University of Idaho
2011-2012 FACULTY SENATE AGENDA

Meeting #25

3:30 p.m. - Tuesday, April 17, 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 #24, April 10, 2012

III. Chair’s Report.

IV. Provost’s Report.

V. Other Announcements and Communications.
   • FS-12-039: Vandal hour (Christiansen, Perez, Pitman)

VI. Committee Reports.

VII. Special Orders.
   • Recommendation to SBOE Regents Policy Section II G. 6 e. (Provost)
   • FS-12-040: FSH 1640.43 & FSH 3840 – Faculty Appeals (FYI)(Eckwright)

VIII. Unfinished Business and General Orders.
   • FS-12-031rev: FSH 6241 Nepotism (Yaezenko, Dorschel, Graham)

IX. New Business.

X. Adjournment.

University Faculty Meeting, Tuesday, April 24, 3 p.m. (PT), SUB Ballroom, via remote links to UI Centers.
The next Senate meeting will be Tuesday, May 1, for both the 2011-12 and 2012-13 Senates.

Professor Paul Joyce, Chair 2011-2012, Faculty Senate

Attachments: Minutes of 2011-2012 FS Meeting #24
FS-12-031rev; FS-12-039; FS-12-040
SBOE Regents Policy Section II G. 6 e
Present: Aiken, Baillargeon, Baker (w/o vote), Barlow, Bathurst, Bird, Bowlick, Budwig (Boise), Corry, Dakins (Idaho Falls), Eckwright (w/o vote), Garrison, Goddard, Hartzell, Hasko, Joyce (Chair), Marshall, Miller, Morra, Ostrom, Padgham-Albrecht, Pendegraft, Riesenberg, Stark, Strawn
Absent: Halloran, Hopper, Safaii-Fabiano (Coeur d'Alene)
Guests: 11

A quorum being present, Senate Chair Joyce called the meeting to order at 3:31PM.

Minutes: It was moved and seconded (Goddard, Riesenberg) to approve the minutes of meeting #23. Approved.

Chair’s Report. Chair Joyce reported on the following items:
• Next week's senate meeting (April 17) will be the last week to accomplish any senate business as the University Faculty Meeting (UFM) is scheduled for Tuesday, April 24 at 3PM in the Student Union Building (SUB) Ballroom. The UFM agenda is lengthy and some of the agenda items pertain to the constitution. Constitutional changes require a quorum in order to be voted on.
• May 1 is the final senate meeting of 2011-2012. Graduating senators (those who have completed their 3-year terms) leave at the close of the meeting. Then the new senators join senate for the first meeting of 2012-2013 and we elect the chair and vice-chair.
• Dr. Ruth Lapsley, senate chair at Lewis-Clark State College (LCSC), responded to Chair Joyce’s inquiry regarding the numbers of employees and spouses using fee waivers while taking classes at UI. Lapsley reported the following:
  o LCSC classes taken by UI employees/spouses
    ▪ FY11: 12 UI employees and/or spouses used tuition waivers while taking LCSC classes
  o UI classes taken by LCSC employees/spouses
    ▪ FY12: 22 LCSC employees and/or spouses used tuition waivers while taking UI classes
    ▪ FY11: 14 LCSC employees and/or spouses used tuition waivers while taking UI classes
• President Nellis reported to the President’s Cabinet that the 2% raise for state employees is an across-the-board increase and not merit-based. 60% of the raise will be funded from state funds and 40% of the raise will be funded via a tuition increase. UI will need a 3.1% minimum tuition hike to cover the raise.
• A recent change in the state tax code allows for up to $500 cash donations to UI to be written off as a credit on personal tax returns. Chair Joyce calculates that a $1000 donation to UI costs $150 after all of the tax credits are applied and he encourages all to consider donating to the institution.
• The Idaho State Board of Education (SBOE) meets April 18-19 in Moscow. For more information: http://www.boardofed.idaho.gov/meetings/board/board_meeting.asp

Provost’s Report. Provost Baker reported on the following items:
• The Faculty Excellence Award banquet will be held on Monday, April 16, at 6PM in the SUB Ballroom. All are invited to attend to help celebrate faculty excellence; please RSVP. For more information: http://www.uidaho.edu/provost/recognizing-excellence
• SBOE will set tuition for the coming year at their April 18-19 meeting. UI is requesting a 6.1% increase, as the legislature did not fully fund raises, benefits, inflation, etc., for the upcoming year. President Nellis, Samantha Perez, ASUI President, and Keith Ickes, UI Executive Director of Planning and Budget, have been meeting with board members to explain why UI is requesting the 6.1% increase.
• The Borah Symposium “Food and War: Cultivating Peace” is being held this week at UI. Two keynote speakers will speak at the event: Raj Patel presents “Causes of War & Conditions for Peace” on April
10; and Vandana Shiva presents “Water Wars and the Future of Food” on April 11. For more information: http://www.uidaho.edu/class/borah/symposium

- Next week the academic provosts from Idaho’s public institutions will meet in Moscow to talk about each school’s 5-year academic plans and degree programs and looking for opportunities for partnerships.
- “A Conversation with Jac” – Jac Venza will be at the UI Auditorium on April 18, 7PM, to participate with a UI panel highlighting his career and discussing the importance of the arts.

**University Budget & Finance Committee (UBFC).** Chair Joyce opened the election process for two senate members to serve on UBFC. The committee’s structure and function specify electing a sophomore senator to a 3-year-term. Four sophomore senators are eligible: Trish Hartzell, Lee Ostrom, Norman Pendegraft and Matt Morra. The second vacancy on UBFC is due to Senator John Marshall’s sabbatical leave next year. Marshall is currently serving his first year in a 3-year-term on UBFC and will complete his term of service when he returns from leave. Senate needs to elect a 1-year replacement on UBFC for Marshall. It was moved and seconded (Marshall, Morra) to nominate Norman Pendegraft to the 3-year-term. Motion carried. It was moved and seconded (Pendegraft, Hartzell) to nominate Matt Morra to the 1-year term. Motion carried.

**FS-12-038:** FSH 2350. Sexual Harassment & Sexual Violence Policy Pertaining Specifically to Students. Kent Nelson, UI General Counsel, and Guilherme Costa, Associate General Counsel, spoke briefly about this policy that was enacted on an emergency basis in March 2012. The current policy is in effect for 6 months and will expire before senate is able to act on it in the fall. Counsel has taken the emergency policy and moved forward with two substantive changes:

- softening the language on timeliness in section G;
- taking language from the US Department of Education’s “Dear Colleague” letter and inserting it into section I-2 of the policy to the effect that UI may publicly disclose “the final results of a disciplinary proceeding if the university determines that the student is an alleged perpetrator of a crime of violence or a non-forcible sex offense …”

It was moved and seconded (Aiken, Baillargeon) to approve the policy.

Senators questioned whether the policy was written in language understandable by ordinary people, the use of the word “alleged,” the phrase “preponderance of evidence” and whether the standard of proof required by the policy is far too low. Counsel pointed out that there needs to be an “allegation,” “preponderance of evidence” is used in civil cases (the most severe penalty the UI can impose is to expel a student), and that the policy is not so broad as to be tied to sexual harassment but it is tied to crimes of violence and non-forcible sexual offenses.

Faculty Affairs Committee (FAC) has not yet reviewed the most recent revisions to this policy, but Chair Joyce offered the verbal promise that FAC will review this policy in its entirety in fall 2012. Following the lengthy discussion the question was called. Motion carried with one opposing vote.

**FS-12-032rev:** Ubuntu (formerly Affirmative Action and Disabilities Committee [AADA] and Juntura). Vice-chair Bird briefly described revisions made by the Committee on Committees (ConC) to Ubuntu since last week’s senate meeting, i.e., keeping one ASUI member and adding a graduate student, GPSA or SBA, member to the committee. Vice-chair Bird reported the ConC remained “on the fence” regarding the name “Ubuntu,” so he invited Jamie Nekich, chair of Juntura, to senate to speak about the new name. Nekich pointed out that the Juntura committee strongly supports using “Ubuntu” and that ubuntu is an African word describing a collectivist philosophy relating to the group as a whole. Nekich further described it as a dynamic term inviting dialogue with those people who may be unfamiliar with it and that this particular committee has a long history of employing a name that is unfamiliar to many (i.e., Juntura). This proposal to combine the AADA and Juntura to form Ubuntu comes as a seconded motion from the ConC. Motion carried.
FS-12-032: FSH 1590 – Unit By-laws. Senator John Marshall, chair of the by-laws subcommittee, stated that proposed changes to this policy are to clarify the approval process for bylaws and to provide some flexibility to units regarding what to include in their bylaws. The words “or designee” have been removed from the policy, as per senate recommendation. It was moved and seconded (Barlow, Stark) to approve changes to FSH 1590. Motion carried.

FS-12-033: FSH 1420 – University Administration. Senator Marshall’s subcommittee made changes to this policy to clarify the role of college faculty in the selection of deans from a list of acceptable candidates and to allow for Senate Leadership to discuss dean selections with the president and/or provost, if needed. These changes bring more faculty governance into the process. It was moved and seconded (Hartzell, Goddard) to approve the changes. Motion carried.

FS-12-034: FSH 1580 – Bylaws of the Faculty Senate. ASUI currently appoints undergraduates to senate, but does not appoint graduate students to senate. This proposed change will clarify that graduate student appointments are made by Graduate and Professional Student Association (GPSA). FAC reviewed and supports this change. An additional change allows for the election of a Student Bar Association (SBA) representative to senate. FAC does not support the addition of a law student to senate as this would result in overrepresentation by one group (law students). FAC recommends that GPSA and SBA work together to include SBA members in GPSA and in the future potentially elect a law student as the GPSA representative to senate.

It was moved and seconded (Pendegraft, Riesenberg) to amend by severing the two parts of these proposed changes into separate pieces for the purposes of voting. Motion carried.

It was moved (Riesenberg) and the question was called to vote on amending Section 3, Article VI (Student Members) to read “The election of two undergraduate student representatives to serve on senate is entrusted to ASUI senate and election of one graduate student representative is entrusted to the Graduate and Professional Student Association.” Motion carried.

Will Gunderson, College of Law student and SBA member, described issues facing SBA students that differ from other graduate student concerns. It was moved and seconded (Marshall, Bowlick) to add one College of Law student member to senate membership. After some discussion the question was called and the motion carried, 15-6.

FS-12-035: FSH 1520 – University Constitution, Faculty Senate Membership. Ana Burton, chair of Staff Affairs Committee (SAC), and Mark Miller, vice-chair of SAC, recapped this proposal to add a second staff representative to senate. Miller briefly revisited the rationale for adding a second staff representative and specified again that the two staff members, if approved by senate, would have staggered terms. It was moved and seconded (Garrison, Baillargeon) to approve adding another staff member to senate. After some discussion the question was called and the motion carried. It was moved and seconded (Bird, Garrison) to amend Section 4, Article V of the constitution as follows: “The academic dean shall serve for one year. The staff representatives shall serve for staggered 2 year terms.” Motion carried.

It was moved and seconded (Bird, Baillargeon) to amend sub-section 6, Section 2, Clause A, Article V (Elected Members) of the constitution of faculty (FSH 1520) to reflect that one student from the College of Law will be a voting member of senate. Motion carried.

Adjournment: It was moved and seconded (Garrison, Corry) to adjourn at 4:59PM. Approved unanimously.

Respectfully submitted,

Gail Z. Eckwright, Faculty Secretary
Vandal Community Hour Proposal

Proposal

To establish a “Vandal Community Hour” that would provide a regular time period from 1:30-2:20 p.m. on Mondays that could be used by the university community (students, faculty, staff, and administrators) to schedule meetings and activities. This common hour would encourage greater student involvement in curricular and co-curricular activities while easing the difficulty in scheduling meetings throughout campus. Examples of meetings and activities that could be scheduled in this common hour include student organization meetings, faculty and staff meetings, department and college meetings, student class project meetings, special events and ceremonies, professional development activities etc. Classes currently scheduled in the Monday 1:30 - 2:20 time period would need to be rescheduled or could be shifted into the newly-created Wednesday/Friday 1:30-2:45 p.m. scheduling slot.

Background and Rationale

For a number of years, students, faculty, staff and administrators have discussed the concept for a common community hour, but none of the ideas were ever formally developed nor distributed for campus input and approval. The intent of this proposal is to put forth a formal proposal that can be discussed and evaluated.

In general, there is substantial difficulty in scheduling meetings during the 8:00 a.m. to 5:00 p.m. work day because of class and teaching schedule conflicts, and thus most student organizations are forced to meet in the evenings. In turn, evening meetings create challenges for students who work, who live off-campus, and who have family responsibilities. In addition, faculty/staff advisers to clubs and organizations are challenged to return to campus for evening meetings. Administrators, faculty, and staff also have substantial difficulty in finding time slots to schedule meetings which allow full participation of all the group members. For these reasons, a weekly, common hour would increase attendance, participation, and leadership in student curricular and co-curricular activities; in faculty/staff meetings; and in special events such as convocations, POW/MIA ceremonies, award ceremonies, pep rallies, etc. As examples, several universities (Utah State University, Buffalo State University, and Slippery Rock University) as well as a number of small private institutions have implemented a common community hour on their campuses.

Common Hour Details

A common hour would be established from 1:30 -2:20 on Mondays to allow for student and university community meetings. This time period was selected from three Monday class period options (12:30 – 1:20, 1:30-2:20, and 2:30 – 3:20) as it had the least impact, conflicting
with only 3% of the total sections across the day. No courses, labs or studios would be scheduled during this time period for fall or spring semesters. Courses could be re-scheduled from 1:30 - 2:45 p.m. on Wednesday/Friday for two, seventy-five minute class periods per week or for a three-hour block on either Wednesday or Friday beginning at 12:30, if another course is matched from the college on the open day to fully utilize classroom space. Lab and studio durations can be one, two, or more hours in length, and must adhere to the standard start and end times outlined above. Although, this new scheduling alternative would inconvenience a limited number of faculty and students (3% of total number of sections), it would allow a few classes on W and F to have a new 1 hr and 20 minute format which is pedagogically preferred by some faculty. UI Centers would be allowed to “opt in” or “opt out” of the common hour. As examples, the Common Hour could be scheduled in the following ways:

- Student club/organization meetings and faculty/staff meetings could be scheduled on the first and third Mondays of every month
- Special events and presentations could be scheduled the second and fourth Mondays of every month
Idaho SBOE policy, Section II Human Resources Policies and Procedures; G. Policies Regarding Faculty (Institutional Faculty Only)

DRAFT Revision on page 8-- 6. e.

1. Letters of Employment

   a. All faculty employees serve pursuant to employment contracts. The employment contract must include the period of the appointment, salary, pay periods, position title, employment status and such other information as the institution may elect to include in order to define the contract of employment. Non-tenured faculty employees have no continued expectation of employment beyond their current contract of employment. Each faculty employee must acknowledge receipt and acceptance of the terms of the employment contract by signing and returning a copy to the institution initiating the offer of appointment. Failure or refusal of the faculty employee to sign and return a copy of the employment contract within the time specified in the contract is deemed to be a rejection of the offer of employment unless the parties have mutually agreed in writing to extend the time. Nothing in this paragraph prohibits the institution from extending another offer to the employee in the event the initial offer was not signed and returned in a timely manner. Any alteration by the employee of the offer is deemed a counter-offer requiring an affirmative act of acceptance by an officer authorized to enter into contracts of employment binding the institution. Each contract of employment must include a statement to the following effect and intent: "The terms of employment set forth in this letter (contract) of employment are also subject to the Governing Policies and Procedures of the State Board of Education (or the Board of Regents of the University of Idaho, in the case of the University of Idaho), and the policies and procedures of (the institution)."

   b. Term of Appointment - All non-tenured faculty employees have fixed terms of employment. No contract of employment with such an employee may exceed one (1) year without the prior approval of the Board. Employment beyond the contract period may not be legally presumed. Reappointment of a faculty employment contract is subject solely to the discretion of the chief executive officer of the institution, and, where applicable, of the Board.

   c. Non-tenured faculty and tenured faculty, who serve pursuant to contracts of employment or notices (letters) of appointment containing a stated salary are not guaranteed such salary in subsequent contracts or appointments, and such salary is subject to adjustment during the contract period due to financial exigency (as provided for in Section II.N of Board Policy) or through furlough or work hour adjustments (as provided for in section II.B.2.c of Board Policy).

   d. Faculty Rank and Promotion

      i. There are four (4) primary faculty ranks at each institution: (a) professor, (b) associate professor, (c) assistant professor, and (d) instructor. Each institution may establish additional faculty ranks, specify the title of each rank, and delineate the requirements for each faculty rank so established. Recommendations for additional faculty ranks must be submitted by the chief executive officer to the Board for approval.
ii. Faculty rank, including initial appointment to faculty rank and any promotion to a higher rank at an institution, is located in a department or equivalent unit.

iii. Each institution must establish criteria for initial appointment to faculty rank and for promotion in rank at the institution. Such criteria must be submitted to the Board for approval, and upon approval must be published and made available to the faculty.

iv. Persons who have made substantial contributions to their fields of specialization or who have demonstrated exceptional scholarship and competence or appropriate creative accomplishment of recognized outstanding quality may be appointed to faculty rank without satisfying established institutional criteria for initial appointment or promotion, provided that the qualifications of such individuals have been reviewed in accordance with institutional procedures and the appointment is recommended by the chief executive officer and approved by the Board.

v. A non-classified employee may hold faculty rank in a department or equivalent unit in which rank has previously been established by the institution. A non-classified employee may be granted rank at the time of appointment or subsequent thereto, or may be promoted in rank, if such employee meets the criteria for rank as established by the institution and approved by the Board.

2. Compensation

a. Salary

All initial salaries for faculty employees are established by the chief executive officer, subject to approval by the Board where applicable. Payment in addition to regular salaries must be authorized by the chief executive officer and reported to the Board. The Board may make subsequent changes for faculty employee positions or may set annual salary guidelines and delegate to its executive director authority to review compliance with its annual guidelines. Any annual salary increase outside Board guidelines requires specific and prior Board approval before such increase may be effective and paid to the employee. With the exception of the chief executive officers, and other positions whose appointment is a reserved Board Authority, approval of salaries shall be effective concurrently with Board approval of annual operating budgets for that fiscal year.

b. Salaries, Increases and other Compensation related items

i. For purposes of categorizing faculty employees for salary and reporting purposes, the following definition applies: Faculty includes all persons whose specific assignments customarily are made for the purpose of conducting instruction, research, or public service as a principal activity (or activities), and who hold the following academic rank or titles of professor, associate professor, assistant professor, instructor, lecturer, or the equivalent of any of these academic ranks. Report in this category deans, directors, or the equivalents, as well as associate deans, assistant deans, and executive officers of academic departments (chairpersons, heads, or the equivalent) if their principal activity is instructional. Do not include student teaching or research assistants or medical interns or residents. (For reporting purposes, deans, associate deans, and assistant deans are included in the executive/administrative category.)
ii. Credited State Service/Full Time Status - A faculty member employed for an academic year and paid over a twelve-month period will be credited with twelve (12) months of state service. For all benefit status determinations and calculations, faculty members shall be considered full time, year-round employees of the employing institution as long as the employee’s teaching, research and service duties are commensurate with the full time faculty work load assignment as defined by the employing institution.

iii. Pay Periods - All faculty employees, including those on academic year appointments, are paid in accordance with a schedule established by the state controller.

iv. Automobile Exclusion - Unless expressly authorized by Board policy, no faculty employee will receive an automobile or automobile allowance as part of his/her compensation.

3. Annual Leave

a. Only faculty members serving twelve (12) month appointments earn annual leave. Such annual leave shall be earned in the same manner as for non-classified employees.

b. Pursuant to section 59-1606(3), Idaho Code, when a faculty member has accrued annual leave for service on a 12 month appointment, and subsequently such faculty member returns to a faculty position of less than 12 months where annual leave does not accrue, then the institution may pay the faculty member, as supplemental pay, the accrued annual leave balance.

c. Sabbatical Leave

i. Eligibility

A sabbatical leave may be granted at the discretion of the chief executive officer to a tenured faculty member (or a professional-technical faculty member) who has completed at least six (6) years of full-time service at an institution. A sabbatical leave may not be awarded to the same faculty member more than once in any six (6) academic years and sabbatical leave time is not cumulative. Sabbatical leave proposals must be submitted, reviewed, and processed according to policies and procedures established at each institution. A sabbatical leave may be used for the purpose of acquiring new professional skills and updating professional skills or conducting research. Sabbatical leave awards are fully dependent on the availability of appropriate funding.
ii. Term

The term of a sabbatical leave is either one (1) academic semester at full pay or two (2) semesters at half pay.

iii. Condition

Each faculty member who is granted a sabbatical leave must serve at the institution for at least one (1) academic year after completion of the sabbatical unless the chief executive officer approves a waiver of the requirement.

iv. Report on Sabbatical Leave

By the end of the first semester following return to the institution from a sabbatical leave, the faculty member must submit a written account of sabbatical activities and accomplishments to the academic vice president.

v. Report to the Board

The chief executive officer must report the names of faculty members awarded sabbatical leaves and a brief statement of the purposes of each sabbatical in their semi-annual report to the Board.

4. Performance Evaluation

a. Annual Evaluation - Each year the chair of a department must submit to the dean of the chair’s college an evaluation of each faculty member in the department. This evaluation, together with the input of higher administrators, will be used as (1) basis for the final recommendation relative to reappointment, non-reappointment, acquisition of tenure, or other personnel action, whichever is appropriate. The chairman must communicate an assessment of strengths and weaknesses to each faculty member evaluated.

b. Evaluation Criteria - Evaluation of faculty should be made in terms of the individual’s effectiveness. Each institution shall publish its criteria for annual evaluation and ensure that all members of the faculty have access to the criteria.
c. Any written recommendations that result from evaluation of a faculty employee will be given to the employee and a copy will be placed in the employee’s file.

d. Each institution must develop policies, procedures, and measurement instruments to be used in the evaluation by students of faculty teaching effectiveness.

5. Non-renewal of Non-tenured Faculty Members

a. Notice of non-renewal must be given in writing and in accordance with the following standards:

i. First Year Of Service - 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 (3) months in advance of its termination.

ii. Second Year of Service - 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 the academic year; or, if the appointment terminates during an academic year and is not to be renewed, at least six (6) months in advance of its termination.

iii. Three (3) Or More Years Of Service – 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 (12) months in advance of its termination.

iv. Failure to provide timely notice of non-renewal because of mechanical, clerical, or mailing error does not extend or renew the letter or contract of employment for another term, but the existing term of employment will be extended to provide the employee with a timely notice of non-renewal.

v. Financial Exigency - Notice of non-renewal is not required when the Board has authorized a reduction in force resulting from a declaration of financial exigency and a non-tenured faculty member is to be laid off. In that event, notice of layoff must be given as provided under the policies for reduction in force.

b. Request For Review

i. Non-renewal is not subject to investigation or review except that the employee may request an investigation or review to establish that written notice was or was not received in accordance with the time requirements set forth in this section. In such cases, the investigation or review will be concerned only with manner and date of notification of non-renewal. The employee must request such investigation or review in writing of the chief executive officer within fifteen (15) days of receipt of the written notice of non-renewal.
ii. Provided, however, that if the non-tenured faculty member presents bona fide allegations and evidence in writing to the chief executive officer of the institution that the non-reappointment was the result of discrimination prohibited by applicable law, the non-tenured faculty member is entitled to use the internal discrimination grievance procedure to test the allegation. In such cases, the same procedures, burden of proof, time limits etc. as set forth for the grievance of non-renewal by non-classified employees shall be used (see subsection F).

c. Non-tenured 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.

6. Tenure

a. Tenure Defined - Tenure is a condition of presumed continuous employment following the expiration of a probationary period and after meeting the appropriate criteria. After tenure has been awarded, the faculty member's service may be terminated only for adequate cause; except in the case of retirement or financial exigency as declared by the Board; in situations where extreme shifts of enrollment have eliminated the justification for a position; or where the Board has authorized elimination or substantial reduction in a program. Tenure status is available only to eligible, full-time institutional faculty members, as defined by the institution. All faculty appointments are subject to the approvals as required in Board policy. Nontenured members of the faculty are appointed to term appointments pursuant to subsection G1. Any commitment to employ a nontenured member of the faculty beyond the period of his or her current term of appointment is wholly ineffective.

b. Acquisition of Tenure

i. Professional-Technical Faculty hired under the division of professional-technical education prior to July 1, 1993 who were granted tenure may retain tenure in accordance with these policies. Individuals hired under the Division of Professional-Technical education subsequent to July 1, 1993 are hired and employed as nontenure track faculty and will:

1) be afforded the right to pursue promotion; and
2) be considered and granted an employment contract in accordance with these policies and be subject to continued acceptable performance and/or the needs of the institution; and
3) be afforded an opportunity to serve on institutional committees.
ii. Academic faculty members, after meeting certain requirements, established by the employing institution, may acquire tenure. Each institution shall develop policies for the acquisition of tenure that are consistent with this general philosophy and policy statement of the Board. Acquisition of tenure is not automatic, by default or defacto, but requires an explicit judgment, decision, and approval. A faculty member is eligible to be evaluated for the acquisition of tenure after having completed four (4) full years of academic employment at the institution, although tenure may be awarded prior to completion of this initial eligibility period in certain exceptional cases as provided in Board Policy II.G.6.d.4.a). In addition, an academic faculty member must be evaluated for the acquisition of tenure not later than the faculty member’s sixth (6th) full academic year of employment at the institution. In certain exceptional cases a faculty member may petition for extension of the timeline for tenure due to extenuating circumstances as provided in Board Policy II.g.6.d.4.b).

c. Notification - An individual eligible for tenure must be informed, by proffered written contract, of appointment or nonappointment to tenure not later than June 30 after the academic year during which the decision is made. In case of denial of tenure, the faculty member must be given a written notice that tenure was denied.

d. Standards of Eligibility for Tenure

i. Annual Appointments - Until the acquisition of tenure, all appointments are made for a period not to exceed one (1) year. Prior to the award of tenure, employment beyond the annual term of appointment may not be legally presumed.

ii. Service in Professional Rank - All satisfactory service in any professorial rank may be used to fulfill the time requirement for acquiring tenure. Each institution must develop criteria and rules by which prior service may be evaluated for inclusion in experience necessary for acquiring tenure.

iii. Service in Instructor Rank - A maximum of two (2) years satisfactory service in the rank of instructor at the institution will be allowed in partial fulfillment of the time requirement in the professorial ranks. Faculty members who hold the rank of instructor may be eligible for tenure status if provided for by the institution even though they teach in fields that have established professorial ranks.
iv. Exceptional Cases

1) Tenure may be awarded prior to completion of the usual eligibility period in certain exceptional cases. In such cases, the burden of proof rests with the individual.

2) Extension of the tenure review period may be granted in certain exceptional cases. In such cases the faculty member must formally request such an extension and indicate the reason for the request. An institution that permits an extension of the tenure review period must include in its policies the procedure a faculty member must follow to request such an extension, and the basis for determining the modified timeline for review.

e. Evaluation For Tenure - It is expected that the chief executive officer, in granting tenure, will have sought and considered evaluations of each candidate by a committee appointed for the purpose of annual evaluations or tenure status. Such committee must consist of tenured faculty. The committee may also include non-tenured faculty; student representation; and one (1) or more representatives from outside the department. Each member of the committee has an equal vote on all matters. The committee must give proper credence and weight to collective student evaluations of faculty members, as evidenced by an auditing procedure approved by the chief executive officer. The recommendation of the committee will be forwarded in writing through appropriate channels, along with written recommendations of the department chairperson or unit head, dean, and appropriate vice president, to the chief executive officer, who is responsible for making the final decision.

f. Award of Tenure - The awarding of tenure to an eligible faculty member is made only by a positive action of the chief executive officer of the institution. The president must give notice in writing to the faculty member of the approval or denial of tenure. Notwithstanding any provisions in these policies to the contrary, no person will be deemed to have been awarded tenure because notice is not given.

g. Periodic Performance Review of Tenured Faculty Members - It is the policy of the Board that at intervals not to exceed five (5) years following the award of tenure to faculty members, the performance of tenured faculty must be reviewed by members of the department or unit and the department chairperson or unit head. The review must be conducted in terms of the tenured faculty member’s continuing performance in the following general categories: teaching effectiveness, research or creative activities, professional related services, other assigned responsibilities, and overall contributions to the department.

i. Procedures for periodic review - Each institution must establish procedures for the performance review of tenured faculty members at the institution. Such procedures are subject to the review and approval of the Board. Each year the academic vice president or designee is responsible for designating in writing those tenured faculty members whose performance is subject to review during the year.
ii. Review standards - Each institution may establish its own internal review standards subject to approval by the Board. Absent such institutional standards, the institution must use the following standards.

If during the periodic review, the performance of a tenured faculty member is questioned in writing by a majority of members of the department or unit, the department chairperson or unit head, the appropriate dean, the appropriate vice president, or the chief executive officer, then the appropriate vice president or equivalent administrator must decide whether a full and complete review must be conducted in accordance with the procedures established for the initial evaluation for tenure at the institution. If during the periodic review, the performance of a tenured faculty member is not questioned in writing, members of the department or unit and the department chairperson or unit head must prepare a written review statement that the performance review has been conducted and that a full and complete review is not required.

iii. Exception for Associate Professors in the Promotion Process - Generally, the promotion from the rank of associate professor to full professor is considered no earlier than the fifth full year after attaining the rank of associate professor, which is generally contemporaneous with the granting of tenure. In such cases, if review for promotion to full professor is scheduled during the fifth, sixth or seventh full year after the award of tenure then the promotion review may, if it meets substantially similar criteria and goals of the post tenure review, take the place of the periodic performance review described here.

iv. Termination of employment - If, following a full and complete review, a tenured faculty member’s performance is judged to have been unsatisfactory or less than adequate during the period under review, the chief executive officer may initiate termination of employment procedures for the faculty member. In other words, an unsatisfactory or less than adequate performance rating shall constitute adequate cause for dismissal.

h. Dismissal for Adequate Cause - Tenured faculty members may be dismissed for adequate cause as provided for in Subsection L of this Section.
i. **Tenure for Academic Administrators**

i. "Academic administrators," for purposes of this topic, means the chief executive officer/presidents, chief academic officers/provosts, vice provosts or equivalent of the institutions, the deans, associate/assistant deans, and department chairs of the academic units of the institutions, and the vice presidents for research of the institutions, and shall not include persons occupying other administrative positions.

ii. An employee with tenure in an academic department or equivalent unit who is appointed to an academic administrator position retains tenure in that department or equivalent unit.

iii. An individual hired for or promoted to an academic administrator may be considered for a tenured faculty rank in the appropriate department or equivalent unit. Such consideration is contingent upon approval by the institution's president.

iv. Upon termination of employment as an academic administrator, an employee with tenure may, at his or her option, return to employment in the department or equivalent unit in which he or she holds tenure unless such employee resigns, retires, or is terminated for adequate cause.

v. An individual hired for a non-academic administrator position from outside the institution will not be considered for tenured faculty rank in conjunction with such appointment. However, he or she may be granted an adjunct faculty appointment, upon the recommendation of the appropriate department and dean and with the approval of the provost or chief academic officer and president, if the individual will teach and otherwise contribute to that department.

vi. Notwithstanding the above, each administrative employee who is granted tenure shall be reviewed in accordance to policies established at each institution for the evaluation of an academic administrator.

j. **Terminal Contract of Employment -** If a faculty member is not awarded tenure, the chief executive officer must notify the faculty member of the decision not to recommend tenure and may, at his or her discretion, either issue to the faculty member a contract for a terminal year of employment, or, at the sole discretion of the chief executive officer, issue to the faculty member contracts of employment for successive periods of one (1) year each. Such appointment for faculty members not awarded tenure must be on an annual basis, and such temporary appointments do not vest in the faculty member any of the rights inherent in tenure and there shall be no continued expectation of employment beyond the annual appointment.
k. When authorized by the chief executive officer, or his or her designee, the year in which the tenure decision is made may be the terminal year of employment.

I. Effect of lapse in service, transfer, reassignment, reorganization, and administrative responsibilities.

i. A non-tenured faculty member who has left the institution and is subsequently reappointed after a lapse of not more than three (3) years may have his or her prior service counted toward eligibility for the award of tenure. Eligibility for the award of tenure must be clarified in writing before reappointment. A tenured faculty member who has left the institution and is subsequently reappointed after a lapse of not more than three (3) years must have tenure status clarified in writing by the president or his designee before appointment. The faculty member may be reappointed with tenure, or may be required to serve additional years before being reviewed for tenure status.

ii. Before a non-tenured faculty member holding academic rank is moved from one position in the institution to another, the member must be informed in writing by the academic vice president, after consultation with the receiving department, as to the extent to which prior service may count toward eligibility for tenure status.

iii. No faculty member’s tenure in a discipline may be adversely affected by the reorganization of the administrative structure. A faculty member’s tenure is not affected by reassignment of administrative responsibilities.

iv. When a tenured faculty member is serving as department chairman, college dean, or in some other administrative or service capacity, retention of membership, academic rank, and tenure in the subject-matter department or similar unit is maintained. Should the administrative or service responsibilities terminate, the member takes up regular duties in the discipline within which membership, academic rank, and tenure was retained.
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:**  FSH 1640.43 & 3840 – Faculty Appeals

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.”*

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**Originator(s):**
(Please see FSH 1460 C)

<table>
<thead>
<tr>
<th>Name</th>
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<tr>
<td>Anna Thompson, Faculty Secretary Office</td>
<td>4-12-12</td>
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<td>885-6151 <a href="mailto:annat@uidaho.edu">annat@uidaho.edu</a></td>
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**Policy Sponsor:** (If different than originator.)

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<th>Name</th>
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<tr>
<td>Gail Eckwright, Faculty Secretary</td>
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<td>885-6151 <a href="mailto:gze@uidaho.edu">gze@uidaho.edu</a></td>
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**Reviewed by General Counsel**  

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<td><strong><strong>Hoey Graham______4/12/12</strong></strong>___</td>
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**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.

Clarify policy language that was vague with regard to what types of appeals the Faculty Appeals Hearing Board heard. FSH 1640.43 is overly broad “any institutional decision” whereas FSH 3840 was too specific and also listed unappealable decisions.

---

**II. Fiscal Impact:**

What fiscal impact, if any, will this addition, revision, or deletion have?

---

**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:

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**Policy Coordinator**

**Appr. & Date:**

[Office Use Only]

**FSH**

Appr. ________

FC ________

GFM ________

Pres./Prov. ________

[Office Use Only]

**Track # ________**

**Date Rec.: ________**

**Posted: t-sheet ________**

h/c ________

web ________

**Register: ________**

(Office Use Only)

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**APM**

**F&A Appr.: ________**

[Office Use Only]
PREAMBLE: This section contains statements of the function and structure of each university-level standing committee. The names of persons appointed to serve on each such committee are published at the beginning of each academic year by the Committee on Committees, and copies of this publication are available from the Office of the Faculty Secretary (208-885-6151). This section, dating to the 1979 edition of the Handbook, has been frequently revised as necessitated by the changing mission or membership of existing committees or the deletion of obsolete committees or the addition of new ones.

Subsections

.02 Academic Hearing Board
.04 Academic Petitions Committee
.06 Administrative Hearing Board
.08 Admissions Committee
.10 Affirmative Action and Disability Affairs Committee
.12 Institutional Animal Care and Use Committee
.14 Institutional Biosafety Committee
.18 Borah Foundation Committee
.20 University Budget & Finance Committee
.22 Campus Planning Advisory Committee
.24 Classified Position Appeal Board
.26 Commencement Committee
.28 Committee on Committees
.34 Provost Council
.36 Dismissal Hearings Committee
.40 Facilities Scheduling Policy Committee
.42 Faculty Affairs Committee
.43 Faculty Appeals Hearing Board
.44 Faculty Senate
.46 Arts Committee
.48 Graduate Council
.50 Grievance Committee for Staff Employees
.51 Grievance Committee for Student Employees
.53 Honors Program Committee
.54 Institutional Review Board
.55 Information Technology Committee
.56 Intellectual Property Committee
.58 Juntura
.60 Library Affairs Committee
.64 Officer Education Committee
.66 Parking Committee
.69 Promotions Review Committee
.70 Publications Board
.71 Radiation Safety Committee
.72 Research Council
.74 Sabbatical Leave Evaluation Committee
.76 Safety and Loss-Control Committee
.77 Scientific Misconduct Committee
.80 Staff Affairs Committee
.84 Student Financial Aid Committee
.86 Teacher Education Coordinating Committee
.87 Teaching and Advising Committee
.89 University Committee for General Education
.91 University Curriculum Committee
.92 University Development Council
.93 University Judicial Council
.94 University Multi-Campus Communications Committee
1640.42

FACULTY AFFAIRS COMMITTEE (FAC)

A. FUNCTION.

A-1. To conduct a continuing study of salaries, professional problems, welfare, retirement options and benefits (including 403b plans), and working conditions of faculty members.

A-2. To call the attention of the Faculty Senate or the president, as appropriate, to matters concerning faculty affairs in any college or other unit that the committee believes should be of concern. [ed. 7-09]

A-3. To serve as a “court of first instance” in matters of dispute involving the interpretation and application of policies affecting the welfare of faculty members.

A-4. To cooperate and make joint recommendations with the Staff Affairs Committee for the solution of problems common to the faculty and the staff.

B. STRUCTURE. Nine faculty members, not more than two of whom are departmental administrators (administrators above the departmental level are not eligible for membership on this committee). [rev. 7-08]

1640.43

FACULTY APPEALS HEARING BOARD

[This section was removed from FSH 3840 C & D and placed here in July 2008]

A. FUNCTION. This board will conduct a hearing at the request of a faculty member who wishes to appeal an institutional decision under FSH 3840 A, see FSH 3840 B. In each case referred to it, the board has the following responsibilities:

A-1. To review all documentary evidence submitted by the parties prior to the hearing and all evidence submitted by the parties at the hearing. The board may require the parties to submit evidence deemed relevant by the board.

A-2. To determine whether there has been any (1) failure to comply with prescribed procedures, (2) application of inappropriate considerations, (3) abuse of discretion, or (4) abuse of the appellant’s academic rights and privileges.

A-3. To make recommendations to the president.

B. STRUCTURE AND MEMBERSHIP: Five faculty members, one of whom is a departmental administrator, are principal members. In addition, five other faculty members, two other departmental administrators, and three off-campus faculty members are appointed as alternate members of the board. In appointing members, including alternates, the Committee on Committees must ensure that the majority of the members are tenured and each of them have been employed at the UI for longer than two years. Since a case for dismissal is appealable to the Faculty Appeals Hearing Board, care should be taken in appointing members to both Faculty Appeals Hearing Board and Dismissal Hearings Committee. The term of membership is three years, with initial terms staggered to form a rotation pattern. The off-campus alternates will serve, in place of principal faculty members chosen by lot, when an appeal by an off-campus faculty member is to be heard. The other alternate members will serve, as appropriate, when a principal member is deemed to have a conflict of interest. Once the panel for an individual hearing has been determined, it will meet at the direction of the chair of the Faculty Appeals Hearing Board and elect its own panel chair. [rev. 7-99, 1-09, 4-11]

C. SPECIAL CONSIDERATION: Faculty members serving on the Faculty Appeals Hearing Board (FAHB) should take careful note of the following additional considerations and conditions for service: 1) appeals usually occur following tenure, promotion, and salary decisions in the middle of the Spring semester, 2) appeal hearings usually require a 2-4 hour time block which will require meeting on a weekday evening or Saturday to accommodate the schedules of all of the parties involved in a hearing, and 3) the term of office of a member of the FAHB ends when the last active case final report is submitted. Faculty members not willing to abide by these conditions should not apply for service on the Faculty Appeals Hearing Board. [add. 7-}
PROCEDURES FOR FACULTY APPEALS

PREAMBLE: This section deals with the procedures for faculty appeals. It formed a part of the 1979 Handbook and was revised in July of 1994 to add harassment on the basis of race, color, religion, gender, national origin, age or disability to the "areas of concern" and in January of 1996 so as to remove the Faculty Affairs Committee from those bodies through which an appeal had to travel before being heard. The section was substantially revised in July 1999 and again in July 2002 to clarify the committee's scope and its procedures, and A was revised in 2007 to add a process for addressing retaliation complaints. In 2008 the committee composition previously in C and D was moved into FSH 1640 Committee Directory. Further information is available from the Provost's Office (208-885-6448) or the Office of the Faculty Secretary (208-885-6151). [rev. 7-99, 7-02, 7-07, 7-08, ed. 7-00]

CONTENTS:

A. Areas of Concern
B. Procedures for Initiating an Appeal
C. Hearing Procedures
D. Procedures Following the Hearing

A. AREAS OF CONCERN. The procedures provided in this policy are to be used by faculty members to appeal administrative decisions, including without limitation decisions in such matters as denial of tenure, denial of promotion, position description, performance evaluation, salary determination, and to challenge the contents of personnel files. Applicability of these procedures to some matters is subject to certain limitations and exclusions - nonrenewal of fixed-term appointments [see 3900 E and F], dismissal for cause [see 3910, in particular, 3910 D-5-c], and layoff resulting from a declaration of financial exigency [see 3970]. Allegations of sexual harassment or discrimination based on race, color, sex, national origin, religion, age, sexual orientation, or disability are not subject to this policy, but should be brought to the Director of Human Rights, Access and Inclusion. Decisions of the president concerning administrative assignments are not appealable under this policy. A faculty member alleging retaliation is required to follow the process set forth in FSH 3810 before proceeding under this policy. The time period for appeal will begin to run upon completion of the process set forth in 3810. [rev. 7-99, 7-02, 7-07, 7-08, ed. 7-00]

B. PROCEDURES FOR INITIATING AN APPEAL.

B-1. Before, or in addition to, filing an appeal, the faculty member should seek satisfaction informally by discussing his or her complaint with the administrator who made the decision. If the issue is not resolved by this means, the faculty member should then go to the next administrative level for redress. Reference to these discussions should be included in the request for a hearing.

B-2. A faculty member who wishes to appeal an institutional decision may do so by submitting a written request for a formal hearing. Such a request must be made within 30 calendar days after he or she receives written notice of the institutional decision, except that a 20-day period is allowed in cases of nonrenewal of fixed-term appointments [see 3900 F], a 14-day period is allowed in cases of denial of tenure or promotion, and a 15-day period is allowed in cases of dismissal for cause [see 3910 D-5-a]. If the appeal concerns salary determination, the 30-day period allowed for filing begins with receipt of notice of the dollar amount of salary assigned [see 3420 C-3, C-6]; the earlier assignment to a salary-increment category [see 3420 C-3] may be appealed by the informal means described in B-1 or may be included in the appeal after the salary amount has been fixed. In the request, the faculty member must state clearly what decision is being appealed and, briefly, the grounds on which the appeal is based. If the time deadlines contained in this provision or in any rules or procedures adopted by the Faculty Appeals Hearing Board are not complied with the appeal shall be dismissed unless the Faculty Appeals Hearing Board determines that an attempt at informal resolution through the Ombuds Office or extraordinary circumstances justified the delay. [rev. 7-99, 2-07, ed. 7-01, 7-02]

B-3. The request for a hearing is addressed to the chair of the Faculty Appeals Hearing Board (FAHB) (see FSH 1640.43). The FAHB chair will forward copies of the request to the provost, and other administrators concerned. The
provost, or another administrator designated by the provost, will furnish the FAHB chair and the faculty member a written statement of the reasons for the administrative decision. [rev. and ren. 7-99, ed. 7-02]

B-4. A request for a hearing does not affect the effective date of the decision being appealed. [add. 7-02]

C. HEARING PROCEDURES. [ren. 7-08]

C-1. The hearing board may adopt rules of procedure from time to time. In a particular case these rules may be altered by the Board in the interest of fairness. These rules are available on request from the chair of the board and the faculty secretary. [add. 7-99, ren. 7-08]

C-2. The board will meet before the hearing to consider the nature of the parties’ expected presentations, to make decisions about the procedure that will be followed in the hearing, and to set mutually acceptable dates for the hearing, including the time and duration of the presentations. The board communicates these decisions in writing to the parties and allows each of them five working days in which to respond. The chair of the board negotiates any disputed matters. [ed. and ren. 7-99, ren. 7-08]

C-3. The chair of the board summons the faculty member and the officer (or a representative of the body) whose decision is under appeal. The chair also summons other UI employees or students to appear on the request of either party or of the board itself; the summons must set a reasonable time and place to appear and must give due notice. Persons summoned have the obligation to respond as though summoned by the president. Either party may be assisted by counsel of its choice in an advisory capacity only. Both parties are entitled to be present during the entire hearing. [rev. and ren. 7-99, ed. 7-02, ren. 7-08]

C-4. During the hearing, the faculty member’s case will be presented first, in whatever manner he or she desires: e.g., through the testimony of witnesses, submission of documents, or oral statements. The board may then question the faculty member. The administration then presents its case, followed by questions from the board. The faculty member is given an opportunity to respond and to summarize his or her case. [ed. 7-97; ren. 7-99, ed. 7-02]

C-5. As a general rule, the board admits, rather than excludes, presentations that either party desires to make. The chair may rule against presentations that are clearly repetitive or irrelevant. [ren. 7-99]

C-6. The faculty member and the board should know of the existence and substance of all materials on which the administration has relied in making the decision being appealed [see 3040]; there should be no means by which the substance of any charge, or other adverse information or allegation, can be kept secret from the faculty member. [ren. 7-99, ed. 7-02]

D. PROCEDURES FOLLOWING THE HEARING. [ren. 7-08]

D-1. The findings and recommendations of the hearing board are reported promptly in writing to the faculty member, his or her departmental administrator and dean, the provost, and the president. [rev. 7-99, ed. 7-02, ren. 7-08]

D-2. The president, following receipt of the report of the hearing board, has the responsibility of promptly responding in writing—and in any case within 45 days—to the faculty member, and the hearing board, and of providing a statement of the rationale for his or her decision. [rev. 7-99, ed. 7-02, ren. 7-08]

D-3. Appeal to the Regents. RGPIIM2.b. A nonclassified employee may elect to petition the Board to review any final personnel related decision of the chief executive officer. Any written petition must be filed in the Office of the State Board of Education within fifteen (15) calendar days after the employee receives written notice of final action under the internal procedures of the institution, agency, school, or office. The Board may agree to review the final action, setting out whatever procedure and conditions for review it deems appropriate, or it may choose not to review the final action. The fact that a written petition has been filed does not stay the effectiveness of the final decision nor does it grant a petition for review unless specifically provided by the Board. Board review is not a matter of right. An
employee need not petition the Board for review in order to have exhausted administrative remedies for the purposes of judicial review. [add. 7-02, ren. 7-08]

**D-4.** The chair of the board shall report annually to the Faculty Senate regarding the nature of the matters considered by the board during the preceding year. [add. 7-99, ren. 7-02, 7-08, 6-09]
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: 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)
Name  Date
Telephone & Email: 885-3616  suzettey@uidaho.edu

Policy Sponsor: (If different than originator.)
Matthew Dorschel  2/10/2012
Name  Date
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: __________________________

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

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

Track # ________________
Date Rec.: ________________
Posted: t-sheet ________________
h/c ________________
web ________________
Register: __________________________
(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 6205 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. a person a public employee intends to marry, or with whom the public employee intends to share or intend to share a household, or who share or intend to share a household, or who have duties to and do provide financial support for one another; or any other persons having the same legal residence as the public employee;

b. persons engaged in a romantic or sexual relationship, or who intend to marry, or who are dating, or who have another similar personal relationship in which objectivity might be impaired.

c. persons related to the public employee, whether by blood, marriage, or adoption;

d. persons related to another individual employed by the University in an organizational level of supervision or management.

e. persons related to another individual, or any other person having the same legal residence as the public employee.

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

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

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

B. Policy.

B-1. Direct supervision or control or 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 is placed or permitted to remain under the direct supervision of, control, influence, or impact, line of supervision, supervision of a related individual. No UI employee may function as a judge or arbitrator in specific situations involving members of his or her immediate family (such as the spouse, child, parent, grandparent, brother, sister, mother, father, in-law, or any other collateral; or daughter-in-law). No related individual, nor may any UI employee initiate or participate in institutional decisions involving a direct benefit (such as 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 personal action (such as the working relationship is to be addressed in a nepotism management plan. Form 6241A approved by the Assistant Vice President/Executive Director for Human Resources.}.
management plan [FSH 6240]. In reviewing a proposed personnel action, the Assistant Vice President/Executive Director for Human Resources shall consider all aspects of the proposed action, working relationship including, but not limited to, the effect of ineffective 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.

In a supervisor-subordinate 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 nepotic relationship exists or develops.

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.

**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.