the internal grievance procedures used to allege discrimination prohibited by applicable law under the following circumstances and conditions: (1) the employee alleges that an institutional decision not to recommend renewal of his or her appointment was the result of discrimination prohibited by applicable law, (2) the allegation is submitted in writing to the president within 20 days after the employee receives notice of nonrenewal, and (3) the allegation is made with particularity and supported by such documentary evidence and statements of witnesses as may be reasonably available to the employee under the circumstances. The ultimate burden of proof rests with the employee and UI is required to offer evidence of the reasons for nonrenewal only if the employee has made a prima facie showing that the recommendation was made for reasons prohibited by applicable law. \[rev. 7-02, ed. 12-07\]

F-1. The normal internal grievance procedures used to allege discrimination prohibited by applicable law will be followed unless changed by mutual agreement of the parties. \[rev. 7-02\]

F-2. Unless mutually agreed by the parties, recourse to the grievance procedures will not delay the board’s consideration of the recommendation of nonrenewal, nor will it delay the effective date of nonrenewal. (RGP IIF5b and RGP IIG5b) \[ed. 7-02\]

F-3. UI’s decision at the conclusion of the grievance procedure is final. Nonetheless, the employee may elect to petition the board to review UI’s action. Such petition must be filed at the Office of the State Board of Education within 15 days after the employee receives notice of UI’s final decision. The board may grant the petition for review, or it may not, and the board may set out whatever procedure and conditions for review it deems appropriate. The fact that a petition for review is filed does not stay the effectiveness of UI’s final decision, nor does the board’s grant of the petition, unless specifically provided by the board. An employee need not petition the board for review in order to exhaust administrative remedies for purposes of judicial review. (RGP IIF5c and RGP IIG5b) \[ed. 7-02\]
F-4. If a decision of the university is changed by the board and the appointment is renewed for another term, the employee may thereafter use the internal grievance procedure to seek to expunge the unfavorable decision from UI’s personnel records. However, under no circumstances will the board’s record of the recommendation and its rejection of that decision be expunged. [rev. 7-02]