



# FACULTY SENATE 2021-2022

## ISU Faculty Senate

### Official Minutes

**Monday, September 27, 2021 4:00-6:00 p.m.**

**Location:** Join Zoom Meeting

<https://isu.zoom.us/j/93311614308?pwd=OUFrbTBVWng5UUtMTDlIQ2NuQlJOdz09>

Meeting ID: 933 1161 4308

Passcode: 114735

**In Attendance:** Alex Rose, Ken Aho, Jasun Carr, Cory Bennett, Dan Dale, Christy Sabel, Neelam Sharma, Jim Stoutenborough, Chad Yates, Mary Hofle, Tyler Jepson, Ellen Ryan, Diane Ogiela, Anish Sebastian, Julia Boyle, Caryn Evilia, Bethany Schultz-Hurst, Duane Rawlings, Michelle Anderson, Ryan Pitcher, Darren Leavitt, Gesine Hearn, Colden Baxter, Michael Clarke, Dave Hachey,

**Absent But Excused:** Suzanne Beasterfield, Kathy Eroschenko

**Absent:** Fredi Giesler, Dave Bagley

**Ex-Officio:** Kellee Kirkpatrick, Mike Ellis, David Delehanty, Lyn Redington, Steven Clay, Karen Appleby, Libby Howe, Zane Webb, Jerry Leffler, President Satterlee

**Recording Secretary:** Ann Medinger

### Open Forum:

**Mike Ellis- (For detailed statement, see end of minutes)**

Asked the Faculty Senate to reject the inclusion of the provost and director of human resources in the process and to align our Grievance Policy with the Grievance Policies of The University of Idaho and Boise State.

**Dave Delehanty-**

Gave his support to Mike Ellis' remarks. Remarked that the current Grievance Policy is Awful. Expressed his issues with the current Grievance Policy.

**Jim Stoutenborough-**

Everyone is happy that we finally have trash cans again on campus and says thank you to whomever is responsible for that.

If you are a child or a partner of someone who works at ISU, you no longer receive reduced prices for graduate courses. Expressed his opinion that that benefit should be brought back and felt it would benefit the university overall.

## 1) Announcements

a) Per Karen Hartman with the AAB

i) Two open seats for Academic Year 2021-2022

ii) One seat- a four-year position to replace Julie Sorensen

iii) One seat- a one-year position to replace John Fitzpatrick

(1) Bylaws state:

(a) A. Selection and Recall of Board Members

All faculty appointments shall be made by the university President with recommendation from the Idaho State University faculty Senate. One student



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member shall be appointed by the ASISU President and one shall be a student-athlete appointed by the President of the Student-Athlete Advisory Committee (SACC). All terms shall start with the beginning of the fall semester

- (b) Eligibility: To qualify for membership on the AAB, a person must be a full-time member of the faculty (tenure or non-tenure track, clinical or research faculty) holding the rank (or equivalent rank) of instructor or above, and have had at least three years' academic service at Idaho State University or equivalent academic service at another college/university. Faculty may not serve more than 2 consecutive terms on the AAB.
- (c) Recall: When a faculty member on the board is unable to fulfill his/her responsibilities, the AAB Chair shall notify the Faculty Senate and they shall provide a recommendation to the University President to fulfill the remainder of the term.

iv) All interested Faculty should submit a letter of interest to Jasun Carr or Ann Medinger

- b) There is an article in the box folder for today's meeting that addresses grade correlation with student success
- c) The NWCCU Virtual Final Visit Schedule can be found in the box folder. The official meeting time for Faculty Senate to meet with NWCCU, is 2:30-3:30 pm.
  - i) Thursday, October 7<sup>th</sup>, 2021

## 2) ASISU Update- Zane Webb (ASISU VP)

- a) Last week's meeting was postponed
- b) Week before we passed two bills
- c) Currently working on legislation to fund clubs with more money

## 3) Student Affairs Update- Lyn Redington

- a) Homecoming
  - i) U-Roar Marketing is working
    - (1) Involvement fair
    - (2) Conquer Cadet
    - (3) Four Square Volleyball
    - (4) Paint Party
    - (5) Welcome Back, Orange and Black
    - (6) Tie Dye Event
    - (7) Dance
    - (8) Bon Fire
    - (9) Homecoming Royalty
  - ii) Through mid-September, 8400 students participated in the above events

## 4) Academic Affairs Update- Karen Appleby

- a) Thanked Faculty, staff and students for participation in the mock-accreditation visit
  - i) Accreditation information
    - (1) [www.isu.edu/accreditation](http://www.isu.edu/accreditation)
  - ii) University wide overview of the accreditation process
    - (1) Wednesday, September 29<sup>th</sup> from 10-11 am

## 5) Policy News- Kellee Kirkpatrick/Libby Howe



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- a) ISUPP 4050 has been signed and approved
- b) Two policies in 30-day review
  - i) ISUPP 1040 Alcoholic Beverages policy
  - ii) ISUPP 1020 Electronic Information policy
- c) The next policy that FPPC will be looking will be Ethics policy and will then look at ISUPP 4039- Suspension and Termination for Cause policy

## 6) President's Update- Kevin Satterlee

- a) none

## 7) Guests-

- a) Kellee Kirkpatrick and Libby Howe- Presentation of ISUPP 4041- Grievance Policy
  - i) Kirkpatrick addressed the comments they received while ISUPP 4041 was in 30-day review and how FPPC arrived at the current language included in the policy
    - (1) Question and answer session ensued
  - ii) President Satterlee joined the meeting to address the concerns of the Faculty Senate in regards to this policy
    - (1) Question and Answer session with Satterlee ensued

## 8) Consent Agenda- Accepted

- a) Faculty Senate Official Minutes September 13, 2021
- b) AAB Official Minutes May 6, 2021
- c) Research Council Official Minutes September 10, 2021
- d) BAS Minutes February 2021

## 9) Continuing Business

- a) KDHS still needs to vote in representatives for GERC representatives
  - i) GERC: meets Aug 31, then every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday 2:30-4:30 pm via Zoom
    - (1) DHS: CoHealth: full 3-year term, expires May 2024
    - (2) DHS: Pharmacy: 2-year mid-term replacement for Paul Cady, term expires May 2023

## 10) New Business

- a) Vote on ISUPP 4041- The Grievance Policy
  - i) Dale suggested that we have one statement that says, "at any time the resources of the provost and or human resources will be made available to the Chair of the Faculty Senate if needed."
  - ii) Stoutenborough mentioned that he feels like many concerns that were brought up due to a misreading of the policy.
    - (1) He also stated his opinion that tenure grievances should be addressed primarily within the Promotion and Tenure policy, not the Grievance policy.

**ACTION-** Baxter motioned to delay treatment of ISUPP 4041 until next meeting, owing to a) the need for more time to be afforded to senators to review and discuss the revised policy (it was delivered to senate only today), b) the need for faculty and senator concerns about the newly proposed revision to be evaluated by the FPPC (major and controversial changes were made to the version senate voted on last spring), c) the need for the FPPC to evaluate process by which the new revisions occurred (e.g., interact with university policy manager to determine origin and justification of the revisions, determine if ISUPP 1010 procedures were followed regarding the comment process)  
Dale seconded



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Stoutenborough friendly amended that future changes be made by Faculty Senate and not FPPC to speed up the process

Baxter added a Friendly amendment that FPPC AND Faculty Senate work together on future changes

Baxter accepted the friendly amendments

Dale accepted the friendly amendments

Motion passed with 17 yes's and 3 no's

b) Vote on the Revised Annual Report Template

i) One of the changes that was made is that it has been de-coupled with program health

ii) "What changes do you plan to make based on the feedback you received," is a new question

iii) If your program does internal reporting, can you use those reports for this process?

(1) Appleby answered affirmatively to the above question

(2) Appleby requested an email from the senators whose programs do their reporting internally so academic affairs can create a list of those programs

**ACTION-** Dale moved to approve the document

Stoutenborough seconded

Hofle friendly amended that we accept the document this year with the caveat that it will be revised next year to reflect our discussion as stated above

Dale accepted the friendly amendment

Stoutenborough seconded

Motion passed with 22 yes's and 1 abstention

c) Turning current Faculty Senate office space and Conference room over to NASS- discussion/vote

i) Stoutenborough suggested the student senate space

d) Wrapping up the Program Health Survey- Tabled until next meeting

e) Re-establishing meeting with Deans and communication best practices- Tabled until next meeting

## 11) Adjournment

**ACTION-** Jepson motioned to adjourn

Rose seconded

Motion carried unanimously

Meeting adjourned at 6:32 pm

## 12) Remarks from open forum

a) **Mike Ellis**

I would like to speak on the proposed faculty grievance policy that is on your agenda today. I am here asking the Faculty Senate to reject the inclusion of the Provost and the Director of Human Resources in the grievance proceedings. This draft of the policy indicates that the Provost and the Director of Human Resources involvement is necessary to ensure the process is timely and fair. The more likely outcome is that the policy will be more biased and cumbersome to administer.

The Director of Human Resources and Provost play no role the grievance policy of our sister institutions I would encourage faculty senators to become familiar with University of Idaho: Policy 3840 and Boise State's policy 4480.

This draft of grievance policy states in section four that the roles of the Provost and the Director of Human Resources are to advise and provide support. The grievance process is to be administered by the Chair of the Faculty Senate. In fact the Director of Human Resources is an active participate in the process.



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I call your attention to section six step G: ***“The Chair of the Faculty Senate and the Director of Human Resources will convene the Committee and hold the initial meeting of the Committee within 10 working days of the formation of the Committee to discuss the grievance procedure”***. This clearly undermines the authority granted to the chair of the faculty senate to administer the grievance policy.

A grievance is almost always a faculty member on one side and the administration on the other side. The Provost and the Director of Human Resources are on the side of the administration. Would the administration agree to have the legal counsel retained by the faculty member meeting with the Committee to discuss the grievance procedure without a representative from the administration?

This draft retains one of the most problematic sections of the old grievance policy. I call your attention to section VI. E which reads in part ...***“proposed members and three alternatives pulled from the standing appeals panel as outlined in ISUPP 4039”***. I would argue this is not good policy for three reasons:

First and foremost the standing appeals panel is comprised mainly of administrative appointees. Fourteen of the eighteen members of this panel are appointed by the Deans of the various colleges. Only four are appointed by the faculty senate. At both our sister institutions the equivalent of the standing appeals panel is a subcommittee of the faculty senate.

Second this part of the process has not been administered in a timely fashion. President Vailas in his response to my complaint to NWCCU acknowledged this deficiency when he stated: ***“This process resulted in ISU failing to provide Professor Ellis with names of the ad hoc Appeals Panel within the policy’s required five-day time frame of his request as required in 4039 III.D.3.a.”*** No changes were made to the policy to address this deficiency.

Third, the selection of the appeals panel is administered solely by the Office of Human Resources. This is the second instance where the Director of Human Resources is actively involved in the grievance process. If this is allowed to stand, the Faculty Senate Chair will have no control over the selection of the grievance committee members. Therefore, this policy makes the faculty senate chair responsible for administration of a policy that he/she does not have the authority to administer.

Finally, this draft states under section V. a: ***“Denial of tenure qualifies as a Grievable Event based solely upon the violation, misapplication of or application based on factually incorrect information of existing University or unit policy procedures or practices.”*** University of Idaho’s grievance policy (3840) simply states that denial of tenure is a grievable event.

I am simply asking the faculty senate to align Idaho State’s grievance policy with the grievance policy of our sister institutions. Those policies again are: 3840 at U of I and 4480 at Boise State.

In the time I have remaining I would be happy to address any questions you may have and I can provide a written copy of these remarks for the minutes.

b) **Dave Delehanty**

## ISU Faculty Senate Open Forum Comments on Proposed Grievance Policy

David Delehanty

September 27, 2021

The faculty grievance process is a faculty matter. Faculty go to their peers to register a grievance and the committee then presents their findings to administration. Administration has no veto in the establishment of a grievance panel or in the faculty’s judgment.



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1. The faculty, not administration, selects their representatives to populate the standing grievance committee. The current process in which administration selects 14 of the 18 members is absurd. It makes a mockery of the grievance process especially considering that the most common grievance is one in which a faculty member asserts that administrative actions taken against them were not justified.
2. The faculty senate does not need to - and generally ought not - "consult" with administration on the formation of a grievance panel. The FS may wish to coordinate with administration insofar as informing administration that a grievance has been launched.
  - a. Furthermore, Human Resources has no role here.
  - b. Human Resources in the recent past failed to adhere to the already onerous rules.
3. **Burden of Proof** lies with the party that makes an *assertive claim*. To require otherwise is contemptible.
  - a. Example: It seems to be recently popular for administrators to assert that faculty members are "non-collegial." Such a claim requires evidence. How can one prove that one is 'collegial'?

## WARNING TO MY FACULTY COLLEAGUES

You are witnessing proposals that act to erode faculty autonomy.

ISU is not a business.

ISU is not a privately owned enterprise.

ISU is not a high school.

ISU is a research university and needs policies accordingly.

Imagine this. A faculty member is accused by administration of being non-collegial. His burden is to prove the negative, which is impossible, and has to do so to a committee essentially established and run by administration. Administration then uses the finding of the committee to take action against the faculty member. This is the erosion that you should have the strength to resist.

You cannot force administration agree to a policy. But neither can administration force faculty to agree to onerous and damaging policy. What you are doing by rejecting onerous policy is taking away administration's ability to claim, "This is what the faculty wanted."