University of Idaho
2011-2012 FACULTY SENATE AGENDA

Meeting #10

3:30 p.m. - Tuesday, November 1, 2011
BRINK HALL FACULTY LOUNGE – Moscow
IWC Room 390 – Boise
145c – Coeur d’Alene
TAB 321 IF4 – Idaho Falls

Order of Business

I. Call to Order.

II. Minutes.
   • Minutes of the 2011-12 Faculty Senate Meeting #9, October 25, 2011

III. Chair’s Report.

IV. Provost’s Report.

V. Other Announcements and Communications.
   • University Promotions Committee

VI. Committee Reports.

   Faculty Affairs:
   • FS-12-009 – FSH 3205 – Consensual Romantic or Sexual Relationships (new policy vote)
     ASUI Resolution in support of Consensual Romantic Relationship policy

   University Budget and Finance Committee (Edwards)

VII. Special Orders.

VIII. Unfinished Business and General Orders.
   • FS-12-007: FSH 3860 – Grievance Procedures for Classified Employees (Graham/Spink - vote)

IX. New Business.

X. Adjournment.

Professor Paul Joyce, Chair 2011-2012, Faculty Senate

Attachments: Minutes of 2011-2012 FS Meeting #9
University Promotion Committee FAQs
FS-12-009 & Cover Memo
ASUI Resolution
Present: Aiken, Baillargeon, Vice Provost Christiansen for Baker (w/o vote), Barlow, Bathurst, Bird, Bowlick, Budwig (Boise), Corry, Eckwright (w/o vote), Perez (w/o vote) for Friddle, Garrison, Goddard, Halloran, Hartzell, Hopper, Joyce (Chair), Ostrom, Padgham-Albrecht, Pendegraft, Riesenberg, Safaii-Fabiano (Coeur d’Alene), Strawn Absent: Baker, Dakins (Idaho Falls), Friddle, Hasko, Marshall, Morra, Stark Guests: 4

A quorum being present, Senate Chair Joyce called the meeting to order at 3:33PM.

Minutes: It was moved and seconded (Padgham-Albrecht, Garrison) to approve the minutes of meeting #8. Approved unanimously.

Chair’s Report. The Chair reported on the following items:

- State Board of Education (SBOE) met in Lewiston on October 19 and 20. The Chair reported that SBOE provided retention rates for the universities: UI has an 80% retention rate from freshman to sophomore, and a 55% graduation rate; BSU has a 70% retention rate from freshman to sophomore, and a 33% graduation rate. Meeting materials are available at: http://www.boardofed.idaho.gov/meetings/board/current_year/10_19-20_11/index.asp
- Matt Morra is the newly appointed Senate representative on the Transportation Advisory Board.
- Next week’s Senate meeting will feature two proposals for discussion and vote: (1) the Consensual Romantic and Sexual Relationships Policy which has passed unanimously at the Faculty Affairs Committee; and a proposal from the University Budget and Finance Committee to restore WUE (Western Undergraduate Exchange) scholarships to a level of 100 new WUE students enrolled each year.
- The College of Graduate Studies is holding a Town Hall meeting on Wednesday, October 26. Senators and their constituents are encouraged to attend.
- ASUI has rejected the Information Technology Committee (ITC) recommendations presented to Senate on October 18 for residence hall lab closures but plan to work with ITS and ITC to bring an amended proposal to Senate for approval at a future meeting.
- Professor Sharon Stoll’s husband passed away last week and Chair Joyce is circulating a sympathy card for Senators to sign.

Provost’s Report. Vice Provost Jeanne Christiansen is filling in for Provost Baker who is attending a UI-hosted EPSCoR meeting in Coeur d’Alene. She reported on the following items:

- EPSCoR members officially recognized UI Distinguished Professor Jean’ne Shreeve for her work.
- Provost Baker continues to work with the Idaho’s Complete College America team to develop a plan for Idaho secondary and post-secondary education. Team members include Provost Baker, SBOE members and staff, a regent, two legislators and the governor’s education aide. The SBOE’s goal is to increase to 60% the number of Idahoans, ages 25-34, who hold a degree or certificate, by the year 2020.
- At UI’s request, the courts have granted permission to release Professor Ernesto Bustamante’s records at 1PM on Wednesday, October 26. UI anticipates increased media coverage and encourages anyone contacted by the media to refer inquiries to UI Media Relations’ 24-hour hotline number: 208.310.9736.
Information Technology Services. Tony Opheim, CIO/Executive Director, ITS, responded to Senators’ questions regarding ITS’s videoconferencing services. (Overall responsibility for videoconferencing was transferred to ITS in summer 2011.)

Meetings around the state currently require faculty and staff to go to a specific location in order to participate in videoconferenced meetings. Skype is one way to attend meetings from individuals’ offices, but does UI plan to pick up a utility that will allow for meetings to be held in a less formal way? Current infrastructure does require people to go to specific locations around the state to participate in meetings. ITS is looking at strategies using current generation hardware to finance the cost for improving those sites.

ITS and the College of Agriculture and Life Sciences are involved in a pilot of Movi high definition mobile video software. The software runs on both Macs and PCs and utilizes built-in camera and audio systems. It differs from Skype in that it is 100% compatible with video at UI. The software is relatively easy to install and enables users to dial-up an existing point. Movi eliminates the need for dedicated equipment; ITS will demo the system for those who are interested in learning more about it.

Would Movi be available for use with distance education? Will the system be available to people outside the UI? Can Movi handle meetings with very large quorums?
Movi is not the appropriate tool for use with distance education, but UI continues to invest resources in improving distance education through its Distance and Extended Education office. Non-UI users will be able to use the system but will need to get an account through UI. Movi may be used easily and effectively with large groups.

Tandberg units have fallen into disrepair at some UI research and extension centers. Is there money to fund repairs on this equipment?
The company does not offer maintenance contracts for the Tandberg units. The aging units are failing at a high rate and many need to be turned off and replaced.

Athletics. Rob Spear, Director of Athletics, presented a report on UI Athletics (distributed earlier to Senators). He noted that it is a volatile time in athletic conferences, with many changes driven by the potential to increase revenues for universities athletics’ programs. The competition level in the Western Athletic Conference (WAC) is good, although the top-half of the league in football is now gone. Television contracts for the WAC have been renegotiated at lower rates due to the exodus of some teams. Ticket revenues have been variable and football season ticket sales are “underachieving.” State support continues to decline. UI Graduation Success Rate (GSR) for UI student athletes is 83%, with 92% of student athletes completing their eligibility. UI’s Academic Progress Report numbers (required by NCAA) are very solid and among the best in the WAC. One area, men’s golf, did not meet the NCAA required multiyear minimum of 925 due to athlete eligibility issues.

Spear responded to the following questions from Senators:

When will WSU be on the football schedule again?
The earliest we can schedule a game with WSU is 2015, due to PAC-12 scheduling restrictions and UI’s schedule.

Will UI be playing more regional schools in the future?
UI is in the football bowl subdivision (FBS); Montana and Montana State, for example, are FCS universities (Football Championship Subdivision, formerly Division 1-AA). Montana would play UI if UI returned the game; but WAC rules do not allow UI to return games to FCS institutions. The rule was put
in place to protect football programs from traveling to FCS home locations, because of home-field advantage.

**FS-12-008**: UCC-12-022. Department of Fish and Wildlife Resources name change to Department of Fish and Wildlife Sciences. After a brief discussion and with information provided by Dr. Kerry Reese, the seconded motion from the UCC was approved unanimously.

**Teaching and Advising Committee**. Professor Miranda Anderson highlighted portions of a report from the Teaching and Advising Committee (distributed earlier to Senators), including: the upcoming call for nominations for the 2012 Teaching and Advising Excellence Awards; the development of teaching events scheduled for 2012; and proposed changes to Regulation C, “Changes in Registration.” Anderson encourages those who have been nominated in the past, but have not received an award, to reapply.

**University Curriculum Committee**. Faculty secretary Gail Eckwright reported the UCC had discussed a proposal to lower the number of credits required for graduation from the current 128 to 120. UCC members voted to defer the final vote until members could discuss the proposal with colleagues in their colleges. UCC will discuss this proposal again at the November 7 meeting.

**Adjournment**: There being no other business, it was moved and seconded (Strawn, Baillargeon) to adjourn at 4:56PM. Approved unanimously.

Respectfully submitted,

Gail Z. Eckwright
Faculty Secretary

Quote of the meeting: “Why does the WAC have such an obviously dumb rule?”
University Promotions Committee Commonly asked Questions at Senate:

1. If there are 2, 3, or 4 reps on senate, do all four seek nominees or is one designated to take charge? Everyone should seek nominees. However, there may be requests for 0 to 2 nominees per college/unit so those with several FS reps should coordinate with each other who will take over the responsibility of returning two (or the number requested) nominees on the form for your college.

2. Is it okay to ask for assistance from the Dean’s Office? Although nominations are submitted by the senate, it is expected that you, as Faculty Senate representatives, solicit nominees from your college faculty following the by-laws in your college, if any. The intent is that the nominees come from the faculty within your college and the faculty senator shall submit two names (or the amount requested on the form) per college/unit.

3. If five names are nominated by a college who makes the final selection? Put them in order of preference and explain what each brings to the table to assist the Provost who will make the final selection.

4. Do college by-laws include this process; if not, should they? Each college should decide what is best.

5. Does it have to be a full professor could it be assoc. or asst.? See excerpt below:

Excerpt from Provost letter sent to senate chair in October of 2008:

“Some colleges/units will have representation from individuals who served last year so we may not need to use nominees from these areas; however we would appreciate having names to use as backup should we need to make a substitution. Please ask Faculty Senate members to work within their colleges/units to identify nominees and submit the names of nominees by completing the attached form. I ask that you collect the information and forward to my office by November 15. I will schedule a meeting with you to finalize the committee.

Please consider the broad cross section of academic duties for the professorate, scholarly work via teaching, research/creative activity, and outreach and service, when making your nominations. It is important to have a committee that on the whole is representational of these major pursuits. I encourage you to nominate professors who are seen as leaders in their colleges and departments. The responsibilities of the committee collectively are to understand and implement the university’s policies regarding tenure and promotion.”
POLICY COVER SHEET

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

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): Hoey Graham and Carmen Suarez – October 17, 2011

Policy Sponsor: (If different than originator.)

Reviewed by General Counsel x Yes ___ No Name & Date: Hoey Graham, 10/26/11

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 formalize the university’s policy regarding consensual sexual and romantic relationships. See attached memorandum.

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

None anticipated.

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

The nepotism policy, FSH 6241, overlaps, and may require revision.

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.

The policy is intended to be effective upon final approval of the president.

If not a minor amendment forward to: __________________________________________

Track # _______________

Date Rec.: _____________

Posted: t-sheet ______

h/c ___________

web___________

Register:  ______________

Policy Coordinator
Appr. & Date:

[Office Use Only]

FSH
Appr. __________
FC __________
GFM __________
Pres./Prov. __________

[Office Use Only]

APM
F&A Appr.: ______

[Office Use Only]
MEMORANDUM

October 27, 2011

To: Faculty Senate

From: Carmen Suarez, Director, Human Rights Access and Inclusion
       Hoey Graham, Senior Associate General Counsel

Re: Consensual Relations Policy

Background

The university does not have a formal (FSH) consensual relations policy. An informal policy is distributed at the start of each semester in the “As the Semester Begins” publication produced and disseminated by the Office of the Faculty Secretary. The informal policy states that a consensual romantic or sexual relationship between a faculty member and student, or between a supervisor and subordinate, is considered to be “unwise.”

Early this year, we began work on a formal policy to be incorporated in the Faculty-Staff Handbook. The effort took on greater significance and urgency with a tragic incident in August that arose out of what began as a consensual relationship between a faculty member and student. The proposed policy reflects extensive review of policies at other institutions, which range from permissive but discouraging of consensual relationships, to those that flatly prohibit them.

Proposed Policy

This proposal reflects comments and suggestions from Staff Affairs and the FAC, both of which have approved the policy in its current form, and it has been reviewed and approved by the ASUI leadership. We are gratified by the support from each of these groups, both for both the principles underlying the policy and for the process for ensuring that relationships that exist or arise are addressed appropriately.

The policy, if approved, will become part of Chapter 3, Subpart 3.2 Working Conditions, of the FSH.

We greatly appreciate the assistance and helpful participation of Staff Affairs, the FAC, ASUI, and the Senate leadership in the development of this policy.
Consensual Romantic or Sexual Relationships

The university’s success in its educational mission depends on the professionalism of its faculty and staff. Maintaining professional relationships and the mutual respect and trust they engender between instructor and student, supervisor and subordinate, and in all relationships involving authority over another person, is key to this success.

A romantic or sexual relationship in which one party has direct academic, administrative, supervisory, evaluative, counseling or other authority over the other party inevitably raises concerns for objectivity, fairness, and exploitation. Such positions of authority include, but are not limited to, instructor-student; instructor-assistant; senior faculty-junior faculty; mentor-trainee; advisor-advisee; counselor-client; teaching assistant-student; coach-athlete; student housing staff-resident; and supervisor-employee. Consensual romantic or sexual relationships that develop in these contexts have the potential for abuse and damaging consequences; the imbalance of power creates unacceptable risks of exploitation, favoritism, harassment, and bias, both actual and perceived, and thereby impairs the integrity of the professional relationship and the trust on which it depends.

Relationships that may appear to be consensual, even to the parties involved, are frequently influenced by the position of authority held by the faculty member, supervisor, or other person exercising authority. Any faculty member, supervisor, or individual with authority over another who enters into a romantic or sexual relationship with his or her student or employee should realize that if a charge of sexual harassment were brought, either by the student, employee or an affected third party, a defense of mutual consent would likely fail.

Students and employees should recognize the risks inherent in romantic and sexual relationships with their instructors or supervisors, and their ability to avoid the risks by staying out of such relationships.

Policy

In order to foster healthy professional relationships at all levels of the institution, it is the policy of the University of Idaho that no employee shall enter into or continue a romantic or sexual relationship with a student or employee over whom she or he exercises academic, administrative, supervisory, evaluative, counseling or other authority or influence.

Disclosure and Management of Conflicts

When a consensual relationship exists or develops in any situation where one person exercises authority over another, such as but not limited to faculty-student, staff-student, or supervisor-subordinate, the relationship will be considered a conflict of interest. The employee in the position of authority must disclose the relationship to his or her immediate supervisor or to the next level supervisor, who must take prompt and appropriate action to avoid or end the
relationship of authority between the parties. In a faculty-student relationship, actions may include but are not limited to: appointment of a qualified alternative faculty member or teaching assistant to the position of authority; transfer of the student to another course, section, or seminar taught by a different faculty member or teaching assistant; assignment or transfer of the student to another academic advisor. In a supervisor-subordinate relationship or other relationship involving the exercise of authority, the university may alter supervisory or reporting lines of either the supervisor or subordinate, and in other relationships of authority, may take such action necessary to change the position of authority. Whatever the nature of the authority one person has over another, prompt action must be taken to remove the authority when a consensual relationship exists or develops.

To encourage reporting of relationships governed by this policy, disclosures and actions taken shall be considered confidential, and they will be treated as protected personnel information under the public records statutes.

Any complaint or charge of discrimination or sexual harassment arising from a consensual relationship must be reported to the Office of Human Rights, Access and Inclusion.

**Failure to comply with policy**

Actions in violation of this policy are considered unprofessional conduct and may constitute adequate cause for discipline up to and including dismissal under the provisions of FSH 3910, 3920, and 3930.

*This policy addresses only consensual romantic and sexual relationships. Nonconsensual sexual relationships are addressed in university policies prohibiting sexual harassment and discrimination, FSH 3170, 3200, 3210, and 3220.*

This policy shall be effective on final approval by the president.
IN THE SENATE
SENATE RESOLUTION NO. F11-02
BY SENATOR COOK
SPONSORED BY SENATOR FRYER

A RESOLUTION

SUPPORTING THE UNIVERSITY’S NEW CONSENSUAL RELATIONSHIP POLICY

WHEREAS, a romantic or sexual relationship in which one party has direct academic, administrative, supervisory, evaluative, counseling or other authority over the other party inevitably raises concerns for objectivity, fairness, and exploitation;

WHEREAS, a relationship between a superior and subordinate impairs the integrity of the professional relationship and the trust on which it depends;

WHEREAS, students and employees should recognize the risks inherent in romantic and sexual relationships with their professors or supervisors, and their ability to avoid the risks by staying out of such relationships;

WHEREAS, the university’s success in its educational mission depends on the professionalism of its faculty and staff;

WHEREAS, maintaining professional relationships and the mutual respect and trust they engender between instructor and student, supervisor and subordinate, and in all relationships involving authority over another person, is key to this success.

WHEREAS, the Faculty Affairs Committee unanimously passed this new policy;

WHEREAS, this new policy creates repercussions to those in violation with the policy;

WHEREAS, President Nellis has put this policy as a high priority issue;

WHEREAS, the new policy improves and promotes the safety of students, staff, and faculty members;

WHEREAS, most institutions and corporations take precautions similar to this new policy and are successful in doing so;

THEREFORE, Be it Resolved By the Senate of the Associated Students of the University of Idaho that we support the new Consensual Relationship policy;

BE IT FURTHER RESOLVED, that we support the University’s efforts in taking safety precautions for students, staff, and faculty members.

COPIES OF THIS RESOLUTION SHALL BE SENT TO

The Argonaut
Office of the President
University of Idaho Faculty Senate
Office of Human Rights, Access and Inclusion
Office of the Provost and Executive Vice President