

University of Idaho
FACULTY COUNCIL MINUTES

2002-2003 Meeting #3, Tuesday, September 17, 2002

Present: Bitterwolf (chair), Wagner (vice-chair), Baillargeon, Chandler, Daley-Laursen, Fairchild, Guenther, Haggart (w/o vote), Hong, Lillard, McClure, McGuire, Nelson, Netzer, Pikowsky, Pitcher (w/o vote), Rinker, Schekler

Absent: Bailey, McCaffrey, Rahim **Observers:** 6

Call to Order. A quorum being present, Faculty Council Chair, Professor Thomas Bitterwolf, called the meeting to order at 3:35 p.m. in the Brink Hall Faculty Lounge.

Minutes. The council accepted the minutes of the September 10, 2002, meeting as distributed.

Chair's Report. Chair Bitterwolf notified the council that due to scheduling conflicts, UI President Hoover's visit with the council has been moved to October 8th and that the council meeting scheduled for next week, September 24th has been cancelled. He also reported that the planning for the university political candidate forum is on track and should be finalized soon.

Provost's Report. Provost Brian Pitcher reported to the council on the dedication ceremonies for the Jacklin Research and Technology Building at the U of Idaho Research Park in Post Falls. UI President Hoover named Don, Doyle, and Duane Jacklin as honorary alumni of the university. Built on land partially donated by the Jacklin family, the research building provides 5,000 square feet of laboratory and business space and a 1,400 square-foot classroom. Governor Dirk Kempthorne was the keynote speaker.

Board of Regents Visitors. Provost Pitcher introduced Gary Stivers, Executive Director of the SBOE/Regents and Randy Thompson, Chief Academic Officer of the SBOE/Regents. Both of them reviewed their job duties and then, at the request of a councilor, listed the major issues that may come before the board this year. Those issues include:

- administration of professional technical education
- organizational structure of higher education satellite centers
- student fees – where are we going?
- intellectual property
- delivery of instruction
- enrollment
- athletic program costs

Before leaving to catch their plane back to Boise, both Stivers and Thompson lauded the enthusiasm and professionalism of the students, staff, and faculty at the U of Idaho.

UI Employee Benevolent Fund Inc. Report. UI staff member Peter Baljo reported on the progress of establishing a university employee benevolent fund to help current and retired U of Idaho faculty and staff members. The general idea behind this fund was to set up a mechanism whereby an employee could automatically donate one dollar plus the odd cents from his or her payroll check each pay period directly to the benevolent fund. Baljo last appeared before the council to introduce his fund idea two years ago. Since that time the fund has become a state of Idaho corporation. This fund is the first of its kind in the state of Idaho, and the only such incorporated fund at a public educational institution in the nation. According to the incorporation papers, the fund is designed to help "alleviate human suffering and distress among University of Idaho employees, retirees, and families." A formal announcement about the fund will be made as soon as the "501C" application papers have been funded, filed, and approved. Baljo concluded his remarks by expressing the desire to have a member of the Faculty Council volunteer to serve as a member of the fund's board of directors.

Committee Reports. The University Curriculum Committee forwarded to the council, as a **seconded motion, FC-03-004 – B. S. in Business Marketing with Professional Golf Management Option.** This 137-140 credit program option will be offered through the College of Business and Economics, but will also utilize courses outside the college from landscape architecture, plant science, and recreation. The students are also prepared for Professional Golf Management (PGM) certification through the Professional Golf Association (PGA). The program uses internships at PGA golf courses. Of the 12 other professional golf management programs in the nation, the one at the U of Idaho will be the only one serving the northwest. The PGA also participates in the placement of graduates. After some brief explanatory statements by the departmental executives who will be involved in the program, the council **adopted** FC-03-004 by unanimous voice vote.

Provost Pitcher told the council that policies and instructions outlining the process for submitting new and changed academic degree programs to the SBOE/Regents and the faculty would be more closely followed in the future. He asked that faculty and administrators become more aware of the proper process for changing or initiating degree programs, adding that he will emphasize these requirements in his written instructions and future conversations with academic administrators.

He commented that occasionally the “cart gets before the horse” on some academic proposals, and he would do all he could to see that this would not happen in the future. He said he fully recognizes the important role that the faculty and its committees and councils play in the approval process.

FC-003-001 – Proposed Change in FSH Section 3910, Dismissal and Discipline of Faculty. It was moved and seconded (Fairchild, Lillard) to remove this item from the table. The motion was adopted by unanimous voice vote. University Counsel Georgia Yuan was asked to join the council in its continued discussion of the wording of this proposal. Council members’ concerns centered on the use of the term “immorality” in the examples provided that could lead to the dismissal of or other disciplinary actions imposed on a faculty member. They noted that the term was practically impossible to define and some might choose to define it in a way that would have a “chilling” effect on classroom speech and that this could possibly “spill over” into their personal lives as well. Furthermore it was the belief of many council members that other examples given in the board list, such as “harassment,” “criminality,” “dishonesty,” and “unprofessional conduct” more than covered what most people might believe to be immoral actions. All of these other examples used by the board could be easily defined and understood.

Yuan spoke of the ramifications of adopting a handbook policy that would contain different wording from the SBOE/Regents policy on faculty dismissal. She emphasized to the council that the U of Idaho handbook policy was revised to duplicate the board policy – word for word. While board policy would always prevail in the end, she said that the different wording would only provide confusion for U of Idaho faculty members consulting our handbook. She said that her research of the policy indicates the term in question – immorality – is not considered a vague term according to the Idaho Supreme Court. Case law seems to hold that the language used in the policy is easy to comprehend and understand and that no one has ever legally challenged the term.

Provost Pitcher pointed out that what the policy is stating or rather quoting is the SBOE/Regents policy. We should not be trying to change their “quoted” language. He noted that the faculty could add to the language and make it stronger, but they should not weaken the language or intent of the policy. Pitcher said that we should seek other more appropriate avenues to bring these wording and language issues to the attention of the board.

It was **moved and seconded** (Lillard, Fairchild) to: (1) rescind the action taken last week by replacing the word “immorality” in part A-1 of FSH Section 3910, (2) add the word “Regents” before the word “Definition” in the title to Part A of FSH Section 3910, (3) put quotation marks around the regents’ statement, and (4) begin the regents’ statement with the words “According to the Regents.” The motion was **adopted** by unanimous voice vote.

It was **moved and seconded** (McClure, Chandler) that the Faculty Council (via the chair) pursue appropriate channels to inform the SBOE/Regents that the use of the term “immorality” is ambiguous and should be dropped from the faculty dismissal policy language. In the discussion of this motion it was emphasized that the council does not favor lesser standards, its concern is with the ambiguity of the term and the inability to properly or even legally define “immorality.” The regents’ need to ask themselves the question, “What does the use of this term add to the policy?” The council also said that the university president needs to fully support the action of the council and the change in language. Councilor Daley-Laursen said that the language used in this policy needs to be discussed by the Dean’s Council, since the enforcement of these standards is primarily in their hands. The **motion was adopted** by unanimous voice vote. Following the adoption of the motion, Chair Bitterwolf appointed councilors Lillard, McClure, and Daley-Laursen to join him in writing a proposal on wording to take to the university president and the regents.

In response to a councilor’s question concerning the use of first class mail to notify a faculty member of dismissal rather than certified mail (as called for in the old policy wording), University Counsel Yuan explained that certified mail could be refused by the recipient and thus a claim be made that the notice was never received. The university makes every effort to hand-deliver and personally serve such notices rather than mailing them. Yuan also noted that there is a diligent and sensitive university employee (who shall remain anonymous) who has successfully hand served notices for many years.

Returning to the main motion, **FC-003-001** (as amended back to its original wording) was **adopted** by unanimous voice vote.

Adjournment. It was **moved and seconded** (Lillard, McClure) to adjourn. The motion was **adopted** by unanimous voice vote, and Chair Bitterwolf adjourned the meeting at 4:48 p.m.

Next Meeting. The next meeting of the Faculty Council will be held on October 1st.

Respectfully submitted,

Peter A. Haggart
Secretary of the Faculty Council