University of Idaho  
Faculty Senate Meeting Minutes  
2017-2018 Meeting #8, Tuesday, October 10, 2017

Present: Anderson (Miranda), Anderson (Mike), Arowojolu, Barbour (Twin Falls), Brandt (w/o vote), Brown, Bugingo, Cannon (Boise), Caplan, De Angelis, Foster, Ellison, Grieb, Hrdlicka, Johnson, Kern (Coeur d’Alene), Leonor, Mahoney, Morgan, Morrison, Nicotra, Seamon, Tibbals, Vella, Watson, Stevenson for Wiencek (w/o vote), Zhao (Idaho Falls).  
Absent: Baird, Jeffrey, Panttaja, Wiencek. Guests: 8

Call to Order and Minutes: The chair called the meeting to order at 3:30. A motion (Nicotra/Watson) to approve the minutes unanimously passed with one abstention.

Consent agenda: The chair reminded senators about the use of a consent agenda and asked if any senator wished to remove an item from the consent agenda. A senator asked whether items on the consent agenda could be discussed. The chair responded the item could be discussed, if a senator asked for it to be removed from the consent agenda. Another senator asked for a short description of the item on the consent agenda. The chair responded that the item on the agenda was the report of the Committee on Committees seeking Senate confirmation of summer and early fall committee appointments filling vacancies on committees. There were no requests to move items off the consent agenda, and said agenda items have been approved.

Chair’s Report:

- Open Enrollment for the UI Health Plan will be from October 16 to November 7. Information forums will be held on October 12 and November 2. Details are available at: [http://www.uidaho.edu/human-resources/benefits](http://www.uidaho.edu/human-resources/benefits). The sessions will be available via Zoom to off-site employees. Recordings will be available on the Benefits website.
- This year’s Borah Symposium will be in the fall semester on October 16-17 and is focused on Peace and efforts to outlaw the act of war. More information is available here: [http://www.uidaho.edu/class/borah/fall](http://www.uidaho.edu/class/borah/fall).
- Sabbatical leave applications are due by October 27.

Provost’s Report: Vice Provost Jeanne Stevenson reported on behalf of the provost:

- The provost has sent a communication to units within academic affairs summarizing the results of the program prioritization for this year. The Institutional Planning and Effectiveness Committee is beginning its consideration of how the process will be implemented in the future.
- In response to the report of the Great Colleges to Work For Survey results, the provost has asked Yolanda Bisbee, Executive Director of the Office of Equity and Diversity, to lead a small group in developing a cascaded plan to guide how the university will use the survey data to improve our university culture and climate.
- The process for nominating members of the University-level Promotion Committee is being accelerated to allow more time to form the committee. Senators should expect to receive information about the nominating process in the near future.
- The faculty market based compensation process is on course for initial implementation for the upcoming mid-year change in compensation.

A senator asked whether tuition waivers for TAs will be in place for next fall, noting the recruitment process has already begun and this information would be useful. Vice Provost Stevenson indicated the process is still being developed and would be in place for the fall. Chair Hrdlicka added that Senate Leadership just met earlier in the day with College of Graduate Studies Dean Jerry McMurtry on this issue. The process is a very complex undertaking. Complex issues are involved in part because current funding for TAs comes from many different sources. Dean McMurtry is working to develop an effective process. He plans to have his recommendations ready by approximately December 1. He is currently talking to chairs and unit leaders to gather their input. Another senator asked whether decisions regarding TAs would be centralized and expressed the view that the management of TAs remain with the colleges and units. Both Chair Hrdlicka and Secretary Brandt responded that Dean McMurtry was working to centralize the financial support for TAs, but that other decisions would remain at the college and unit level.
A senator who was on sabbatical last year, asked whether program prioritization was intended to be a one-time or continuing process. Stevenson responded that the State Board of Education expects the university to engage in a regular process of program prioritization. However, the decision has not been made regarding how the process would be implemented in future years.

Chair Hrdlicka followed up on the Vice Provost’s announcement of the Great College cascaded plan workgroup. He stated that he would be part of the group and it would also include Dale Pietrzak (Director of Institutional Effectiveness and Accreditation), Patricia Baker (Vice Chair of Staff Council), Rula Awaad-Rafferty, and Ro Afatchao.

The chair also asked for clarification regarding the timing of University Promotion Committee nominations. The vice provost indicated she would have more information soon. Secretary Brandt clarified that senators are responsible for nominating members to the committee, even when a prior member of the committee from the senator’s college has been asked to continue serving. In response to a comment from one of the off-site senators, the chair also encouraged senators to be sure to include off-site colleagues in their consultations regarding nominees for the committee.

**Student Code of Conduct Procedures.** A motion was made and seconded (Nicotra/Morrison) to approve the amendment of FSH 2400 regarding the disciplinary process for the Student Code of Conduct. Associate General Counsel Jim Craig pointed out that in response to the discussion and feedback the Student Code Taskforce made two revisions to the proposal that was presented for discussion during the September 26 Senate meeting. These changes are shown in red on the pending proposal. They include a definition of the investigator and provisions regarding confidentiality.

Secretary Brandt called senators’ attention to her proposal to make a small drafting change to the Introduction subsection of the policy. Her proposal was to amend the language of proposed FSH 2400.A as follows:

A. **INTRODUCTION.** The purpose of the Student Code of Conduct (Code) is to help protect the safety of the University community and educate students about appropriate and responsible behavior, and to do so in a manner designed to educate students about their civic and social responsibilities as members of the University community, while complying with applicable state and federal laws and institutional policy....

The mover and seconder agreed to accept this change as a friendly amendment. *[N.B. the above change removing the additional word “about” was not in the draft amendment circulated to senate, it has been removed and treated as a grammatical edit.]*

A senator proposed that the proposal be amended to add a new subsection to C-3 providing as follows:

c. The notice will include a copy of the University Disciplinary Process for Alleged Violations of the Student Code of Conduct.

The mover and seconder agreed to accept this change as a friendly amendment.

A senator asked for clarification on who can attend and speak at disciplinary hearings. He expressed concern that a student may need a translator or may want an advisor to speak at the hearing. Craig responded that the advisor is broadly defined in the proposal and could include a friend, translator or attorney. He indicated that the policy of the proposed code procedures is that students speak on their own behalf. The advisor can be present and the student may ask for a break to consult the advisor. Also, the chair of the hearing panel has the discretion to permit the advisor to speak. Craig also responded that the university would be supportive of a translator on a case-by-case basis. The senator expressed the concern that the proposal did not provide enough support for students who, for whatever reason, were not able to speak for themselves. He suggested that we include specific information in the code to address this concern. Craig responded that in his opinion, a case-by-case approach was better and that we should avoid burdening the code with detailed provisions that would be the basis for future disagreements. Another senator asked whether the provision giving the hearing panel chair discretion to allow an advisor to speak had been
recently added to the proposal. Craig responded that the questioned language has been in the working draft since it was circulated to senators.

A senator expressed concern that the language in subsection C-5 of the proposal, stating that information could not be introduced at the hearing if it was not included in the report, is misleading. He pointed out that at the hearing new evidence that was not available at the time the report was drafted or that was omitted from the report, may be introduced. Craig and Brandt responded that the questioned language was drafted to limit manipulation of the process by withholding information until the hearing. This has been a problem in the past, Brandt elaborated that students need to understand that if they do not disclose information available to them during the investigatory process, they will be precluded from using it later on.

The senator also pointed to subsection C-6.c regarding review of preliminary report; he expressed concern that the proposed language seems vague compared to other provisions regarding student review of the final investigatory report. Craig responded that the method of review at the stage of the preliminary report is intentionally less specific. He explained that review of the preliminary report at the early stage of the investigation process would depend on the type of case. In some cases, the review might be by email. However, in highly sensitive cases such as Title IX cases, the investigator might request that the student come to the investigator’s office to review the report in person. The senator expressed the concern that an investigator could make it quite difficult for a student to review the preliminary report.

The senator further asked when the hearing officer might be the sole member of the hearing panel. He expressed concern that this provision might cut off involvement of faculty and staff in the process. Craig responded that the hearing officer would be appointed to help move the disciplinary process forward in a timely fashion when student conduct board members are unavailable or otherwise committed. In addition, the hearing officer might be appropriate in complex cases where the complainant and respondent have personal legal counsel, or where the case involves highly sensitive information such as medical information. Brandt explained that academic dishonesty cases must go to a panel of the Student Conduct Board and that an appeal panel is available in all cases. A senator commented that he believed students might want a hearing officer instead of a larger panel for confidentiality reasons.

A senator suggested that given their difficult and sensitive nature, all Title IX cases should be heard by a hearing officer. Craig responded that either party can request that the administrator appoint a hearing officer, but explained that the taskforce decided not to give any of the parties the ability to force appointment of a hearing officer. He explained that hearing officers may not always be available. The senator responded that given the low standard of proof (more likely than not) and the importance of due process, a party should be able to require the university to appoint a hearing officer. Craig responded that the university is still in early discussions with the state attorney general regarding the availability of independent hearing officers. The senator asked whether a provision requiring review of FSH 2400 in the future to re-examine this question would be appropriate. Craig responded that the taskforce had specifically considered this idea and had decided not to include such a provision. Brandt explained her concern that if we include such a provision for re-consideration and a future senate does not reconsider, the continuing viability of the code might be questioned. The senator asked General Counsel Kent Nelson if he would speak to this issue. Nelson responded that he disagrees with the notion of providing a hearing officer in every case. He explained that the university is not required to do this, but that we would be held to the process we adopt. In his opinion, there is a delicate balance between providing due process to students and yet adopting a procedure that the university is capable of supporting.

A senator asked whether the failure to appoint a hearing officer be grounds for appeal. Craig answered that it would not be grounds for an appeal. The senator followed up by asking whether the respondent be aware that a hearing officer was being appointed. Craig responded that the notice of the hearing will state whether a hearing officer was appointed. Another senator pointed out that pursuant to one of the earlier amendments to the proposal, students would also receive a copy of FSH 2400 with the notice. A different senator commented that providing a copy of the code might be akin to a credit card agreement – somewhat impenetrable to a person un-versed in its provisions. Brandt stated that the Dean of Students Office is already working on developing helpful and supportive materials for students in the disciplinary process. A senator commented that students would also have access to the ASUI student defender to assist them in navigating the disciplinary process.
A senator asked whether it would be possible to amend the code or another provision of the FSH to provide a specific provision emphasizing that all UI faculty and staff are required Title IX reporters. Craig responded that FSH 3220 currently provides that anyone having knowledge is encouraged to report. The provision is inconsistent with board policy and federal law. Craig has forwarded the provision to the Faculty Secretary to initiate the process of revising the FSH.

Finally, a senator commented about the difficulty of service on the Student Disciplinary Review Board and asked whether training will be offered to Student Conduct Board members. Craig responded that all members of the board are required to take extensive training. The training will be revised to reflect changes in the procedure if the pending proposal passes. Craig also noted that the external hearing officers and the president, if he/she chooses to become involved in a case, must obtain training.

The chair called for a vote on the pending motion as amended. The motion passed with one vote against adoption.

**Student Conduct Board.** The chair explained that given the passage of the amendments to the student disciplinary process, it was now necessary to amend FSH 1640 to provide for the new Student Conduct Board. The proposal amends FSH 1640.83 and eliminates FSH 1640.93. It comes as a seconded motion from the Committee on Committees. The proposal eliminates the two current committees, the Student Disciplinary Review Board and the Student Appeals Committee, and substitutes the Student Conduct Board. The new board is essentially a combination of the two current committees. The proposal passed unanimously.

**Staff Market Compensation Report.** Executive Director of Human Resources and Vice President for Finance Brian Foisy updated senate on the status of the staff market compensation initiative. Director Matthews reported that the proposal and related web portal were rolled out last Friday afternoon. He reminded senate that the institutional goal is to reach the point where our total staff salaries are equal to the total market rate of compensation by 2025. He stressed that this does not mean that every individual employee will be at the market average for their position -- in all likelihood entry level employees will make less than the market average while more experienced employees may make more than the market average. Human Resources has assigned market rates to over 1500 individual positions. Overall, total staff salaries at the university are currently approximately $10.7 million below the total market average. Of that amount, $5.8 million is the gap for total salaries paid with general education funds. The rest of the amount is comprised of salaries paid by grant funding, professional fees and other types of non-general education funding. Last spring the staff compensation task force proposed using seven factors to determine where an individual employee’s compensation should be. First, the target salary of incoming employees should be at least 80% of the market salary for a particular occupation. Other factors that influence the target salary include the following:

- Education. The taskforce believed it was important to respect educational qualifications. Thus, even where a particular educational level is not required for a job, it is acknowledged in the process of setting compensation.
- Prior experience directly related to the job. This factor is difficult to apply. Prior experience plays a different role in the context of setting compensation than it does in the hiring context. Director Matthews gave the example of hiring versus setting compensation for a supervisor of carpenters. In the hiring context, the candidate’s experience as a carpenter would be highly relevant to the decision to hire the person as a supervisor. But in compensation context, prior experience as a carpenter is not particularly relevant to the supervisory experience of the person. Despite the difficulty, the consideration of direct prior experience is particularly important because it enables the university to hire the best personnel.
- Additional factors include time with the university, time in the position, and time with responsibility.
- The final factor is merit. The approach to merit has not been finalized.

The web interface that allows individual staff to see their assigned job category (SOC code), market salary, factors contributing to their target salary, and final target salary, appears to be working well so far. Supervisors can also view information about the people they supervise and can download a .csv file containing all the information for their reports.
The upcoming midyear adjustment will consist of approximately $1 million in general education funding and $800,000 in other funding. The two primary goals for this adjustment will be to address compensation for staff who are egregiously behind their target salaries (a few staff are up to 50% behind their target salaries) and to begin the process of moving forward all staff who are behind their target salary. Staff who are ahead of their target salary, will not see a mid-year salary adjustment. In the spring, all staff will see some increase as part of the annual change in employee compensation process so long as their job performance is satisfactory.

A senator expressed his view that merit should be taken into account. Some staff who are below market average may be in this position because of weak performance. The opinion of the senator is that it would be a mistake to increase such an employee’s compensation while not giving an increase to a similar employee who is ahead of market because of prior excellent performance. Matthews responded that we must get to an equitable baseline for all salaries and that means asking some employees to be patient while other inequitable compensation is adjusted. He also suggested that if an employee’s performance is so weak that a unit director declined to even raise the employee’s compensation to 80% of market, perhaps the employee’s job performance should be evaluated differently. Matthews stressed that supervisors would still have discretion in making salary recommendations. However, he emphasized that the university must develop an equitable and principled compensation system. The chair commented that it is difficult to increase salaries for those ahead of their target salaries as part of a mid-year adjustment, as these adjustments aren’t based on performance evaluations.

Chair Hrdlicka commented that merit will be a consideration in the faculty compensation process, but that the approach to merit was still being developed. He also stated that the faculty compensation process is on track to be part of the midyear salary adjustment process. Merit will also not be part of the midyear process. The faculty model will, however, have an inherent merit component in future years as the projected total target salaries calculated the longevity-based model, are below the total market salaries. The gap between the total target salaries and the total market salaries will be utilized to address merit compensation at the discretion of chairs and deans.

The faculty secretary asked if there was a process for addressing possible errors in the assignment of SOC codes or determinations of longevity. Matthews responded that employees should raise these sorts of issues with their supervisor. Human Resources has been working to address and correct such errors. A senator asked whether employees may contact Human Resources directly? Matthews stated that they could do so, but that Human Resources would then consult with the employee’s supervisor. Hrdlicka pointed out that the ombuds is a point of contact for employees who are upset about the process. The ombuds, who was a guest at the meeting, explained that she would be available to assist staff in processing information about compensation and in talking to supervisors. However, she emphasized that she was not in a position to make decisions.

Another senator asked whether post docs are included in the market compensation process. Matthews responded that at present they are not included. He was not certain whether they would be included in the process in the future as they are generally paid through grant funding. Chair Hrdlicka pointed out that post docs received an increase in minimum salary last winter as the university worked to come into compliance with then pending Fair Labor Standards Act regulations and that this salary minimum is regarded to be very high by some principal investigators.

The time for the meeting having expired, a motion to adjourn (Morrison/Watson) was made and the meeting was adjourned at 5:06.

Respectfully Submitted,

Liz Brandt, Faculty Secretary &
Secretary to the Faculty Senate