University of Idaho
2011-2012 FACULTY SENATE AGENDA

Meeting #22

3:30 p.m. - Tuesday, March 20, 2012
BRINK HALL FACULTY LOUNGE – Moscow
IWC Room 390 – Boise
TAB 321 IF4 – Idaho Falls

Order of Business

I. Call to Order.

II. Minutes.
   - Minutes of the 2011-12 Faculty Senate Meeting #21, March 6, 2012

III. Chair’s Report.
   - LCSC Email

IV. Provost’s Report.

V. Other Announcements and Communications.
   - Inspiring Futures Campaign (Murray)

VI. Committee Reports.

VII. Special Orders.
   - FS-12-031: FSH 6241 Nepotism (introduction)
   - FS-12-030: FSH 3705 Partner Benefits (introduction) (Bird)

VIII. Unfinished Business and General Orders.

IX. New Business.

X. Adjournment.
   - The next Senate meeting will be Tuesday, April 3rd.

Professor Paul Joyce, Chair 2011-2012, Faculty Senate

Attachments: Minutes of 2011-2012 FS Meeting #21
LSCS email
Inspiring Futures PowerPoint
FS-12-030
FS-12-031
Present: Baillargeon, Baker (w/o vote), Barlow, Bathurst, Bird, Bowlick, Budwig (Boise), Corry, Dakins (Idaho Falls), Eckwright (w/o vote), Garrison, Goddard, Hartzell, Hasko, Hopper, Joyce (Chair), Marshall, Morra, Ostrom, Padgham-Albrecht, Riesenber, Safaii-Fabiano (Coeur d’Alene), Strawn

Absent: Aiken, Halloran, Miller, Pendegraft, Stark

Guests: 9

A quorum being present, Senate Chair Paul Joyce called the meeting to order promptly at 3:30PM.

Minutes: It was moved and seconded (Garrison, Hartzell) to approve the minutes of meeting #20. Approved unanimously.

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

- Election of new senators in the colleges must take place by April 15. If this is your last year as a senator, your college needs to hold an election.
- Senators will also need to elect a chair and vice chair for next year’s senate from this year’s freshmen senators.
- Senator John Marshall will be on sabbatical leave next year. We will need to replace him on both senate and the University Budget and Finance Committee (UBFC). Dr. Dean Edwards, will be going off UBFC as well and we will need to replace him with a senator from the current freshmen class.
- At last week’s meeting, senators passed a resolution to be sent to the State Board of Education (SBOE) regarding the use of the term “flagship” in UI’s mission statement. Chair Joyce clarified the implications of the term “resolution” by explaining that it “remains on the books” until it is acted on by SBOE. Since SBOE is not bound to respond to the resolution, senate will need to determine each year what to do with this resolution until it is acted on by SBOE. For example, some years ago senators passed a resolution regarding a benefits survey, which has not been acted on and therefore has continued to come back to senate for discussion every year since the resolution was passed.
- Chair Joyce has assembled a task force to address concerns and make recommendations regarding Research Assistants (RAs). Task force members include Dr. Fred Barlow, Dr. Dan Eveleth, Dr. Matt Morra, Dr. Michael O’Rourke, Dr. Janet Rachlow, Dr. Holly Wichman, and Forrest Bowlick, senator and Graduate and Professional Student Association chair; and co-chairs Jack McIver, Vice President for Research and Economic Development and Dr. Paul Joyce. The task force plans to complete their work by the end of the current semester.
- Mid-term grades are due by Monday, March 12.
- President Nellis appointed a Morrill Act Task Force to develop plans for UI’s 2012-2013 statewide celebrations of the 150th anniversary of the signing of the Morrill Act (July 2, 1862). Dr. Lynn Baird, Dean of Library Services, and Professor Gail Eckwright, Faculty Secretary, co-chair the task force.

Vice Chair Kenton Bird reported on the March 2 meeting of the President’s Cabinet:

- President Nellis’ ongoing efforts to secure pay raises for UI employees will soon be rewarded: the Joint Finance and Appropriations Committee (JFAC) has endorsed a 2% raise for state employees.
- JFAC recommendations also include a $870,000 enrollment workload adjustment for UI and $651,000 in occupancy costs. The Idaho Senate and House of Representatives need to approve these recommendations, but they rarely make any changes to JFAC proposals.
- UI is proposing 5.5-6.5% increase for in-state tuition; the proposal for out-of-state tuition is a smaller percentage but a higher dollar amount.
• UI’s Alumni Association, which is a 501c3 organization and independent from the university, purchased advertisements promoting UI’s flagship status to run in the *Idaho Statesman* (Boise) newspaper on March 4 and March 6.

**Provost’s Report.** Provost Baker reported on the following items:

- The state has recommended appropriating approximately half of the proposed 2% raise; the remainder will have to come from an increase in tuition.
  - Idaho Global Entrepreneurial Mission (IGEM) $5 million proposed allocations to be divided as follows:
    - $2 million to the Center for Advanced Energy Studies (CAES);
    - $2 million proposed allocation to promote research at UI, BSU and ISU;
    - $1 million proposed allocation to the Idaho Department of Commerce to assist with entrepreneurial efforts.
- The Morrill Act changed the face of education in the U.S. and it’s great that UI is celebrating the anniversary of its signing. President Nellis frequently talks about the $1 billion per year economic impact UI has in the state. If we multiply that by 123 years since UI was founded, we begin to see the huge economic impact UI has had and continues to have on the state.
- The President’s Diversity Council gave a reception this week for faculty and staff of color and their colleagues. Carmen Suarez, Director of Human Rights, Access and Inclusion, hosted this first-rate event. Prior to the reception, the Committee on Faculty Recruitment and Retention met to discuss the diversity issue of how to recruit and retain faculty of color.
- Spring Break is next week and more than 100 UI students will be participating in Spring Alternative Service Break. These students will work at sites throughout the U.S., including 3 sites in Idaho: Jerome, Salmon and Boise. For more information: [http://volunteer.asui.uidaho.edu/Volunteer/ASB](http://volunteer.asui.uidaho.edu/Volunteer/ASB)
- The first candidate to interview for the dean vacancy in the UI College of Engineering, Dr. Daniel White, will be on the Moscow campus March 6 and 7. All are encouraged to the open forum. For additional information: [http://www.uidaho.edu/engineering-dean](http://www.uidaho.edu/engineering-dean)
- Dolores Huerta, co-founder of the United Farmworkers of America and civil rights activist, will be the featured speaker during Cesar Chavez Week. Huerta is scheduled to speak at the UI Administration Auditorium at 3PM on Saturday, March 31.

**Athena Report on Campus Climate.** Athena members Dr. Shauna Corry, Dr. Debbie Storrs and Heather Shea Gasser, gave a brief presentation on the 2010 Athena survey focusing on quality of life issues, particularly those issues pertaining to women, with the goal of making improvements to the UI culture and climate. A 2003 survey revealed that a significant number of respondents had experienced incivility at UI and that this correlated with feelings toward job satisfaction. A large number of respondents to the 2010 survey echoed the earlier survey and reported inequality for women in areas such as pay and leadership roles. President Nellis is supportive of the Athena organization and encourages women throughout UI to participate in it. Males are also welcome to join. Athena and the Women’s Center jointly sponsor professional development opportunities, including a biennial Women’s Leadership Conference. The fall 2012 conference coincides with the 40th anniversary of the UI Women’s Center and the theme is “Women’s Legacy: Inspiring our Future.” Keynote speaker will be Gloria Steinem. Athena asks all faculty and staff to attend both the Power Negotiation Workshop on April 10 and the Women’s Leadership Conference on October 4.

**Faculty Club.** Dr. Mike McCollough presented the results of his students’ research project investigating the feasibility of creating a faculty club on the UI-Moscow campus. The faculty-staff club concept is a great idea, but why don’t we have one at UI? Some of the issues include:

- location
  - prefer a central location but with parking near-by;
• availability and rental costs.

• difficulty and expense of remodeling existing spaces to fit the needs of a faculty-staff club;

• food, etc.
  o coffee and snacks only?
  o full-service meals?
  o alcoholic beverages?

Chair Joyce had investigated the possibility of using the space formerly occupied by the Commons bookstore for a club, but commons’ management prefers using the space for retail establishments. Senators suggested other spaces that might work well for a faculty-staff club, such as the renovated silos located near downtown Moscow or the proposed Activity Center next to the Kibbie Dome. Chair Joyce invited McCollough to return to Senate in the future with a faculty-staff club proposal.

FS-12-029: Sexual Harassment & Violence Pertaining to Students – Emergency Policy. Kent Nelson, UI General Counsel, gave an overview of this policy and the emergency implementation of it. The US Department of Education (ED) sent an official communication known as a “dear colleague” letter providing ED’s interpretation of existing law dealing with sexual harassment and violence involving students, within the context of Title IX. This new interpretation requires the expansion of the jurisdiction of the student code of conduct to include off-campus harassment if it adversely affects the educational setting; as well as other new procedures in harassment and violence cases pertaining to students. Under UI emergency policy provisions this policy is in effect for 180 days. General Counsel will prepare a permanent version of the policy to be acted on by Senate and by the full faculty at the April university faculty meeting.

FS-12-026rev: FSH 1540 – Standing Rules of University Faculty – Open Meetings. Senators discussed this policy at last week’s meeting and suggested some rewording and minor edits to 1540-D. It was moved and seconded (Bird, Barlow) to approve the changes. Motion carried.

FS-12-028: FSH 3760 – Educational Privilege. Provost Baker explained the history of this policy, which has provided tuition waivers to non-UI employees and their spouses at other state institutions. These waivers cost UI $490,000/year and the program generally has not been a reciprocal program, as few UI employees take courses at other institutions. Those people who are currently in degree programs under this policy have been grandfathered in and may continue to attend classes in traditional face-to-face settings only; this policy excludes non-UI employees from participating at a discounted rate in classes taught online and/or via videoconferencing, continuing education or other distance methods. Spouses of employees at non-UI state institutions and agencies no longer qualify for this tuition waiver; eligibility is restricted to those employees at other 4-year institutions of higher education and employees of the state agencies that report directly to the SBOE. BSU put a similar policy into effect two years ago. The motion was made and seconded (Marshall, Bathurst) to approve the changes. Motion carried, 14-0.

Adjournment: It was moved and seconded (Garrison, Padgham-Albrecht) to adjourn at 4:44PM. Approved unanimously.

Respectfully submitted,
Gail Z. Eckwright, Faculty Secretary
Dear Faculty Senate Secretary Eckwright and University of Idaho Faculty Senate Members:

The faculty of Lewis-Clark State College (LCSC) would like you to please consider an exception to your anticipated policy that would abolish fee waivers for employees of sister organizations. Because of your close proximity to Lewiston, we have a handful of students who very much appreciate taking classes at University of Idaho, and, in fact, there are many UI alumni working at LCSC. Your fee waiver policy has enabled us to attract well-qualified faculty and staff members because they and their spouses are able to take UI classes. We don’t have many individuals who take advantage of your fee waivers, but those who do very much appreciate having them. Our faculty salaries average 85% of our peer institutions (and even less when compared to UI, BSU or ISU), so the likely outcome of requiring full tuition from LCSC employees or spouses is not an increase in the tuition UI collects, but rather a decrease in retention of those students.

It is our understanding that the SBOE will allow individual schools to create agreements with specific sister institutions while excluding other schools. We would ask that you consider allowing LCSC employees to continue receiving fee waivers for classes at UI. We don’t have a problem with your requirement that an LCSC employee be enrolled in a degree program, and we would even be willing to have a cap placed on the number of LCSC employees who may receive fee waivers in a given semester. We actually do have a few UI employees or spouses taking advantage of LCSC’s tuition waivers, and it is LCSC’s intent to keep our current tuition waiver policy status quo.

Our organizational culture at LCSC includes a certain pride in our “sister campus up the hill” due to the large number of employees who have taken UI classes. Faculty members routinely recommend students continue their graduate programs at UI because of their positive experience there, and professional and staff members often encourage children and relatives to attend UI. It is very possible that the method UI is using to garner greater tuition dollars by eliminating tuition waivers could actually result in lower tuition income as faculty and staff of LCSC lose their ties with UI and begin recommending other graduate schools to their students.

We would urge you to please consider making an exception for LCSC tuition waivers, with certain stipulations that will help you control the cost but still allow our employees to have the benefit of taking classes at UI through tuition waivers.

Thank you.

-Ruth Lapsley, Ph.D., PHR
Faculty Senate Chair, AY11-12
Associate Professor, Business Division
Note: 2014 is the 125th birthday of the University of Idaho.

- Have raised 65% of our goal already
- December 31, 2014
- The campaign began July 1, 2007 and will end
- Year $72.5 million comprehensive campaign
- Inspiring Futures. Invest in the University of Idaho is a $72.5 million comprehensive campaign.

What do a campaign:

Why do a campaign:

Importance.

- Promote strategic period for fundraising
- Within a specific time
- Raise pledges, support, and growth.
- An organized effort to

What is a campaign?
Provide ongoing funds are a priority as they...

Endowed scholarships

Support and fellowships

Graduate student

our land grant mission

Scholarships - part of

Need and merit-based

Resources for students

Providing financial

$54 MILLION
Campaign Student Success

Students

What are the priorities

of the campaign?

Campaign cycle

What makes a campaign

Sustainability

7/14/2012
Campagins Create Action

- Camapigns framed
-campagne in
comms is
facilitates
mechanism,
and
Endnote

Plan

- This is our university brand and strategic
- Our campaign messaging is aligned
- Build confidence and inspire
- These are important ways to engage
- Interactions,

Are their names, newsletters and personal
about the good work they are doing the
Many of our faculty are communicating

Your Role?

3/14/2012
Inspiring Futures

Final Thoughts...

How we’ll support you

Important Dates to Remember:

Inspiring Futures

April 28, 6 p.m. (Fletcher)
Public launch and gala celebration at Kitchen Dome

Please plan to be there and bring your colleagues

- 2700 Main South Tower 300A
- Bobst - Seminar Room 448A
- Moscow - Sub.
- April 27, 3:30 p.m. (Fletcher)
Faculty, staff, student public kickoff celebration

How we’ll support you

Inspiring Futures

- Video and print stories that can make a compelling case
- On the ground, we’ve
- Ulu Foundation
- Seeds of change
- Developing resources and guides
- Help navigate the 5th Development System
- Stories, proposals, e-months, etc.
- Mediums for content: Case studies, web
- Transformations - elements that inspire
- What can we propose? Articles and fell our
- Many of our faculty are content experts

3/14/2012
POLICY COVER SHEET

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

Faculty/Staff Handbook [FSH] □ Addition □ Revision* □ Deletion* □ Emergency
Minor Amendment □
Chapter & Title: 6241 Nepotism

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): Suzette Yaezenko 2/10/2012
(Please see FSH 1460 C)
Telephone & Email: 885-3616 suzettey@uidaho.edu

Policy Sponsor: (If different than originator.) Matthew Dorschel 2/10/2012
Telephone & Email: 885-3478 mdorschel@uidaho.edu

Reviewed by General Counsel _x_ Yes ____ No Name & Date: _Hoey Graham 2/10/2012_________

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.

The purpose of the changes is to provide consistency with FSH 3205 and how the University of Idaho applies its policy.

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

No fiscal impact.

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

FSH 3205

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: ___________________________________________
Track # _______________
Date Rec.: _____________
Posted: t-sheet ________
h/c _________
web ___________
Register: ______________
(Office Use Only)

Policy Coordinator
Appr. & Date:
[Office Use Only]

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

APM
F&A Appr.: __________
[Office Use Only]
PREAMBLE: In June 2005, President Tim P. White created an ad-hoc Committee on Ethical Guidance and Oversight charged with reviewing, revising and developing policies on conflicts of interest, nepotism and ethical conduct. As a result, this policy and FSH 6242 were created, FSH 6240 was completely rewritten, and changes were made to FSH 3170 and 3260. Further information may be obtained from General Counsel (885-6125) or the Office of the Faculty Secretary (885-6151).

NEPOTISM. No preferential treatment will be afforded to individuals based on relationships that may place undue or inappropriate influence on terms and conditions of employment, and/or employment decisions.

A. Definitions.

A-1. “Relationship” applies to:

a. individuals legally related by blood, marriage, or adoption;

b. a person a public employee intends to marry, or with whom the public employee intends to form a household; or who have duties to and do provide financial support for one another; or any other persons having the same legal residence

c. persons engaged in a domestic partnership, or who intend to marry, or who are dating, or other who have another similar personal relationship in which objectivity might be impaired.

A-2. “Related individuals” are individuals who stand in having a relationship as defined hereinabove.

A-3. “Line of authority or supervision” is defined as authority extending vertically through one or more organizational levels of supervision or management.

A-4. “Work unit” is defined as department, division or any other unit or office.

B. Policy.

B-1. Direct supervision or control; influence in line of supervision; or institutional decision. Relationship to another individual employed by the University shall not constitute a barrier to hiring, promotion, or reappointment, provided that no employee shall be placed or permitted to remain under the direct supervision of a related individual. No UI employee may function as judge or arbiter in any situation involving members of his or her immediate family (such as the employee’s spouse, child, parent, grandparent, brother, sister, mother-in-law, father-in-law, son-in-law, or daughter-in-law). Nor may any UI employee initiate or participate in institutional decisions involving a direct benefit to a related individual or affecting an employment decision (including without limitation initial appointment, retention, promotion, salary, or leave of absence) to members of their immediate families involving a related individual.

B-2. Indirect supervision or same work unit. The University discourages indirect supervision of Approval and management of a supervisory relationship between related individuals. A; Confidentiality. Except in the case of a romantic or sexual relationship between supervisor and employee (see below), a person may work under the indirect supervision of a related individual, or in the same work unit of a related individual provided that such personnel action only if the working relationship is pre-addressed in a nepotism management plan, Form 6241A, approved by the Assistant Vice President/Executive Director for Human Resources under a
In reviewing a proposed personnel action, the Assistant Vice President/Executive Director for Human Resources shall consider all aspects of the proposed action, including, but not limited to, the effect on effective supervision, morale, safety, security, nature of job description and applicant pool, and any potential actual or apparent conflicts of interest.

Disclosure of consensual romantic or sexual relationships between a supervisor and employee is required under the provisions of FSH 3205, which mandates immediate action to end any relationship of authority between the parties to a sexual or romantic relationship. All disclosures and actions taken with regard to consensual romantic or sexual relationships shall be considered confidential and must be treated as protected personnel information under the public records statutes.

The University retains the right to refuse to appoint, or may revoke the appointment of, an individual to a position that results in indirect supervision by a related individual or creates a supervisory relationship between related individuals, results in related individuals working in the same work unit, or creates an actual or apparent conflict of interest.
POLICY COVER SHEET

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

[3/09]

<table>
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<tr>
<th>Faculty/Staff Handbook [FSH]</th>
<th>☑ Addition ☐ Revision* ☐ Deletion* ☐ Emergency</th>
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<td>Chapter &amp; Title:</td>
<td>New Section 3705 Domestic Partner Health Benefits</td>
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*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): [Office Use Only]

Policy Sponsor: Kenton Bird  Vice-Chair Faculty Senate

Policy Sponsor: [Office Use Only]

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.

Providing health benefits to domestic partners of employees will enhance the University’s ability to recruit and retain faculty and staff members. Because health insurance coverage is made available to other similarly situated relatives of employees, offering these benefits to all partners is a matter of fairness.

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

Unknown

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: ________________________________________

Policy Coordinator
Appr. & Date:

[Office Use Only]

FSH
Appr.  FC  FS-12-030
GFM
Pres./Prov.

[Office Use Only]

APM
F&A Appr.

[Office Use Only]

Track # _UP-12-024_
Date Rec.: _2/27/12_
Posted: t-sheet ________________
h/c __________________________
web __________________________
Register: ______________________
(Office Use Only)
TO: Paul Joyce, Chair, Faculty Senate
FROM: Kenton Bird, Vice Chair, Faculty Senate
        Elizabeth Brandt, Don Crowley and Jack Miller
        Members, ad hoc committee on partner benefits
CC: Ana Burton, Chair, Staff Affairs Committee
     Ed Bechinski, Chair, Faculty Affairs Committee
     Gail Eckwright, Faculty Secretary
RE: Health insurance benefits for domestic partners
DATE: March 7, 2012

This memorandum reports on the analysis of recent court cases related to provision of benefits to unmarried partners of public employees. We believe that recent cases in the 9th Federal Circuit are applicable to Idaho and provide an opportunity for the University of Idaho to demonstrate its leadership on this important issue. Here is our rationale:

- Health insurance is a key employee benefit that no one wants to be without. Providing health insurance benefits for partners will enhance the University's ability to recruit and retain top faculty and staff members.
- Providing such benefits to partners is a matter of basic fairness. The University of Idaho should provide health insurance benefits to an employee's partner whether or not those persons are permitted to marry.

As the attached analysis indicates, the provision of health insurance benefits to employees and their domestic partners is consistent with recent federal court decisions. Indeed, failure to provide partner benefits while providing benefits to the spouses of employees may actually be unlawful discrimination. Idaho law must conform to the federal constitution. The U.S Constitution prohibits arbitrary and unreasonable discrimination against minorities such as domestic partners.

We propose that the Faculty Senate consider the attached changes to the Faculty Staff Handbook section defining eligibility for benefits on the following timetable:

- March 20: Introduce the proposal to Senate with an invitation to senators to contact their constituencies for comment and response; begin discussion.
- April 3: Conclude discussion and vote.

If the Senate approves the necessary policy changes, we ask that amendment to the handbook be placed on the agenda for the April 24 University Faculty Meeting.

The provision of health insurance benefits to domestic partners of employees is the right thing to do. It is also the lawful thing to do. It is time for the University of Idaho to take a stand for fair treatment of all its employees. Thank you for bringing this important issue before the Senate.
Why the University of Idaho Should Provide Partner Benefits
March 7, 2012

The provision of health insurance benefits to employees and their domestic partners is consistent with recent federal court decisions. The U.S. 9th Circuit Court of Appeals (which includes Idaho) has recently decided two relevant cases:

- **Diaz v. Brewer**, 656 F. 3d 1008 (9th Cir. 2011). The State of Arizona adopted regulations excluding same sex partners of state employees from health care benefits. These regulations were adopted after the state amended its constitution to prohibit same sex marriage. State employees who were excluded from benefits sought an injunction the new regulations. The federal trial court granted the injunction. The 9th Circuit upheld the injunction. The 9th Circuit reasoned that a state could not arbitrarily deny benefits to unpopular groups. The court stated that prohibiting Arizona from discriminating against same-sex couples was not creating a new constitutional right but was “consistent with long standing equal protection jurisprudence holding that ‘some objectives, such as 'a bare . . . desire to harm a politically unpopular group,' are not legitimate state interests.”

- **Perry v. Brown**, 212 U.S. App. LEXIS 2328 (Feb. 7, 2012). In this case the 9th Circuit considered whether Proposition 8 (the California anti-gay marriage initiative) was constitutional. The court struck down the initiative. “Although the Constitution permits communities to enact most laws they believe to be desirable, it requires that there be at least a legitimate reason for the passage of a law that treats different classes of people differently. There was no such reason that Proposition 8 could have been enacted.” The Court held that Proposition 8 had “stripped same-sex couples of the ability they previously possessed…to obtain and use the designation of 'marriage' to describe their relationships. Nothing more, nothing less.” Proposition 8 “could not have been enacted to advance California’s interests in childrearing or responsible procreation, for it had no effect on the rights of same-sex couples to raise children or on the procreative practices of other couples. Nor did Proposition 8 have any effect on religious freedom or on parents' rights to control their children's education; it could not have been enacted to safeguard these liberties.” While it took away from same-sex couples the right to obtain marriage licenses, the Court noted that Proposition 8 . . .“serves no purpose, and has no effect, other than to lessen the status and human dignity of gays and lesbians in California, and to officially reclassify their relationships and families as inferior to those of opposite-sex couples. The Constitution simply does not allow for ‘laws of this sort.’

- **Golinski v. United States Office of Personnel Management**, 2012 U.S. Dist. LEXIS 22071 (February 22, 2012). The Federal District Court for the Northern District of California held that the federal Defense of Marriage Act, which precludes the extension of federal benefits to the partners of same sex federal employees, is unconstitutional. Relying on Diaz, the court held that for DOMA to be upheld it must be substantially related to an important governmental interest. After reviewing the stated governmental justifications for DOMA, the court concluded that DOMA could not be justified.

The Idaho Constitution provides: “A marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this state.” The Idaho Courts have not yet interpreted this amendment. We do not believe that providing partner health insurance benefits would violate the Idaho Constitution. The City of Moscow, through its insurance carrier, offers health insurance benefits for domestic partners of city employees.

- Benefits are based on many factors in addition to marriage – dependency, parent-child relationship, child-older parent relationship, grandparent-child relationship.
- Marriage imposes a general duty of support on spouses but not a specific duty to provide health insurance. Providing health insurance would not alone satisfy a spouse’s duty of support.
- The key benefits of marriage – universal recognition, inheritance, divorce/equitable distribution, mutual legal duty of support, presumed legitimacy of children – would not be provided even if partner benefits are provided.
FACULTY STAFF HANDBOOK

3705 PARTNER HEALTH INSURANCE BENEFITS

A. Policy. In recognition that provision of health insurance benefits for partners can enhance faculty and staff recruitment and retention, and that providing such benefits to partners is a matter of basic fairness, the University of Idaho provides health insurance benefits to an employee's partner. Those benefits provided shall be consistent with the benefits provided to employees, their spouses and qualifying dependents.

B. Definitions.

B-1. Partner: For purposes of this policy partner shall include a married spouse or a person who is neither married nor related by blood to the employee but is the employee’s sole domestic partner, lives together with the employee in the same residence and intends to do so indefinitely, and is financially responsible with the employee for the other’s welfare. The university reserves the right to request documentation establishing financial responsibility or qualifying status.