I. Call to Order.

II. Minutes.
   - Minutes of the 2013-14 Faculty Senate Meeting #19, March 4, 2014 (vote)

III. Chair’s Report.

IV. Provost’s Report.

V. Other Announcements and Communications.

   Postponed
   - Report on Reclassification (Smith)
   - Position Description Questionnaire (Walters)

VI. Committee Reports.

   University Judicial Council: Student Code Judicial Process (Shook)
   - FS-14-027: FSH 2305 – University Disciplinary Process for Alleged Violations of Student Code of Conduct (vote)
   - FS-14-028: FSH 2400 – Student Judicial System (vote)
   - FS-14-029: FSH 2450 – Appeals to Faculty Senate in Disciplinary Cases (vote)
   - FS-14-030: FSH 2350 – Sexual Harassment & Sexual Violence Pertaining Specifically to Students (introduced)

   Sub-Committee Senate on Faculty Evaluation (Hartzell)

VII. Special Orders.

VIII. Unfinished Business and General Orders.

IX. New Business.

X. Adjournment.

Professor Trish Hartzell, Chair 2013-2014, Faculty Senate

Attachments: Minutes of 2013-2014 FS Meeting #19
              FS-14-027 through 030
University of Idaho
2013-2014 FACULTY SENATE AGENDA

Meeting #20

3:30 p.m. - Tuesday, March 11, 2014
Brink Hall Faculty-Staff Lounge
IWC Room 390 – Boise
213 – Coeur d’Alene
TAB 321B IF4 – Idaho Falls

Order of Business

I. Call to Order.

II. Minutes.
   • Minutes of the 2013-14 Faculty Senate Meeting #19, March 4, 2014 (vote)

III. Chair’s Report.

IV. Provost’s Report.

V. Other Announcements and Communications.
   • Report on Reclassification (Smith)
   • Position Description Questionnaire (Walters)

VI. Committee Reports.

VII. Special Orders.

VIII. Unfinished Business and General Orders.

IX. New Business.

X. Adjournment.

Professor Trish Hartzell, Chair 2013-2014, Faculty Senate

Attachments: Minutes of 2013-2014 FS Meeting #19
University of Idaho  
Faculty Senate Meeting Minutes  
2013-2014 Meeting #19, Tuesday, March 4, 2014

Present: Stevenson for Aiken (w/o vote), Awwad-Rafferty, Bird, Brandt, Cobb, Couture (Boise), Davis, Eckwright (w/o vote), Flores, Frey, Gunderson, Hartzell (chair), Karsky, Latrell, Miller, Morra, Murphy, Shook for Pendegraft, Perret, Qualls, Stoll, Stuntzner (Coeur d’Alene), Ytreberg  
Absent: Baillargeon, Manic, Ostrom, Pregitzer, Safaii, Smith, Wolf  
Guests: 9

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

Minutes: It was moved and seconded (Stoll, Flores) to approve the minutes of meeting #18. Motion carried unanimously.

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

- The UI presidential transition from Don Burnett to Chuck Staben has gone smoothly.
- Dr. Staben held his first administrative roundtable yesterday morning and gave his first official address as president yesterday afternoon. He plans to have some open office hours and is in learning and listening mode right now. We have encouraged him to hold an informal lunch once or twice a month and invite a variety of faculty and staff to join him as a way of getting to know the people here and hear their stories – both good and bad.
- Senator Jane Baillargeon is ill and hospitalized in Spokane. We encourage you to help her when she returns from Spokane – sign up to provide a meal, offer to shop, provide transportation, and so on.
- Submission deadline for the Intercultural Innovation Award is April 30, 2014. For more information: [http://interculturalinnovation.org/the-award](http://interculturalinnovation.org/the-award)
- UI smoking taskforce has invited Molly Reece and Heidi Henson to the Moscow campus and they will be guests at senate on March 25. There will be a discussion forum on the Moscow campus on March 25 or March 26. Ms. Reece is an Oak Ridge Institute for Science and Education (ORISE) tobacco fellow with the department of health and human services and Ms. Henson is the health promotion coordinator at Idaho North Central district public health.
- Many thanks to those who have put much work into revisions of the Student Code of Conduct: University Judicial Council members Steve Shook (chair), Diana Gleason, Linnea Marshall and Bob Stone and Bruno Bennett (student); and Ann Thompson, assistant to the faculty secretary, Guilherme Costa, associate general counsel and Craig Chatriand, associate dean of students.
- Next week’s senate guests are Ron Smith, vice president for finance and administration, and Greg Walters, executive director for human resources.

Provost’s Report. Vice Provost Jeanne Stevenson reported on the following items:

- We extend a warm welcome to President Staben and also note President Staben’s remarks in appreciation for the work Don Burnett has done to make for a smooth transition.
- Provost Aiken is attending classification appeals hearings today.
- Classification appeals are scheduled to be completed before the end of this month.
Chair Hartzell next invited Jeremy Kenyon, assistant professor at the UI library, to talk about VIVO. Professor Kenyon provided a brief summary, including the following information about VIVO:

- Open-source semantic-web-based application.
- Institution-wide, publicly-visible information about research and researchers.
- Free service provided by UI library and supported by the Northwest Knowledge Network.
- UI library offers assistance with putting data into VIVO.
- Initially requested by Idaho INBRE.
- It is an excellent discovery service for finding out about research and scholarly activity at UI:
  - provides the opportunity to build a UI-specific detailed, searchable publications registry.
  - mechanism for finding collaborators and mentors across multi-institutional projects.
- Information found in VIVO is publicly available.
- VIVO enhances what we do at UI, but it is not a requirement; we do not advocate that it be used for any official purpose.

Professor Kenyon responded as follows to senators’ comments and questions:

- **Is each individual faculty member responsible for maintaining their own data and keeping it up-to-date?** We do not want to put that burden onto faculty. Thus far we have collected data by contacting administrative assistants and leaders of some of the research groups and then we put the data into VIVO ourselves. We are happy to give individuals access to VIVO if they want to put their own information into it.
- **Would it be useful to connect organizations that we participate in with the library for the purpose of including information about UI faculty?** Yes, that would be fantastic.
- **What strategies will you pursue to ensure that social sciences and humanities work will also be included in VIVO?** At this time the Banner awards database has been our best source of information. We need to rely on individual faculty members and departments to provide information about collaborations where no money is involved. Devin Becker and Annie Gaines, assistant professors at the UI library, have done a tremendous amount of data work with VIVO and when you contact the library, they are the people you will most likely be working with.
- **Is it possible to link this with Google Scholar?** We use a “harvester” to grab data from PubMed, Web of Science, Science Citation Index and Social Sciences Citation Index. We do not have a tool for doing that with Google Scholar in part because of problems with “name disambiguation.”

**University Judicial Council.**

**FS-14-027.** FSH 2305 – University Disciplinary Process for Alleged Violations of the Student Code of Conduct.

**FS-14-028.** FSH 2400 – Student Judicial System.

**FS-14-029.** FSH 2450 – Appeals to Faculty Senate in Disciplinary Cases.

Chair Hartzell next invited Steve Shook, chair of the University Judicial Council (UJC), to summarize changes to FSH 2305, FSH 2400 and FSH 2450. Professor Shook explained that earlier today additional revisions were made to FSH 2305 regarding process for students not located in Moscow. Mr. Costa has reviewed the document for clarity, conciseness and consistency.

Chair Hartzell and Professor Shook responded to senators’ questions as follows:

- **How do you define as “student” someone who is “not officially enrolled for a particular term” but who has “a continuing relationship with the university” [proposed changes, section A-1-h]?** This
refers to whether a student has matriculated or not. As soon as a student agrees that she or he is going to UI, even if they have not paid their fees, they have a commitment to the university and are covered by this policy. This policy also applies to students who have taken a semester off. A student who has a relationship with the university, then takes time off and something happens while the student is taking time off – if the university finds out about it, the university can take it into account.

- **Are we looking into offenses that happened when a student was 16? Will those go onto a student’s record?** [Mr. Chatriand responded to this question] We care about those things that happen before students begin classes, for example, at times like Vandal Fridays when students have been accepted and are on campus. If a student is here for a year, takes a semester off and then comes back – if something happens during that semester off that impacts the UI community, we care about that. An example of this is when a student harms another student then returns to UI and is in classes with the student who he or she had harmed. On the admissions side of things, we consider those who have taken classes to be “continuing students” for two years after taking their last class before they must reapply for admission.

- **What about things that do not involve violence that happen when a student is not officially enrolled, e.g., the student has dropped out of school? Does this constitute a “continuing relationship” with the university and will things that happen during that time be held against the person?** [Mr. Costa responded to this question] That could be the case but that is not how it works now. Mr. Chatriand described the re-admittance process and if a student sits out for three years and reapplies, he or she has essentially bridged the gaps between when they were actively a student and when they were inactive a student until they were active again.

- **What about students who are on academic probation or have been asked to take a semester off for academic reasons?** Academic probation is different from disciplinary processes.

- **Could we define the types of offenses that we are talking about so that it would clear up any confusion? If we are most concerned about violent situations between students – is that defined anywhere?** [Mr. Costa responded to this question] It is a jurisdictional question. The Student Code of Conduct (SCC) is all of the offenses that are violations and it is all of FSH 2300. Because this is a “student code of conduct” in order for UI to take any sort of action the person has to meet the definition of “student” – otherwise, our SCC does not apply to them. This definition answers “to whom does the code apply?” and then the code itself outlines the behavior that is not acceptable.

- **Does the Student Code of Conduct allude to higher-level violent offenses?** What you are describing is a combination of everything we have just said with the addition of off-campus jurisdiction. If a student does not enroll in a particular semester and if they violate the code, it is most likely an off-campus violation. Which off-campus violations do we care about and how do we figure that out? There was a well-written article that addressed this in the Argonaut recently. A senator added that the Dean of Students’ office will not go out and search for off-campus offenses that may occur. The offense must be reported to the Dean of Students’ office in order for that office to become involved.

- **We have a number of students at UI centers and code of conduct applies equally to them. It is essential that the protections that apply to Moscow students are available equally to these other students. The possible extension of time for off-Moscow students is a wonderful addition to the code language, but there is another component that needs to be taken into account. Credibility determinations are being made at each step, i.e., interview, meeting, hearing and senate appeal levels. It is essential that these students have the right to appear by video as trying to do this by phone is incredibly difficult. This protection should be built-in.** We need to recognize the role
that off-Moscow students have in the community. [Chair Hartzell responded to this comment]

Senator Coutre provided language in three places of FSH 2305:

- C-1-b (2). Initial Investigation. Add the sentence: “This interview shall be in person or by videoconference except under extraordinary circumstances at the Dean of Students’ discretion.”
- C-1-d. Meeting with DOS. Add this sentence after the first sentence: “This meeting shall be in person or by videoconference except under extraordinary circumstances.”
- C-3-b. Scheduling a SDRB hearing for a student sanctioned with suspension, expulsion, or withholding or revoking a degree. Add this sentence at the end: “If the student is present in Moscow, the hearing shall be in person; if the student is present at one of the university centers, the hearing shall be by videoconference.”

- Mr. Costa added that rather than putting this language in multiple places throughout the policy it may be possible to add language that states “any meeting or hearing is either in person or by teleconference, where possible.” Also, the language we use about meetings and hearings does not specifically say “in person” so even without added language about in person or videoconference, we can interpret those words to mean “in person or videoconference.” If senate feels that it needs to be explicitly stated, we can certainly do so. The easiest fix would be to put it into the definitions.

- I want to clarify that it is “video” and not “teleconference” and this language is something that needs to be explicit. This needs to be a commitment in the code to those students who are not in Moscow. [Several other senators voiced support for an explicit commitment in the policy.]

- Mr. Costa asked whether the university is obligated to provide videoconference capability to a student who wants a hearing by phone, regardless of whether the student is in Moscow or elsewhere, or is that the student’s responsibility? Does every UI center around the state have videoconference capabilities? Do we have a room that we can consistently get for this purpose? Do we have a budget to pay for these things? We need to make sure we have facilities available and all of the other logistical support. Professor Shook responded that we have had several teleconference cases. At the appeals level we currently have an audio recording and no video. If we must have video, will we need to record it? Will we need to record all cases? If there are credibility determinations – you have the initial hearing, but the appeals’ group makes a credibility determination, as well. A senator pointed out that appeals panels do not make credibility determinations, they look at process. This should not cause any difficulty for an appeals panel.

- Mr. Chatriand added that over the past two years his office has offered 20-25 students the opportunity to videoconference, but none have taken them up on this offer. We could offer the option to have videoconference but make sure that it is not a requirement to do so.

- Chair Hartzell asked whether the videoconference option should be made available only to students not located in Moscow? Several senators said that this is designed to address a logistical issue for students not located in Moscow. Students who are located in Moscow do not have this logistical issue. Professor Shook added that Title IX constraints (sexual harassment, sexual assault) require that the case be completed in 60 days. Further, we cannot put the obligation on UI to find a way for videoconferencing for a student who may not be a UI student at the time of the hearings. Also, a student may “game the system” by repeatedly delaying hearings due to an inability to find videoconferencing equipment. Another senator added that Skype, for example, could be used without obligating the university to spend money.

- There are references to email and regular mail in C-2-a and C-6-a. If a student does not respond after five days to email, is there a fallback to using regular mail? If not, why is there a reference
to regular mail? Is five days a reasonable amount of time for students to respond? If there is no email address on file for the student then we use regular mail. We are considering eliminating the reference to regular mail since all students associated with UI have a UI email account. Five days is enough time – these are “working days” and do not include weekends. A senator suggested that some redundancy may be a good thing, i.e., using both email and regular mail. Chair Hartzell responded that if we use email, for example, we do not necessarily use regular mail, too.

- A potential problem with using regular mail is that something could be sent to a student’s home address and that could slow the process. I would favor removing all references to regular mail and using only email. Also, there are references to written requests for review by faculty senate and it is specified that these requests must be delivered to the Dean of Students. Could these requests be made electronically rather than hand-delivering them? [Mr. Costa responded to this question] It is meant to be broad enough to be delivered in person or turned-in electronically.
- There is a lot of difference between “days” and “working days.” Is the word “day” defined anywhere? Yes, it is in the definitions at the beginning of the document.
- Mr. Costa added that in most legal documents, defined terms are always capitalized in every use throughout the document. Capitalizing the defined terms in this document is a possible option. Senators then discussed the possibility of using footnotes, hyper- and hover-links in the text of the policy for defined terms. A senator suggested that if students show up for their first meeting with DOS the defined terms could be explained to them at that time. Several senators suggested keeping all relevant information in a neutral place so that students do not have to rely on another party for interpretation or providing a companion guide to the document.
- In C-4-b what is meant by “should know to be false”? [Mr. Costa responded to this question] This refers to people who lie and then say “I did not definitely know that it was not true,” but it is so outrageously a lie that they should know.

Chair Hartzell said the committee will work on the following concerns at their next meeting:
- Off-campus students and videoconferencing/visual communications.
- Possibly change “days” to “working days.”
- Possibly remove references to regular mail.

Professor Shook then briefly explained proposed revisions to FSH 2400, Student Judicial System. The policy currently numbered FSH 2305 is a place-holder number. Faculty senate will need to vote on eliminating the current FSH 2400 and then moving the content from the place-holder FSH 2305 into new FSH 2400. The current FSH 2450 has been redlined out and it has been embodied into FSH 2305. Chair Hartzell then reminded senators that we will vote on all three of these policies at next week’s meeting.

Adjournment: It was moved and seconded (Awwad-Rafferty, Cobb) to adjourn at 4:47pm. Motion carried.

Respectfully submitted,

Gail Z. Eckwright
Secretary to Faculty Senate and Faculty Secretary
SEXUAL HARASSMENT & SEXUAL VIOLENCE PERTAINING SPECIFICALLY TO STUDENTS

PREAMBLE. In March of 2012 President M. Duane Nellis, enacted the following policy (in the form of an emergency policy pursuant to FSH 1460 C-3) to implement revisions to University Policy addressing claims of Sexual Harassment (including Sexual Violence) and claims of Gender-Based Harassment to conform to legal requirements promulgated by the U.S. Department of Education. [rev. 5-12]

NOTE: The following policy will apply to claims of Sexual Harassment (including Sexual Violence) and claims of Gender-Based Harassment whether occurring on or off campus. The terms of this policy supplement current University policy regarding Sexual Harassment, and supersedes any contrary terms in any current University policy (including any contrary terms in FSH 2200 - Statement of Student Rights; FSH 2300 - Student Code of Conduct; FSH 2450 - Appeals to Faculty Senate in Disciplinary Cases; FSH 3215 – Non-Discrimination on the Basis of Sexual Orientation and Gender Identity/Expression; FSH 3220 – Sexual Harassment). [rev. 5-12]

A. DEFINITIONS.

A.1. “Gender-Based Harassment” includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

A.2. “Sexual Harassment” is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual Violence is a form of Sexual Harassment.

A.3. “Sexual Violence” refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall within the definition of Sexual Violence, including but not limited to rape, sexual assault, sexual battery, and sexual coercion. All such acts of Sexual Violence are forms of Sexual Harassment.

A.4. “Educational Setting” refers to all the academic, educational, extracurricular, athletic and other programs of the University of Idaho, whether those programs take place in a University facility, at a University class or training program, or elsewhere.

B. REPORTING SEXUAL VIOLENCE. For information and resources available for survivors of sexual violence, please see the Administrative Procedure Manual (APM) 95.20 at http://www.uihome.uidaho.edu/default.aspx?pid=120292

C. JURISDICTION. In accordance with FSH 2100, the jurisdiction of University of Idaho disciplinary regulations shall expand to govern off-campus conduct when such off campus conduct constitutes Sexual Harassment or Gender-Based Harassment that may have continuing adverse effects in the Educational Setting.

D. VIOLATIONS OF THE STUDENT CODE OF CONDUCT.
UI FACULTY-STAFF HANDBOOK
Chapter II: Student Affairs Policies
Section 2350: Sexual Harassment & Sexual Violence Pertaining Specifically to Students

**D-1. Sexual Harassment and Gender-Based Harassment are violations of the Student Code of Conduct (see FSH 2300).**

**D-2. Because campus security and safety are critical to the essential operation of the University, even a single violation of the Student Code of Conduct’s prohibition of Sexual Harassment or Gender-Based Harassment may merit expulsion.**

**E. CHARGES OF SEXUAL HARASSMENT OR GENDER BASED HARASSMENT.**

**E-1. When the allegations in a student’s complaint include Sexual Harassment or Gender-Based Harassment, the Dean of Students office (“DOS”) must investigate the incident and take immediate steps to protect the complainant in the Educational Setting. This applies whether the alleged conduct occurred on or off campus.**

**E-2. A preponderance of the evidence (more likely than not) standard will be used to evaluate allegations of Sexual Harassment or Gender-Based Harassment.**

**E-3. The DOS may determine to temporarily delay fact-finding in an investigation regarding Sexual Harassment or Gender-Based Harassment while law enforcement authorities are gathering evidence; but once notified that law enforcement has completed gathering evidence, the DOS must promptly resume fact-finding. The DOS may not await the ultimate outcome of a law enforcement investigation or the filing of a complaint before resuming or beginning fact-finding. [ed. 5-12]**

**E-4. Both parties must be afforded similar and timely access to any information that will be used at the hearing, other than each party’s work product (or that of the party’s advisor), consistent with FERPA and other relevant laws, including any recognized privilege.**

**F. RIGHT TO A HEARING.**

**F-1. The University Judicial Council (“UJC”) (see FSH 2400 B-2 & 1640.93) hearing shall be private when the matter involves charges of Sexual Harassment or Gender-Based Harassment.**

**F-2. During a hearing involving charges of Sexual Harassment or Gender-Based Harassment, neither the accused student nor his or her representative will be permitted to directly question the complainant(s). Instead, such persons may submit written questions to the chair of the UJC (“Chair”), who will ask questions the Chair determines to be appropriate. [rev. 5-12]**

**G. TYPICAL TIMEFRAME OF THE PROCESS.** (see FSH 2300 X). A typical timeframe for the complaint investigation and hearing procedure is as follows: (1) The University investigation of the complaint is generally completed within 60 calendar days following receipt of a complaint. (2) Both parties receive a response regarding the outcome of the complaint within 10 business days following the UJC’s decision. (3) Either party may appeal the UJC’s decision within 14 calendar days in accordance with the Appeals procedure below. Both parties should receive periodic updates from the DOS. A number of factors may influence the timeframe of any particular complaint investigation and hearing procedure; this typical timeframe is provided for informational purposes only and does not bind the University to this timeframe for any particular complaint. [rev. 5-12]**

Commented [TA(9)]: DOS Code 2300 version A-3 d,e,f
Commented [TA(10)]: Covered in light of changes to 2200 Student Rights, can delete.
Commented [TA(11)]: E-1 moved to 2305.
Commented [TA(12)]: Unnecessary, 2305 C-1 e
Commented [TA(13)]: New Judicial 2305 C-3 c?
Commented [TA(14)]: New 2305. C-4 g.
Commented [TA(15)]: FSH 2305 C-4 I(b) ii
Commented [TA(16)]: 2305 C-1 e, C-2, C-6, C-8, c-9

Page 2 of 3
I. DISCLOSURE OF OUTCOME OF DISCIPLINARY PROCEEDING.

I.1. Both the complainant and the accused student will be notified, in writing, of the outcome of a complaint and any appeal. “Outcome” for these purposes means whether the harassment was found to have occurred. The University will only disclose information about the sanctions imposed when they directly relate to the harassed student, such as a sanction of no contact with the complainant.

I.2. When the allegations include a crime of violence or a non-forcible sex offense (as defined by FERPA, see APM 95.15), the University will disclose to the alleged victim of such crime or offense the final results of any disciplinary proceeding conducted by the University against a student who is an alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. The University may disclose to anyone, upon written request, 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, and, with respect to the allegation made, the student has committed a violation of the institution's rules or policies. “Final results” for these purposes means the name of the accused student, any violation found to have been committed, and any sanction imposed against the accused student by the University. (rev. 5-17, ed. 10-12)

I.3. When the allegations include a sex offense (as defined by FERPA, see APM 95.15), both the complainant and the accused student must be informed of the outcome of any institutional disciplinary proceeding (APM 95.20.G-2) brought against the accused student. “Outcome” for these purposes means the University’s final determination with respect to the alleged sex offense and any sanctions imposed against the accused student. (ed. 5-12, ed. 10-12)
APPEALS TO FACULTY SENATE IN DISCIPLINARY CASES

PREAMBLE: This section, added to the Handbook in May, 1984, outlines the appeal process in student disciplinary cases. For further information, contact the Dean of Students (208-885-6757).

CONTENTS:

A. Right of Appeal
B. Appellate Jurisdiction
C. Procedural Requirement
D. Procedures

A. RIGHT OF APPEAL. “Any party to a disciplinary hearing shall have the right to appeal the decision to the faculty or its duly authorized representative. Subsequent appeals may be taken to the president and to the regents when the president and the regents agree to hear the appeal.” [2200 IV-11]

B. APPELLATE JURISDICTION. “The Faculty Senate has appellate jurisdiction over all student disciplinary proceedings and must comply with section IV, paragraph 11, item (d), of the ‘Statement of Student Rights.’” [2400 B-3]

C. PROCEDURAL REQUIREMENT. “Appellate bodies shall establish their own procedures; these must include adequate notice to the parties and sufficient opportunity for the parties to prepare their arguments.” [2200 IV-11(d)]

D. PROCEDURES. Pursuant to the authority and responsibility cited above, the Faculty Senate has established the following procedures for the exercise of its appellate jurisdiction over student disciplinary proceedings:

D-1. If a party to a disciplinary proceeding desires to lodge an appeal with the Faculty Senate, the party must notify the Faculty Senate to that effect, in writing, within two weeks following receipt by the party of the written decision of the University Judicial Council (UJC).

D-2. Within two weeks after receiving a notice of appeal, the Faculty Senate appoints five of its members, including one student, to constitute a panel with power to act on its behalf in hearing and deciding the appeal; one of the members is designated as chair. Persons appointed to the panel must have no interest in or involvement with the parties to or the subject matter of the case under appeal. [ed. 6-09]

D-3. The panel, as soon as possible after its appointment, sets the date, time, and place for the hearing and provides notice thereof, in writing, to both parties. The time set must provide the appellant with adequate opportunity to comply with the requirement stated immediately below.

D-4. The appellant must submit a brief to the panel, and see that a copy is delivered to the appellee, at least one week before the hearing date; a copy must be provided for each member of the panel.

D-5. The appellee must submit a brief to the panel, and see that a copy is delivered to the appellant, at least one day before the hearing date; a copy must be provided for each member of the panel.

D-6. A transcript of the UJC hearing is provided to the panel and to both parties by Student Advisory Services.

Commented [TA1]: If new judicial is approved, this policy will be deleted as it would be consolidated into one policy, same as with 2400; portions of 2200 III & IV and 2300 X & XI.

Commented [at2]: In various places in new Judicial, C-23,6,8,9, separates appealable infractions from serious sanctions (suspension, expul., degree w/hold) to minor sanctions (non-susp., exp. Degree). Minor infractions are handled by DOS, if student disagrees, a written request citing specifics is sent to chair of UDC for review.

Commented [at3]: Moved to new Judicial B-3

Commented [at4]: Unnecessary, procedures should now be established for all appellate bodies in new Judicial.

Commented [at5]: Unnecessary if below is approved and moved to new Judicial.

Commented [at6]: Moved to C-6 b, now 3 days and notice goes to DOS due to the tight timeline constraint for sexual harassment and sexual assault cases essentially mandated by US Dept of Ed.

Commented [at7]: Moved to C-6 c new Judicial, 3 members, formed only when Senate Leadership agrees with specific criteria cited by student for a review.

Commented [at8]: Moved to new Judicial C-6 f & C-7 - no hearing, review of material only, within 10 days, keeps the student from simply rearguing the case in order to see if the senators will "second guess" the SCRB.

Commented [at9]: D-3,D-4,D-5 & D-6 are somewhat in new Judicial under C-6 g, written request for review required (citing specific criteria to support request), is a review by the panel of material only but only if Senate Leadership agrees written request submitted by student meets criteria to support a panel review.

Commented [at10]: New Judicial C-6 g.
D-7. At the hearing, the appellant is allowed 15 minutes for oral argument; the appellant may reserve a maximum of 5 minutes for rebuttal following the appellee’s argument. The appellee is allowed 15 minutes for oral argument and may not reserve any time.

D-8. Oral arguments are recorded on tape and the tape is stored in Student Advisory Services.

D-9. As to questions of law, the panel may review the record of the UJC hearing and all the evidence presented therein and may make an independent resolution of those questions of law.

D-10. As to questions of fact, the panel may reverse the decision of the UJC only on a showing of clear error. Further, on appeal by the university of an adverse UJC ruling, the defendant may not be placed in jeopardy a second time; the purpose of such an appeal is the clarification of rules and establishment of precedent.

D-11. The findings and decision of the panel must be based on concurrence of a majority of its members; these are issued in writing to the parties.

Commented [at11]: Portions of D-7,8,9, 10,11 are used in new Judicial C-6 f, g & C-7 a – panel formed Senate Leadership decides yes/no – review only no hearing

Commented [TA(12]:: New judicial C-6 f, no hearing, material review

Commented [at13]: New judicial C-7 a, if panel is formed, no hearing – material review

Commented [at14]: New Judicial C-6 c 1-5, now specific criteria are used to determine whether a review and panel is necessary, also in C-7 a if panel is formed.

Commented [at15]: This last sentence is in new Judicial C-1 c 2.

Commented [at16]: New Judicial C-7 a
PREAMBLE: This section outlines UI's student judicial system. This section dates from the 1979 Handbook with relatively minor revisions, the last of which, in July 1993, changed the membership and the quorum of the University Judicial Council. In 2008 the committee composition previously in B-2 was moved into FSH 1640 Committee Directory. For further information, contact the Dean of Students (208-885-6757). [rev. 7-08]

CONTENTS:

A. Introduction
B. Judicial and Disciplinary Bodies

A. INTRODUCTION. UI's student judicial system is established and maintained for the prosecution and handling of disciplinary matters concerning UI students (as "student" is defined in the preamble to the Statement of Student Rights [2200]). Any and all matters consistent with the Student Code of Conduct [2300] and the Statement of Student Rights are handled by the system under the following rules and regulations. [ed. 7-00]

B. JUDICIAL AND DISCIPLINARY BODIES. The system consists of the following: living-group disciplinary bodies, University Judicial Council (UJC), Faculty Senate, president, and regents. [ed. 6-09]

B-1. Living-Group Disciplinary Bodies.

a. Composition. Each living group has a disciplinary body, the composition of which is to be determined by the group.

b. Jurisdiction. Each living-group disciplinary body has jurisdiction only over those violations that are primarily internal in cause and effect. If the offense also violates the Student Code of Conduct, the living group must communicate with the ASUI student defender and the judicial officer in Student Advisory Services before taking jurisdiction. The determination of jurisdiction is decided by mutual agreement of the ASUI student defender, the judicial officer, and the complaining party. If the ASUI student defender, the judicial officer, and the complaining party fail to agree unanimously on the proper hearing body, the matter is referred to UJC, which decides the case on the merits. However, the living-group disciplinary body at all times has the right to decline to hear a case brought before it, in which instance the matter is referred to UJC, which will hear the case on the merits. If a living-group disciplinary body proceeds without jurisdiction, its proceedings, findings, and sentence are void and are no bar to a new trial.

c. Range of Sanctions. The living-group disciplinary body may order any sanction it deems just, so long as it is consistent with those stated in articles V and XI of the Student Code of Conduct and in the Statement of Student Rights.

B-2. University Judicial Council. (see 1640.93)

a. Jurisdiction. [rev. 7-08]

(1) UJC has original jurisdiction in the following instances:

(a) Any violation of the Student Code of Conduct that may not be appropriately handled within the living-group disciplinary body. [See B-1.b.]

(b) Any violation of ASUI rules and regulations not specifically designated to be heard elsewhere.

(c) Any matter that a living-group disciplinary body declines to hear. [See B-1.b.]
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(2) UJC has appellate jurisdiction over decisions of living-group disciplinary bodies and decisions of the ASUI Judicial Council. (The ASUI Judicial Council is an internal council of the ASUI. Please refer to ASUI governing policies for further information.)

b. Range of Sanctions. The UJC has the full range of sanctions set forth in the Student Code of Conduct. (Ren. 7-08)

B-3. Faculty Senate. The Faculty Senate has appellate jurisdiction over all student disciplinary proceedings and must comply with section IV, paragraph 11, item (d), of the Statement of Student Rights. (See 2450.) (Ed. 6-09)

B-4. President. The president has appellate jurisdiction over the Faculty Senate. (Ed. 6-09)

B-5. Board of Regents. The regents have final appellate jurisdiction within the UI system. (Commented [at5]: New 2305 Judicial B-3)

(Commented [at6]: New 2305 Judicial B-4)

(Commented [at7]: New 2305 Judicial B-5)
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CHAPTER TWO:
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2305
UNIVERSITY DISCIPLINARY PROCESS FOR ALLEGED VIOLATIONS OF STUDENT CODE OF CONDUCT

PREAMBLE: This section outlines students of the UI disciplinary process. The UI disciplinary procedures philosophy is provided to inform students of the process in place at the University for resolving alleged violations of the Student Code of Conduct. The process is designed to allow for fact finding and decision making in the context of the University educational community. The objective is to provide a process that balances the rights of the individual with the legitimate interests of the University. For further information, contact the Dean of Students (208-885-6757).

A. INTRODUCTION. The purpose of the Student Code of Conduct is to educate students about their civic and social responsibilities as members of the University community. The primary focus of the disciplinary process is on educational and corrective outcomes; however, sanctions such as suspension or expulsion from the University may be necessary to uphold community standards and to protect the campus community. Any and all matters consistent with the Student Code of Conduct (“Code”) (2300) and the Statement of Student Rights (2200) are handled by the system under the following rules and regulations.

A-1. DEFINITIONS:

a. Advisor: the person of the student’s choosing who has agreed to advise a student during the University disciplinary process and attend scheduled meetings with the student. Students should choose an Advisor who is available to attend any scheduled meetings, because Advisor availability is not considered in scheduling meetings.

b. Days: days when the university is open for business, not including Saturday, Sunday, and University holidays. Time deadlines may be extended during breaks, University holidays, and for extenuating circumstances (e.g., non-Moscow locations) at the Dean of Students’ discretion.

c. DOS: the Office of the Dean of Students, which is responsible for the administration of the Student Code of Conduct, and includes the Dean of Students and his/her designees.

d. “Educational Setting” refers to all the academic, educational, extracurricular, athletic and other programs of the University of Idaho, whether those programs take place in a University facility, at a University class or training program, or elsewhere.

e. The Family Educational Rights and Privacy Act of 1974 (“FERPA”) is a federal law that governs the confidentiality of student education records.

f. Group: a number of students who are associated with each other, but who have not complied with University requirements for registration as an organization.

g. Interviews/meetings/hearings: Students at the Moscow campus will meet in person with DOS or hearing boards. Students at other locations will have the option to connect with DOS or hearing boards via visual medium (i.e., Lync or Skype). Exceptions may be made for extenuating circumstances.

Commented [TA(1)]: From FSH 2350 A-4. in order to delete FSH 2350 and have fewer policies, sexual harassment language where noted has been included in this new proposed judicial 2305 (2400).

Commented [TA(2)]: To address distant site concerns.
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h. Notice:
   • Any notice required by the Student Code of Conduct shall be provided in writing via email to
     the student’s official email account (i.e., *@vandals.uidaho.edu*).
   • Students who do not have an official email account will receive notice via any email account
     the student provided the university.
   • Notice is deemed received: (i) the day after it is sent by email.

i. Organization: any number of persons who have complied with the formal requirements for
   University recognition.

j. Student: includes all persons admitted to the University, either full-time or part-time, to pursue
   undergraduate, graduate, or professional studies, and includes non-degree seeking students. The
   following persons are also considered “students”:
   • Persons who withdraw after allegedly violating the Student Code of Conduct;
   • Persons who are not officially enrolled for a particular term but who have a continuing
     relationship with the University;
   • Individuals participating in the American Language and Culture Program;

k. Student Code of Conduct: herein referred to as “Code” (see FSH 2300).

l. SDRB: Student Disciplinary Review Board (see FSH 1640.93)

m. UI’s Office of General Counsel: herein referred to as “General Counsel” and includes any
   staff members.

n. University: University of Idaho, which includes all campus locations, extension programs, and
   distance education programs.

B. REVIEWING BODIES. The disciplinary system consists of the following: SDRB, Faculty Senate, President,
   and Regents.

B-1. SDRB. (see FSH 1640.93)

   a. Scope of Responsibility.

      (1) SDRB adjudicates the following:

         (a) Any alleged violation of the Code that may not be appropriately handled within the
             living-group disciplinary body or that is not otherwise resolved by DOS.
         (b) Any alleged violation of ASUI rules and regulations not specifically designated to be
             adjudicated elsewhere.
         (c) Any matter that a living-group disciplinary body declines to adjudicate.

      (2) SDRB adjudicates requests for review of decisions of living-group disciplinary bodies and
          requests for review of decisions of any ASUI disciplinary bodies.

   b. Range of Sanctions. The SDRB has the full range of sanctions set forth in D below.

B-2. Faculty Senate. The Faculty Senate adjudicates requests for review of SDRB decisions that include a
   sanction of suspension, expulsion, or withholding or revoking a degree.

B-4. President. The President’s office adjudicates requests for review of Faculty Senate decisions.
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B-5. Board of Regents. The Board of Regents adjudicates final decisions made at the institutional level in accordance with Board of Regents policies.

C. PROCEDURES: All deadlines provided below are default provisions and are subject to change by written agreement of both parties. Failure to abide by any deadline will not be grounds for dismissal of the allegations.

C-1. Reporting of Alleged Violations and Initial Investigation by DOS.

a. Reporting Alleged Violations. Any person who has knowledge of an alleged violation of the Code should inform DOS of such alleged violation as soon as possible.

b. Initial Investigation. DOS shall receive all reports of alleged violations and investigate to determine whether the allegation is credible.

   1) Students who are suspected of violations may be interviewed by DOS, but they must be informed by DOS at the beginning of such interview of the right to not speak to DOS and the reason for the interview. No form of coercion or harassment shall be used in the interview.

   2) When a student is being interviewed by a third party and DOS is observing such interview, the student must be informed of the fact that DOS is observing and informed of the right to not speak to DOS.

   3) DOS may speak with witnesses of the alleged incident, as well as the persons injured by the alleged violation. Any witness or other person having knowledge of the alleged violation may provide DOS with any relevant information or materials.

   (4) When the allegations in a student’s complaint include Sexual Harassment or Gender-Based Harassment, DOS must investigate the incident and take immediate steps to protect the persons who were injured by the alleged violation in the Educational Setting.

      (5) DOS may delay fact-finding while law enforcement authorities are gathering evidence; once notified that law enforcement has completed gathering evidence, DOS must promptly resume fact finding. DOS may not await the ultimate outcome of a law enforcement investigation or the filing of charges before resuming or beginning fact finding.


c. Notice of Alleged Violation. If DOS determines that the allegation is credible, DOS shall provide the student accused of violating the Code with written notice of the allegation. Such notice shall include:

   (1) the alleged misconduct,

   (2) the section of the Code alleged to have been violated,

   (3) a time and date that does not conflict with the student’s class schedule to meet with DOS to discuss the allegation(s),

   (4) a statement that the student may have an Advisor present with him/her at the meeting,

   (5) a statement that the student does not have to speak with DOS about the allegation(s),

   (6) a statement that failure to show up for the meeting or to contact DOS to reschedule the meeting will be presumed to be the student’s exercise of his/her right to not speak with DOS, and

   (7) a statement that the investigation and determination regarding the allegation will proceed regardless of whether the student speaks with DOS.


d. Meeting with DOS. The student is given an opportunity to meet with DOS regarding the allegations, unless DOS has already interviewed the student (see C-1. b above). Except where the student agrees otherwise, the meeting with DOS may be scheduled no sooner than:
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(1) 2 days after receiving notice by email, or
(2) 5 days after receiving notice by regular mail.

At this meeting, the student is given the opportunity to give his/her account of the incident leading
to the allegation(s), and to provide DOS with the names and contact information of individuals who
have personal knowledge of the incident or circumstances pertaining to the allegation(s). The
student may have an Advisor present at this meeting. If the student does not appear for his/her
meeting and fails to contact DOS to reschedule before the meeting time, it will be presumed that
the student has exercised his/her right to not speak to DOS.

e. Investigation & Determination. After the meeting time has passed, DOS shall continue its
investigation of the allegations. DOS may speak with witnesses of the alleged incident, as well as the
persons injured by the alleged violation. Any witness or other person having knowledge of the alleged
violation may provide DOS with any relevant information or materials. When allegations include sexual
harassment or gender based harassment, both parties should receive periodic updates from DOS.

Many factors influence the time spent on investigating allegations with most being concluded within
60 days following receipt of the allegation(s).

Once the investigation is concluded, DOS shall make a finding as to whether the alleged violation
occurred by a preponderance of the evidence (the “standard”). If DOS finds that the alleged
violation occurred by that standard, DOS shall determine the appropriate sanction(s) and provide
the student with written notice of the determination, the factual basis for the determination, any
sanction(s) and information referencing this policy and timeframe.

(1) if the student accepts the determination made by DOS and the sanctions imposed, the
student will sign an agreement to that effect within 5 days of receiving notice of the
determination and sanctions. This agreement will contain language that informs the
student of the following:
(i) that the determination and sanctions are final;
(ii) that the sanctions go into effect immediately; and
(iii) that the student waives his/her right to request a review of the determination and
sanctions.

(2) if the student does not accept the determination made by DOS and the sanctions imposed,
and does not sign an agreement to that effect within 5 days of receiving notice of the
determination and sanctions, then:
(i) If the sanctions determined appropriate by DOS does not include suspension, expunging, or withholding or revoking a degree, then the process continues in
accordance with C-2.
(ii) If the sanctions determined appropriate by DOS include suspension, expulsion, or
withholding or revoking a degree, then the process continues in accordance with C-3.

(3) At the conclusion of each semester, DOS shall provide a descriptive written report to the
SDRB summarizing the accepted determinations entered into during the course of the semester.
This report will also be forwarded by DOS to the Faculty Secretary.

(4) When allegations include sexual harassment or gender based harassment both parties
receive a response regarding the outcome of the complaint within 10 business days following
the decision.

C-2. Requests for a SDRB review for sanctions other than suspension, expulsion, or withholding or
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revoking a degree.

a. The student must submit a written request for a SDRB review to DOS no later than 5 days after the student receives notice of the determination and sanctions via email, or 8 days after the student receives notice of the determination and sanctions via regular mail. Any student who fails to submit the written request for a SDRB review by the deadline will be informed by DOS of the following in a Failure to Seek Review Letter:
   (i) that the determination and sanction imposed by DOS is the final institutional decision,
   (ii) that the sanctions go into effect immediately, and
   (iii) that student may request a review by the Board of Regents pursuant to C-9.

b. The written request for a SDRB review must cite at least one of the following reasons for the review and must provide supporting arguments and documentation as to why a SDRB review should be granted on those grounds:

   (1) DOS failed to properly investigate the allegation and such failure was both substantial and to the student's detriment;
   (2) There is such a clear factual error that DOS could not possibly find that a violation of the Code occurred;
   (3) The sanctions are excessive for the violation given the circumstances. Simple dissatisfaction with a sanction is not grounds for appealing a sanction under this provision;
   (4) New information that could substantially affect the outcome of DOS's investigation and determination has been discovered since the determination was made. The information must have been unavailable at the time of DOS's investigation. Failure to inform DOS of information that was available is not grounds for requesting a SDRB review under this provision;
   (5) DOS committed a substantial procedural error that materially impacted its investigation and determination to the student's detriment.

c. DOS shall provide the Chair of SDRB with all received requests for a SDRB review, along with a statement of whether DOS believes each received request meets the requirements above.

d. SDRB shall review each request for a review within 5 days of receipt and make an initial determination of whether the request meets the requirements above.

   (1) For requests that fail to meet the requirements above, SDRB will deny the request and inform both the student and DOS of its decision. The determination made by DOS and the sanctions imposed will become final, this is deemed a final institutional decision, and the student may request a review by the Board of Regents pursuant to C-9, within 5 days of receiving notice of the SDRB denial.
   (2) For requests that meet the requirements above, SDRB will determine whether to adjudicate the request based on written submissions only, or whether to adjudicate the request through a hearing, and will inform both the student and DOS of its determination. SDRB may request additional information or documentation from the student or DOS independent of the form of adjudication chosen.

   (i) For reviews involving written submissions only, SDRB will provide DOS with a reasonable amount of time to present any information or materials (generally no more than 5 days).
   (ii) For reviews that involve a hearing, the Chair of SDRB will schedule the hearing to occur no later than 10 days after the SDRB decision to adjudicate the request through a hearing, at a time that does not conflict with the student's class schedule. The Chair of SDRB shall not consider the availability of any advisor in setting the hearing date and time. Both the
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student and DOS must submit any materials intended to be introduced and considered at the hearing to both SDRB and the other party by noon Pacific time of the day before the hearing. Only materials submitted to both the Chair of SDRB and the other party by the deadline may be introduced and considered at the hearing. The hearing will be conducted in accordance with C-4.

C-3. Scheduling a SDRB hearing for a student sanctioned with suspension, expulsion, or withholding or revoking a degree.

a. DOS will notify the Chair of SDRB that a hearing is necessary because the student did not agree to the determination made by DOS and the sanctions included suspension, expulsion, or withholding or revoking a degree.

b. Except in extraordinary circumstances, the Chair of SDRB will schedule the hearing to occur no later than 10 days after being notified by DOS of the need for a hearing, at a time that does not conflict with the student’s class schedule. Both DOS and the student may have an Advisor present at the hearing. However, SDRB shall not consider the availability of any Advisor in setting the hearing date and time.

c. Both the student and DOS must submit any materials intended to be introduced and considered at the hearing to both SDRB and the other party by noon Pacific time of the day before the hearing. Only materials submitted to both the Chair of SDRB and the other party by the deadline may be introduced and considered at the hearing. The hearing will be conducted in accordance with C-4.

C-4. SDRB Disciplinary Hearing Process: The purpose of a SDRB hearing is to determine whether it is more likely than not that the student violated the Code.

a. In hearings involving more than one student, the SDRB chair has the discretion to permit the hearings concerning each student to be conducted separately.

b. The chair of SDRB may issue a notification to any UI student requiring such individual to appear at a SDRB hearing as a witness. Such notification will be delivered in accordance with A-1.f. The notification shall inform the student that it is a violation of the Code to fail to appear or to refuse to speak as a witness, unless such act would force the student to incriminate him/herself.

(1) fail to appear or to refuse to speak as a witness, unless such act would force the student to incriminate him/herself,

(2) disrupt, impede, threaten, or disregard the procedures of the SDRB, and

(3) provide information to the SDRB that the student knows or should know to be false.

c. A student’s failure to appear at the SDRB hearing or to speak as a witness will have no bearing on the question of whether the student violated the Code and may not be used to conclude that a violation occurred, except as to allegations of failure to appear (FSH 2300 X 19).

d. SDRB shall record the audio of the SDRB hearing. The audio record will be the property of the UI, will be maintained by DOS, and will be used in accordance with applicable privacy laws.

e. Relevancy is the only criteria by which information submitted is evaluated. Relevancy is determined by the Chair of SDRB. All oral or written information statements, records, etc., as well as copies of the same, shall be considered by members of the SDRB as long as the Chair of SDRB determines that such items are relevant.

(1) Second-hand information is relevant if it is of the type commonly relied upon by prudent
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persons in the conduct of their affairs.
(2) Character witnesses who lack knowledge of the incident being heard or circumstances pertaining to the allegation(s) lack relevant information and therefore may not be witnesses at the hearing.
(3) Any person present at the SDRB hearing may ask the Chair of SDRB to determine whether any oral or written information, statement, record, etc. or question or answer is relevant.
(4) All questions regarding SDRB hearing procedures and determinations of relevancy are subject to the final decision of the Chair of SDRB.

f. The Chair of SDRB may request assistance by General Counsel regarding any questions of SDRB hearing procedures and determinations of relevancy.

g. Hearings shall be conducted in private. The following individuals are permitted at a SDRB hearing:
   (1) the student,
   (2) the student’s Advisor,
   (3) members of the SDRB,
   (4) DOS,
   (5) DOS’s Advisor,
   (6) General Counsel,
   (7) persons who reported or were injured by the alleged violation, and their Advisor,
   (8) except for the student and the persons who were injured by the alleged violation, witnesses are allowed only during their testimony,
   (9) any person approved by the chair.

h. If the student fails to appear at the SDRB hearing despite proper notice, DOS shall present any information, materials, and witnesses to support its determination of a violation of the Code. Based on the DOS presentation, the SDRB shall make its determination.

i. The Chair of SDRB shall ensure the smooth operations of the SDRB hearing, and may remove any individual who disrupts the SDRB hearing.

j. DOS has the responsibility of providing sufficient information, materials, and witnesses to support its assertion that the student violated the Code. The student has no obligation to provide any information, materials, or witnesses, and is presumed to not have violated the Code.

k. Generally, the SDRB hearing shall be conducted in the following order:
   (1) The Chair of SDRB will ask each individual present at the SDRB hearing to identify him/herself by providing his/her name and role at the SDRB hearing
   (2) The Chair of SDRB will remind the student of:
      (i) the right to have an Advisor,
      (ii) the right to refuse to speak as a witness, and
      (iii) that the refusal to speak as a witness will have no bearing on the question of whether the student violated the Code and may not be used to conclude that a violation occurred
   (3) DOS will have the opportunity to make any opening remarks.
   (4) The student will have the opportunity to make any opening remarks.
   (5) DOS will have the opportunity to present any information, materials, and witnesses.
      (i) The student and SDRB members will have the opportunity to ask questions of any witnesses, except as described in (ii) below.
      (ii) When the allegations involve sexual harassment or gender-based harassment, neither
the student nor his/her advisor will be permitted to directly question the persons
injured by the alleged violation. Instead, questions from the student or his/her advisor
may be submitted in writing to the Chair of SDRB who will ask any questions
determined to be relevant.

(6) The student will have the opportunity to present any information, materials, and witnesses.

(7) DOS and SDRB members will have the opportunity to ask questions of any witnesses.

(8) DOS will have the opportunity to make any closing remarks.

(9) The student will have the opportunity to make any closing remarks.

(10) DOS will have the opportunity to respond to the student’s closing remarks.

(11) The SDRB shall meet in a closed session to discuss and make its decision. The chair of the
SDRB, or the designee in the event of absence of the chair, is permitted to vote only in the event
of a tie vote.

C-5. Results of SDRB.

a. Within 3 days of completing its adjudication, whether through written submission only or through a
hearing, SDRB will issue a written determination of its findings to the student and DOS.

(1) The SDRB decision must be based on a majority vote,

(2) For SDRB review of matters involving sanctions other than suspension, expulsion, withholding
or revoking a degree, the SDRB decision must
(i) identify the stated basis for SDRB review,
(ii) state the SDRB’s conclusion as to that basis, and
(iii) identify the facts, conduct, or circumstances it found to support its conclusion.

(3) For SDRB review of matters involving sanctions of suspension, expulsion, or withholding or
revoking a degree, the SDRB decision must
(i) state whether the DOS conclusion that the student more likely than not violated the Code
is supported by the information, materials, and witnesses presented at the SDRB hearing,
and
(ii) identify the facts, conduct, or circumstances it has found to support its conclusion.

(4) SDRB can:
(i) uphold the decision and sanction(s),
(ii) uphold the decision but revise the sanction(s),
(iii) return the matter to DOS for reinvestigation and reconsideration, or
(iv) dismiss the decision and the sanction(s) after consulting with General Counsel.

b. As to students whose sanctions do not include suspension, expulsion, or withholding or revoking
a degree, the SDRB decision is the final institutional decision and any sanctions go into effect
immediately. Such SDRB decision may be appealed to the Board of Regents pursuant to C-9.

c. As to students whose sanctions include suspension, expulsion, or withholding or revoking of a
degree, the student may request, in writing, a review of the SDRB decision by the Faculty Senate
pursuant to C-6.

C-6. Requests for Review by Faculty Senate.

a. Written requests for a faculty senate review must be delivered to DOS no later than 3 days after
the student is provided notice of the SDRB determination via email. Any student who fails to submit
the written request for a faculty senate review by the deadline will be informed by DOS of the
following in a Failure to Seek Review Letter:
(i) that the determination and sanction imposed by SDRB is the final institutional decision,
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(ii) that the sanctions go into effect immediately, and
(iii) that student may request a review by the Board of Regents pursuant to C-9.

b. The written request for review must cite at least one of the below reasons and must provide
supporting arguments and documentation as to why a faculty senate review should be granted on
those grounds:
(1) SDRB could not reasonably determine that there was no substantial and detrimental failure to
properly investigate by DOS;
(2) SDRB could not reasonably determine that there was no clear factual error that would prevent
concluding that a violation of the Code occurred;
(3) Sanctions imposed by the SDRB are excessive for the violation given the circumstances. Simple
dissatisfaction with a sanction is not grounds for appealing a sanction under this provision;
(4) New information that could substantially affect the outcome of DOS’s investigation and
determination has been discovered since the SDRB’s determination was made. The information
must have been unavailable at the time of DOS’s investigation. Failure to inform DOS of
information that was available is not grounds for requesting additional review under this
provision.
(5) There was substantial procedural error that materially impacted the SDRB decision to the
student’s detriment.

c. DOS shall provide the Faculty Senate Leadership with all requests for a senate review, along with a
statement of whether DOS believes each request meets the requirements above.

d. The Faculty Senate Leadership shall review each request within 5 days of receipt and determine
whether the request meets the requirements above.
(1) For requests that fail to meet the requirements above, the Faculty Senate Leadership will deny
the request and inform the student, the Chair of SDRB, and DOS of its decision. The
determination made by the SDRB will become final and the sanctions imposed will become
effective immediately as of the original date of the SDRB determination, this is deemed a final
institutional decision, and the student may request a review by the Board of Regents in
accordance with C-9.
(2) For requests that meet the requirements above, the Faculty Senate Leadership, will, within 10
days from receipt of the request, appoint three of its members to a review panel. The chair may
not be a student. Persons appointed must have no interest in or involvement with the parties to
or the subject matter of the situation under review.

e. The senate review panel is a review of the materials submitted only; there is no hearing, although
the panel may request additional materials from the parties.

f. DOS will provide the senate review panel with the audio recording of the UIC hearing, along with
the DOS response to the student’s submission within a reasonable amount of time (generally no
more than 5 days).

C-7. Results of Faculty Senate Review Panel.

a. Except in extraordinary circumstances, the review panel will review all materials submitted, and
provide a written decision to both parties within 10 days of receiving all the materials from DOS.
(1) The review panel’s decision must
   (i) be based on a majority vote,
   (ii) identify the stated basis for faculty senate review,
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(iii) state the faculty senate’s conclusion as to that basis, and
(iv) identify the facts, conduct, or circumstances it found to support its conclusion.

(2) The review panel can:
(i) uphold the SDRB decision,
(ii) uphold the SDRB decision but revise the sanction(s),
(iii) return the matter to DOS for reinvestigation and reconsideration or to SDRB for reconsideration, or
(iv) dismiss the decision and the sanctions after consulting with General Counsel.

b. If the decision of the senate review panel is to uphold the SDRB decision the sanctions are effective immediately as of the original date of the SDRB determination.

C-8. Request for Review by the President.

a. Students whose sanctions include suspension, expulsion, or withholding or revoking of a degree may request a review of the faculty senate decision by the president.

b. Written requests for review by the president are accepted and must be delivered to both DOS and the President’s office no later than 3 days after the student is provided notice of the faculty senate determination via email, or 5 days after the student is provided notice of the faculty senate determination via regular mail.

c. The president has complete discretion whether to engage in any review of the faculty senate decision, including what materials to consider and from whom.

d. The president’s decision after a review, or the president’s decision to decline to engage in any review, is the final institutional decision.

e. The president will provide a written decision to both parties.

C-9. Requests for Review by the Board of Regents. Any student may appeal a final institutional decision to the Board of Regents in accordance with Idaho State Board of Education Governing Policies and Procedures Section III.P.18.

C-10. Requests for Review by DOS. DOS may request a review of any decision of the SDRB, faculty senate, and President in the same fashion as that provided to a student in C-6, C-8, and C-9 asserting any of the following:

(1) The decision contained clear factual error;
(2) Sanctions imposed by the decision are insufficient for the violation given the circumstances. Simple dissatisfaction with a sanction is not grounds for appealing a sanction under this provision;
(3) New information that could substantially affect the outcome of the decision has been discovered since the determination was made;
(4) The decision contained substantial procedural error.

C-11. DISCLOSURE OF OUTCOME INVOLVING SEXUAL HARASSMENT AND GENDER BASED HARASSMENT.
a. Both parties will be notified, in writing, of the outcome of an alleged violation and any review. “Outcome” for these purposes means whether the harassment was found to have occurred.
University will only disclose information to the harassed student about the sanctions imposed when they directly relate to the harassed student, such as a sanction of no contact with the complainant.

b. When the allegations include a crime of violence or a non-forcible sex offense (as defined by FERPA), the University will disclose to the alleged victim of such crime or offense the final results of any disciplinary proceeding conducted by the University against a student who is an alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. The University may disclose to anyone, upon written request, 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, and, with respect to the allegation made, the student has committed a violation of the institution’s rules or policies. “Final results” for these purposes means the name of the accused student, any violation found to have been committed, and any sanction imposed against the accused student by the University.

c. When the allegations include a sex offense (as defined by FERPA), both parties must be informed of the outcome of any institutional disciplinary proceeding (APM 95.20). "Outcome" for these purposes means the University’s final determination with respect to the alleged sex offense and any sanctions imposed.

D. SANCTIONS.

D-1. The following sanctions may be imposed upon any student determined to have violated the Code:

a. Warning: a written notice to the student.
b. Probation: a written reprimand accompanied by a probationary period during which the student must not violate the Code in order to avoid more severe disciplinary sanctions.
c. Loss of Privileges: denial of specified privileges for a designated period of time.
d. Restitution: compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
e. Educational Sanctions: completion of work assignments, essays, service to the University, community service, workshops, or other related educational assignments.
f. Administrative fees: minimum of $150.
g. Housing Suspension: separation of the student from University Housing for a definite period of time, after which the student is eligible to return. Conditions for return may be specified.
h. Housing Expulsion: permanent separation of the student from University Housing.
i. University Suspension: separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for return may be specified.
j. University Expulsion: permanent separation of the student from the University.
k. Revocation of Admission and/or Degree: admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
l. Withholding Degree: the University may withhold awarding a degree otherwise earned until the completion of all sanctions imposed.

D-2. More than one of the sanctions listed above may be imposed for any single violation.

D-3. A student who fails to comply with the sanction(s) imposed shall have a disciplinary hold placed on his/her record until the student complies with all sanctions imposed.
D-4. Disciplinary sanctions other than suspension, expulsion or revocation or withholding of a degree shall not be made part of the student’s permanent academic record, but shall become part of the student’s disciplinary record. Such sanctions shall be expunged from the student’s disciplinary record seven (7) years after final disposition of the case.

D-5. The Regents of UI adopted guidelines for enforcing alcohol restrictions which include sanctions for violation of these restrictions. The sanctions below are the minimum sanctions imposed on students who have violated alcohol restrictions as described in the Code.

D-6. The University may notify parents of students under the age of 21 when a student has been found to have committed a drug or alcohol-related violation. The student will be responsible for administrative and educational costs of any and all sanctions imposed for alcohol related violations.

D-7. Sanctions imposed for alcohol related violations:

First Infraction: Open container or minor in possession violations.
Sanction: Completion of educational program.
First Infraction: Illegal distribution of alcohol.
Sanction: Completion of community service, period of probation, and educational programs.
Second Infraction: Without injury; or without conduct likely to lead to injury.
Sanction: Completion of a treatment and/or educational program.
Second Infraction: With injury; or conduct likely to lead to injury.
Sanction: Notification to the criminal justice system, strict probation, and, a treatment or educational program.
Third Infraction: Without injury; or without conduct likely to lead to injury.
Sanction: Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, suspension from school for one semester.
Third Infraction: With injury; or conduct likely to lead to injury.
Sanction: Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, referral to the criminal justice system and expulsion from the institution for one year.

E. INTERIM SUSPENSION. In certain circumstances, the Dean of Students may impose an interim suspension on a student prior to completing the investigation described in C-1.e. The interim suspension is effective immediately. During the interim suspension, the student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate and as provided in the written notice.

E-1. Interim suspension may be imposed only:

a. To ensure the safety and well-being of members of the University community or preservation of University property;

b. To ensure the student’s own physical or emotional safety and well-being; or
c. If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

E-2. A student placed on interim suspension shall be given written notice of this action, which shall include:

a. the reasons for the interim suspension, and
b. information concerning the right to appeal the decision for interim suspension.

E-3. Interim Suspension Review Process:

a. The student must submit a written document to DOS outlining the basis for the review and supporting documentation and/or other information.

b. The DOS will submit all documents received, as well as DOS response, to the Chair of SDRB within 1 day of receiving the student’s documents.

c. The Chair of SDRB and at least two other SDRB members will review all submitted materials and render a decision within 3 days. This decision is a final institutional decision subject to review by the Board of Regents in accordance with C-9.
STATEMENT OF STUDENT RIGHTS

PREAMBLE: The regents recognize that students enjoy the same inalienable rights as other citizens under the constitution and laws of the United States, and have, therefore, adopted the following statement. For further information, contact the Dean of Students (208-885-6757). See also the preamble to 2300.

CONTENTS:

Section I. Freedom of Association
Section II. Freedom of Inquiry and Expression
Section III. Student Conduct

SECTION I--FREEDOM OF ASSOCIATION.

1. Students shall be free to organize and join associations to promote their common interests.
2. UI may require student associations to submit a list of officers and objectives, but they shall not otherwise be required to disclose their membership.

SECTION II--FREEDOM OF INQUIRY AND EXPRESSION. [See also 6220.]

1. Students and student associations shall be free to examine and discuss all questions of interest to them and to express their opinions publicly or privately, subject only to civil and criminal law.
2. Students shall be free to support causes by any lawful means.
3. Student associations shall be free to invite and to hear any person at their meetings.
4. All official student communications media shall have the right to establish and maintain internal control of operations and content, free from prior censorship. Only for proper and stated causes will editors and managers be subject to removal, and then only by procedures prescribed at a prior date.

SECTION III--STUDENT CONDUCT [see also FSH 2100, FSH 2300, 2400].

1. Student conduct regulations shall be approved by the faculty and shall be codified and published under the title “Student Code of Conduct” (FSH 2300).
2. Violations of any rules imposed by University Housing are also violations of the Student Code of Conduct.
3. No disciplinary regulation shall discriminate against any student because of race, color, national origin, religion, sex, sexual orientation, age, veteran status, or disability, nor shall any regulation in any way deny to any student equal protection of the laws (see FSH 3210).
4. “Disciplinary action” is defined as any sanction imposed for misconduct.
   a. Disciplinary action shall not be taken against any student until it has been determined that at a code violation has occurred, except when action is necessary to stop a violation or when the situation merits an interim suspension. Procedures for review of code violations are described in FSH 2400.
   b. Disciplinary actions shall be commenced only for alleged violations of regulations that have been properly enacted and that are in force at the time of the violation.
5. Except where new material information is discovered, no student shall be brought up on alleged violations of the Student Code of Conduct a second time for the same alleged incident where a previous review/hearing was fully exhausted for the same alleged incident.
6. Any party to a disciplinary action shall have the right to appeal the decision using the appeal processes detailed in FSH 2400.
7. Review/hearing bodies must include adequate notice to the parties and sufficient opportunity for the parties to prepare their arguments.
STATEMENT OF STUDENT RIGHTS

PREAMBLE: The regents recognize that students enjoy the same inalienable rights as other citizens under the constitution and laws of the United States, and have, therefore, adopted the following statement, the purpose of which is to guarantee basic and fundamental rights to UI students. Except for the addition of the second sentence in IV-9, this version is identical to that which appeared in the 1979 Handbook. For purposes of this statement a “student” is any person who is regularly enrolled in UI as an undergraduate, graduate, law, or nonmatriculated student and who is not a member of the faculty. For further information, contact the Dean of Students (208-885-6757). See also the preamble to 2300.

CONTENTS:
Section I. Freedom of Association
Section II. Freedom of Inquiry and Expression
Section III. Student Conduct
Section IV. Disciplinary Regulations
Section V. Protection Against Improper Disclosure
Section VI. Construction and Amendment

SECTION I--FREEDOM OF ASSOCIATION.

1. Students shall be free to organize and join associations to promote their common interests.

2. UI approval shall not be required for the organization of any student association. The operation of such an association is subject to regulations necessary for the orderly scheduling of events, but in no case shall the views or objectives of the association be a basis for exercising these or other regulatory powers. In the event that UI regulations are violated, disciplinary action will be taken only against individual students and not against the association.

3. UI may require student associations to submit a list of officers and objectives, but they shall not otherwise be required to disclose their membership.

SECTION II--FREEDOM OF INQUIRY AND EXPRESSION. [See also 6220.]

1. Students and student associations shall be free to examine and discuss all questions of interest to them and to express their opinions publicly or privately, subject only to civil and criminal law.

2. Students shall be free to support causes by any lawful means.

3. Student associations shall be free to invite and to hear any person at their meetings.

4. All official student communications media shall have the right to establish and maintain internal control of operations and content, free from prior censorship. Only for proper and stated causes will editors and managers be subject to removal, and then only by procedures prescribed at a prior date.

SECTION III--DISCIPLINARY STUDENT CONDUCT REGULATIONS. [see also FSH 2100, FSH 2300, 2400][see FSH 2400].

1. Disciplinary Student conduct regulations may be enacted only to govern the conduct of students on campus or at authorized UI activities in accordance with FSH 2100. Such disciplinary regulations shall be approved by the

Commented [TA(1)]: All recognized UI organizations need to abide by the UI's nondiscrimination policy. Furthermore, organizations who want to qualify for partial reimbursement by the Student Activities Office must comply with other rules (have an advisor, have a constitution, etc). The UI has no jurisdiction over unrecognized organizations except by contract.

Commented [at2]: Edited to reflect changes to FSH 2100 appr. 12/31/13
faculties shall be codified and published under the title of a “Student Code of Conduct” (see FSH 2300).

2. Violations of any rules imposed by University Housing are also violations of the Student Code of Conduct. Internal regulations of UI residence halls shall not be included in the “Student Code of Conduct,” but shall otherwise conform with the provisions of this section.

3. No disciplinary regulation shall take effect until after it has been published. No ex post facto regulation shall be enacted.

4. Students have those rights embodied in the university's nondiscrimination policy FSH 3210. No disciplinary regulation shall discriminate against any student because of race, color, national origin, religion, sex, sexual orientation, age, veteran status, or disability, nor shall any regulation in any way deny to any student equal protection of the laws (see FSH 3210).

SECTION IV--DISCIPLINARY HEARINGS AND PROCEDURES.

54. "Disciplinary action" is defined as any penalty sanction imposed for misconduct (see FSH 2300), including cheating and plagiarism (see FSH 2300).

54a. Disciplinary action, except that action necessary to stop a violation, shall not be taken against any student until it has been determined that a code violation has occurred, except when action is necessary to stop a violation or when the situation merits an interim suspension. His or her guilt has been ascertained at a fair and impartial hearing before a body authorized by the faculty for that purpose. Basic requirements of due process and fair play must be observed. Procedures for review of code violations are described in FSH 2400.

54b. Disciplinary hearings shall be commenced only for alleged violations of regulations that have been properly enacted and that are in force at the time of the violation.

54c. Students who are suspected of violations may be questioned, but they must be informed at the beginning of such questioning of the right to remain silent. No form of coercion or harassment shall be used in questioning.

54d. A disciplinary hearing may be waived and informal disposition of disciplinary action may be made by agreed settlement with the student or an order by the hearing board consented to by the student. If the student pleads guilty or fails to appear after receiving proper notice, an appropriate penalty may be imposed.

54e. Except as provided in paragraph 5, the student charged with the violation shall: (a) be entitled to prompt hearing, (b) be informed in writing of the specific charges for proposed disciplinary action, (c) be given sufficient time to prepare for the hearing, and (d) state in writing whether he or she wishes the disciplinary hearing to be public or private.

54f. During the disciplinary hearing and except as provided in paragraph 5, the student charged with the violation: (a) may be assisted by an adviser of his or her choice, (b) shall be given the opportunity to testify, and to present evidence and witnesses on his or her behalf, (c) shall have the opportunity to hear and question adverse witnesses, (d) must have all testimony or evidence introduced in his or her presence unless he or she refuses to appear or fails to appear after having received proper notice, and (e) shall not be forced to testify against himself or herself and his or her refusal to testify shall not be considered as evidence against him or her.

54g. The hearing board: (a) shall disregard any evidence secured by improper questioning or by illegal search and seizure, (b) shall assume the innocence of the student charged with the violation and shall place the burden of proof
upon the party seeking disciplinary action, (c) shall base its findings and decision exclusively upon proper evidence and testimony and upon facts that are universally regarded as true (hearing boards should hear evidence on any disputed points; however, the board may itself take notice of facts that everyone agrees are true, for example, evidence does not have to be introduced to show it was dark if the act in question is clearly shown to have occurred at midnight), and (d) must state its findings and its decision in writing.

9. A student may be expelled or suspended from UI as a penalty for violating disciplinary regulations only if his or her misconduct seriously and critically endangers the essential operation of UI or the safety of members of the university community. By action of the regents, violations of alcohol related disciplinary regulations may lead to suspension or expulsion even without a showing that the misconduct seriously and critically endangers the essential operation of UI or the safety of members of the university community. (See 2300 XI-10.)

10. No student shall be tried twice for the same offense within the UI system of disciplinary hearings. Except where new material information is discovered, no student shall be brought up on alleged violations of the Student Code of Conduct a second time for the same alleged incident where a previous review/hearing was fully exhausted for the same alleged incident.

Any party to a disciplinary hearing action shall have the right to appeal the decision using the appeal processes detailed in FSH 2400. to the faculty or its duly authorized representative. Subsequent appeals may be taken to the president and to the regents when the president and the regents agree to hear the appeal.

A student found in violation guilty of the student code of conduct a disciplinary violation will be entitled to a new review/hearing if prejudicial error is found on appeal. If the appellate body affirms the action of the hearing body, the severity of the sanction shall not be increased if the appealed violation is affirmed.

Except in extraordinary circumstances, any disciplinary action shall be held in abeyance until appeals have been completed.

Appellate review/hearing bodies may consider the validity of the regulations under which a given disciplinary hearing was held and thoroughness of the findings and decisions, the compliance of all review/hearings must comply with provisions of this policy statement, and the adequacy of the hearing body’s findings and decision.

Appellate bodies shall establish their own procedures; these must include adequate notice to the parties and sufficient opportunity for the parties to prepare their arguments.

SECTION V--PROTECTION AGAINST IMPROPER DISCLOSURE. [See also FSH 2600.]

1. Students shall be protected from improper disclosure of all data from their disciplinary records as defined under Family Educational Rights and Privacy Act (FERPA) and Idaho Public Records Law. Such data shall only be made available: (a) in cases of legal compulsion, (b) when the student’s written permission is secured, or (c) to persons within UI who are directly involved in the disciplinary proceedings established in this statement, and then only to the extent that consultation of the record is essential to determine the charge against the student or to determine penalty, and (d) provided that transcripts of academic records shall not contain information about disciplinary action except when such action affects the eligibility of the student to continue as a member of the academic community.

2. Information about a student contained in academic and counseling records shall be considered confidential. Information about the views, beliefs, and associations of students acquired by instructors and advisers may be
released only with the written consent of the student. Judgments of ability and character may be provided, however. Information accumulated in counseling students on personal problems of a private or confidential nature shall be available only to those persons authorized by the student's written permission.

3. Information in academic and counseling records may be released only when: (a) such release is legally compelled, (b) the student gives written authorization for such release, (c) faculty and staff members have adequate reasons, as defined by the faculty, to consult academic records, or (d) individual students are neither identified nor identifiable in statistical summaries of academic records.

SECTION IV—CONSTRUCTION AND AMENDMENT.

1. The enumeration of rights in this statement policy shall not be construed to deny or disparage other rights retained by students.

2. This statement may be amended by the regents. Proposals for amendments from the university community to this policy will require be made upon a two-thirds affirmative vote of the students voting in an election in which at least 35 percent of the students vote. ASUI Senate, together with the affirmative vote of a majority of Faculty Senate, the university faculty, at a meeting at which a quorum is present. All policies are subject to review by the regents.

3. No legislation policy enacted by students or by the faculty shall supersede or conflict with the provisions of this policy statement.
Senate subcommittee to consider annual faculty evaluations

1. Define criteria for evaluation
   We reviewed the summary of annual evaluation criteria obtained from different units on campus (UI). Many thanks to the units who responded to our request for information. While many units have developed detailed criteria for promotion and tenure, very few units had listed criteria for 1-5 scores in teaching/scholarship/outreach/service etc. The College of Education provided the best example that we saw; a slightly trimmed version of their criteria is attached.

   Having a well-defined set of criteria was viewed as particularly important for people (including faculty at other UI campuses) who are not in frequent contact with the unit administrators. [As personal contact does influence our feelings toward others, we also agreed that administrators at all levels should maintain frequent visual contact with non-Moscow faculty using technology such as Lync or Skype.]

   Outcome: we strongly recommend that the Provost ask or require all units to develop a resource for faculty similar to that from College of Education.

2. Examine the numerical approach
   a) Based on discussions in our units with faculty and administrators, it was clear that an evaluation score of 3 (meets expectations) is widely viewed as a mediocre score, tantamount to a “C”.
   b) We looked at some universities who have done away with the numerical approach altogether. However, they still use very similar terms such as "meeting expectations" or "under" or "exceeding" expectations in research, teaching, service and advising.
   c) An alternative to the 1-5 scale was suggested. Could we consider linking the position description (PD) to the annual evaluation (AE) as follows:

   \[
   \begin{align*}
   100\% & = \text{the faculty member completed all aspects of the position description (comparable to meets expectations)} \\
   <100\% & = \text{the faculty member did not complete the work outlined in the position description (under expectations)} \\
   >100\% & = \text{the faculty member completed more than outlined in the position description and/or achieved regional or national awards (exceeds expectations)}
   \end{align*}
   \]

   One benefit to this approach is that it does not feel like a “C” grade. It has a mathematical component that can easily be used to calculate merit increases, when and if they ever happen in Idaho.

   We realize that all forms of evaluation are contingent on well-defined expectations for each unit. For example, if unit expectations state that two peer-reviewed publications are required in which the PI is corresponding author and >80% of the work was done in the PIs lab, then this type of language must be included in the PD.

3. Other suggestions (from other faculty and administrators)
   Restore a separate category for “Advising” rather than lump it in with Teaching.