Present: Aiken (w/o vote), Boschetti, Caplan, Chung, Couture (Boise), Crowley (w/o vote), Earl, Folwell, Foster, Frey, Godfrey (Coeur d’Alene) Jeffery, Karsky, Kennelly, Lowe, Mahoney, Miller, Murphy, Qualls, Smith, Stauffer, Stoll, Wolf, Ytreberg Absent: Brandt, Hiromoto, Nyavor, Perret, Safaii, Teal, Guests: 8

The meeting was called to order at 3:31. A motion to approve the minutes as distributed (Wolf, Miller) was approved without objection.

Chairs Report: The Chair’s announcement that this would be the last meeting of the semester was met with widespread approval. He noted that nominations for the University Distinguished Faculty are needed. More details can be found on the Provost’s website. The Chair reminded all Senators to encourage faculty to attend the University Faculty Meeting on January 15th. We need a quorum to be able to pass the Constitution changes approved by the Senate earlier in the semester.

Provost Report: The Provost echoed the Chair’s request to nominate faculty for the Distinguished Faculty award. This is the highest honor the University bestows on faculty. She also strongly urged faculty to ensure that semester grades are recorded on time. This is particularly an issue this year given when our holiday break falls on the calendar. Semester grades being recorded in a timely manner is extremely important to many students waiting on scholarships and eligibility. If there is an emergency, please contact the registrar so she can help facilitate the process.

The Chair observed that there were a lot of items on the agenda today so Senators should keep their comments brief and concise in the hope that we not have another long meeting. With that he introduced Ruth Funabiki, the Chair of the Faculty Affairs Committee to discuss several items.

FS-15-031: FSH 3760 - Educational Privilege: The first issue from Faculty Affairs involves a revision to the educational privileges available to faculty and staff. Previously the policy applied only to face to face courses and thus limited those at other sites. The proposed change is directed at allowing employees access to distance education courses involving the web, hybrid, video-conferencing and other technologies. This was not controversial in the committee. A question was raised as to how this might impact departments that offer many online courses. While the specific impact is unknown at least one faculty member from a department that offers such courses suggested that they were supportive of this benefit for colleagues. The proposal passed with one abstention.

FS-15-032: FSH 3185 – Work Related Education. This proposal involved work related courses for employees. Funabiki thanked Elisa Keim and Kent Nelson for their help on this issue. The existing policy (3180) addresses employee development but does not address mandatory situations where employees are required by regulations to take a training course. The proposed section 3185 provides for work related education identified by the University President or by supervisors as mandatory. Such work related education should be discussed during the annual review and the supervisor should provide support and reasonable accommodation. A Senator asked who would define whether a course was required for risk management. The Provost answered that this would be determined by University Leadership. The motion passed unanimously.

FS-15-033: FSH 3180 – Employee Professional Development and Learning. The Faculty Secretary explained that this was essentially an editorial change. The term compensatory time should not have
been listed in 3180 D-1 a and b. Both D-1 a and b refer to professional development being eligible for overtime. The motion passed unanimously.

**FS-15-024rev: FSH 2700. Student Evaluations.** This was a continuation of last week’s discussion of proposed changes in the student evaluation form. The Chair introduced Patricia Hartzell Chair of the Teaching and Advising Committee to continue the discussion. Professor Hartzell noted that the committee did not have anything prepared for a vote at this meeting but she hoped to get more feedback from the Senate and come back to the Senate in January. Professor Hartzell noted that it might be possible to have three different versions of the form tailored to different types of courses. She also noted that the committee preferred a scaled vote on the forms. She also wanted to emphasize that the purpose was to provide feedback to instructors and not to rate the course. They haven’t agreed on the exact wording to be used. Professor Hartzell also discussed various options that might be used to address the low response rate. One suggestion from students was to keep the evaluation system open until the Sunday after finals. The Faculty Secretary noted that years ago the Faculty Senate rejected that idea since faculty were concerned that students would wait until knowing what their final grade was to do the evaluation. A student Senator noted that if the purpose was to provide feedback then it might be useful to know one’s final grade. There was also a discussion of using class time to allow students to do the evaluations on their computers or smart phones. Others pointed out that this assumes that all students have computers or smart phones.

The discussion that followed ranged from the difference between using terms like “strongly agree” or “excellent” to the possible advantages of using a scale rather than a four point system. Finally a Senator noted that the evidence suggests that other professionals are better at evaluating colleagues than students. Professor Hartzell agreed with this and suggested that we needed to take such peer evaluation into consideration.

**FS-15-034: Dropping an Option in Math.** Professor Nielsen stated that Math currently has six options and this particular option has no students in it. The proposal passed unanimously.

**FS-15-035: Organizational Dynamics Certificate.** This proposal is for an academic certificate in Organizational Dynamics at the undergraduate level. There is currently an academic certificate in this area at the graduate level. A Senator raised the point that there is a cost to creating new programs and certificates. Senator Folwell explained that all these courses are currently being taught so that there was no cost in this sense. Another Senator suggested that there was a cost in terms of advising and assessment. The Provost indicated that while she agreed that there were costs associated with advising and assessment these were not the type of costs that the State Board was interested in. The proposal passed unanimously.

As Greg Walters from Human Resources was introduced to discuss the use of Criminal Background checks, the Chair informed the Senate that the next couple of items on the agenda involved changes to the APM (Administrative Procedure Manual) and would not be voted on but were put on the agenda to give Senators the opportunity to provide feedback on the proposed changes. A Senator wondered why the Senate would not vote on these items since some of them affect faculty. The Chair explained that changes to the APM were considered procedural in nature and thus belonged to the Administration but he acknowledged that there is an ongoing debate about what items belong in the FSH and what items belong to the APM.

**FS-15-036: APM 50.16 - Criminal Background Check.** Mr. Walters stated that the impetus for the proposed change came from President Staben. The President wanted to include TA/GA’s to the list of
those who would be subject to criminal background checks. A Senator wondered how extensive and how far back the checks would go. Mr. Walters said that sometimes the check would go back a long way. This depends upon the type of crimes that have been revealed and how related the infraction was to the job.

While not one of the additions to the policy, a Senator raised a question about requiring criminal background checks for “student workers, interns and volunteers if their work will require significant contact with minors.” This Senator wondered what “significant contact” means and whether the cost of such checks was justified. Acknowledging that determining how significant the contact is can be a difficult line to draw, General Counsel and the Provost suggested that the cost of waking up and seeing the University of Idaho in the news justified the increased use of background checks.

A question was also raised about the difficulty of doing background checks on international students. Mr. Walters acknowledged that this was a difficult area and that we would rely on the Visa checks already done by the federal government. Mr. Walters was also asked if he could think of a scenario where a misdemeanor would be enough to not hire someone. He answered that a misdemeanor would not be enough but a series of misdemeanors might raise some concerns. He did not recall ever rejecting someone for employment on the basis of a misdemeanor.

A question was raised about the current policy of doing criminal background checks on those seeking an internal promotion. Why would we do background checks on a long time department chair seeking to become a Dean? General Counsel likened this to an insurance policy where the great majority of the time there isn’t a problem but the check protects the University against unusual situations. The person who raised this question suggested that this shows a remarkable lack of trust in those we deemed worthy of consideration for a promotion.

Another Senator asked if the issue is security than why not run criminal background checks on all students admitted. He also expressed concern over the added time in hiring graduate students and the costs to the hiring departments. Mr. Nelson noted that as an institution of government he doubted we had the ability to run a check on all students but beyond that it was a relatively easy line to draw between a student and a student seeking employment. He further noted that these checks had revealed problematic hires.

A different Senator raised a question about a possible “chilling effect” on graduate students applying for teaching or research assistantships out of fear of revealing some problem in the past. Mr. Walters suggested that when we cross over from someone being a student to being a graduate assistant we move into the employment arena and the laws are different. He also stated that the results of the criminal background are not passed on to departments so unless a past problem resulted in not being hired the department would not know about the past problem.

The last couple of questions involved whether a person could lose a job they already had as a result of a criminal background check when seeking a promotion and whether there was any appeal from a decision not to hire. The answers were that it is possible but highly unlikely that a person might lose a current job as a result of receiving a negative background check when seeking a promotion and there is not an appeal from a decision not to hire. However, the person does receive a letter explaining that there were problems with the background check and encouraging them to correct any possible misinformation. As the long and somewhat contentious conversation came to an end the Chair expressed the hope that some of the Senate’s concerns would be taken back to the President for further discussion.
**FS 15-037: APM 50.17--Medical screening.** Given changes in EEOC requirements for medical screening the University has found its procedures out of compliance. The physical skills tests for some positions was not out of compliance but not used in a consistent manner. Thus these procedures are being dropped from the APM. There were no negative comments raised about this change.

**FS 15-038: APM 95.16 -Animal on Campus.** Matt Dorschel, Executive Director of Public Safety and Security was invited to discuss this change. This proposal was developed to address nuances in federal and state law with respect to service animals and dogs in training. The policy is aimed at clarifying the regulations relating to animals on campus. A Senator related an instance where a woman in a building claimed that the dog was a service dog but appeared to be wearing a home-made vest. Mr. Dorschel indicated that this policy, once implemented, was designed to ensure proper identifying information was necessary in such situations.

**FS 15-039: APM 35.35 - Public Use and Liabilities.** This involves dropping language in this section that was made obsolete by the Animal Policy discussed above in APM 95.16.

**FS 15-017rev APM 95.12 - Weapons.** The discussion of this policy was postponed several weeks ago. Matt Dorschel received input from ASUI and other interested groups and their concerns are reflected in the current proposal. When the concealed carry law was passed last March a task force was developed, chaired by Mr. Dorschel, to develop policy that considered other dangerous weapons. Matt noted that in his discussion with parents of prospective students they were concerned about ensuring that access to dangerous weapons other than guns was limited. Thus the need to clarify what is considered to be a dangerous weapon. The list in B-3 is the result of this attempt to specify what dangerous weapons would be restricted. The conversation that followed discussed non-culinary straight blade knives, stun guns, nerf guns and pepper spray. The first two are prohibited on the list and the last two are not.

A Senator asked about weapons like a bow and arrow that might be part of a class. Matt Dorschel suggested that someone attempting to carry the bow and arrow across campus should be in contact with Campus Safety and that classes like Archery have worked with Campus Safety in the past. Questions were also raised about tools related to a class that might also be seen as a potential weapon. Matt indicated a willingness to develop language that would protect tools related to a course. He reiterated that anyone carrying something related to a course that might be seen as a weapon should contact Campus Safety simply to avoid possible problems. Several Senators thanked Matt Dorschel for his willingness to work with ASUI and student groups in the development of this policy.

**Adjournment.** With no other questions the Chair entertained a motion for adjournment at 5:21. The motion (Smith, Miller) was met with unanimous approval.

Don Crowley, Faculty Secretary and Secretary to Faculty Senate