

University of Idaho
FACULTY COUNCIL MINUTES

2002-2003 Meeting #18, Tuesday, April 1, 2003

Present: Bitterwolf (chair), Wagner (vice-chair), Bailey, Baillargeon, Chandler, Cloud, Daley Laursen, Fairchild, Guenther, Haggart (w/o vote), Hatch (w/o vote), Lillard, McGuire, Pikowsky, Rinker, Schekler, Stegner **Absent:** Hong, McCaffrey, McClure, Nelson, Reese **Observers:** 7

Call to Order. A quorum being present, Faculty Council Chair, Professor Thomas Bitterwolf, called the meeting to order at 3:36 p.m. in the Brink Hall Faculty Lounge.

Minutes. The council accepted the minutes of the March 4, 2003 meeting as distributed.

Acting Provost's Report. Acting Provost Chuck Hatch attended a meeting this morning with higher education presidents and the governor. Monthly meetings are held by this group to explore higher education issues. Hatch reported that Governor Kempthorne is resolute in his support of higher education funding that precludes any more cuts. He said that there seems to be considerable support behind the idea of construction bonds for new state buildings. Faculty and staff, as well as friends of the university, need to let their legislators know that they support the governor's education funding initiatives and the issuing of bonds for the construction of new buildings. The governor urged higher education administrators to hold on to current financial resources, anticipating that there could be more budget cuts on the horizon. Hatch reported on a recent survey of western states in which participants were asked whether they felt their states were going in the right or wrong direction in dealing with the issues facing the state. Only Idaho (54%) and Alaska (51%) residents polled indicated that their states were headed in the right direction.

Announcements. The following announcements were made to the council:

- colleges have been notified of elections that are needed to fill vacancies on the council and council members are encouraged to nominate their colleagues for these important positions
- the April 22nd meeting will be the last meeting where items can be approved to be sent to the spring general faculty meeting
- the spring general faculty meeting will be held on Monday, May 5th at 3:30 p.m. in the Agricultural Science Auditorium

FC-03-041, Proposed Ph.D. Degree Program in Food Science. Denise Smith, Professor of Food Science and Toxicology, provided the council with background information on this proposed graduate degree program. She noted that this is a cooperative program with Washington State University, and because the courses are already being offered to Master's degree candidates at the U of Idaho, the program will need no additional financial resources. There is an extremely high demand by prospective students for this degree program and there is 100% placement for the graduates. Smith concluded her remarks by noting that the new program will also help the U of Idaho faculty involved in this program with their research and publication efforts. After a brief discussion between Professor Smith and several members of the council regarding course work, research, and funding, the seconded motion coming from the University Curriculum Committee was **adopted** by unanimous voice vote.

FC-03-037, Proposed Faculty-Staff Handbook Policy, "Violence Free-Campus." Chair Bitterwolf reminded the council that they were acting in an advisory role concerning this proposed policy. The policy would appear as an administrative policy and did not need formal approval from the council.

Assistant Vice President for Human Resources, Pat Sturko and Linda Silva from the University Resource and Development Office joined the council in a discussion of the latest draft of a proposed administrative policy promoting a violence-free campus. This was the third reading and revision of the policy and Sturko said that she hoped the council would offer their support and endorse the policy. She said that the policy is designed to protect the safety of all employees and students. It makes an important statement about the U of Idaho's commitment to providing a safe learning and working environment.

Sturko noted that the latest draft deleted two of the previously listed prohibited behaviors that had concerned some members of the council at the last meeting. However, on advice of legal counsel, the other prohibited behaviors have been retained as being absolutely necessary from a legal perspective. U of Idaho legal counsel has advised that people must be "put on notice" that certain types of behavior are prohibited. Not doing so would deny people due process.

- The University of Idaho does not tolerate behavior, whether direct or indirect, that
- a. Is violent (i.e., causes, intends to cause, or creates the potential for, physical or mental harm to an individual);
 - b. Threatens or implies violence;
 - c. Harasses or intimidates others;
 - d. ~~Interferes with an individual's legal rights of movement or expression;~~
 - e. ~~Causes a reasonable person to fear for his or her safety or the safety of others.~~
 - f. ~~Causes damage to property, equipment, facilities, communications, and/or other resources.~~

Sturko said that the most important reason for having this policy is to prevent behavior that could lead to violent acts which might have tragic consequences. Intervention is the most important behavior modification process that can come from this policy. By identifying unacceptable behavior, following up on reports of threats, intimidation, and potentially violent behavior, and taking corrective action are ways that we can help prevent violent acts on the campus.

She concluded her opening remarks to the council by saying that the standard of how a “reasonable person” might view the activity would be applied to any investigation. Therefore, the notion that a student receiving a poor grade on an examination could be construed as “mental harm” would fail that standard test. The policy is designed to protect rather than be punitive.

The council engaged Sturko and Silva in a lengthy and lively discussion. Many of those concerns are recorded in the minutes of earlier meetings. At this meeting several council members offered examples in which the behavior of a faculty or staff member might be misidentified as harassment or intimidation, behavior prohibited by the policy. It was pointed out that in the examples provided the behavior could be examined quickly by the next higher authority, as it did not rise to the level of behavior that would be considered to be an emergency or life-threatening.

Councilor Cloud again spoke out firmly against the policy, saying that it was not needed and that it would cause more harm than good. His arguments and that of others centered, once again, on the problems of defining the words used in the policy, the possible limitations on public speech, the fact that it sets the same standards for employees and students, the need for safe-guarding those who report incidents from retaliation, and the notion that all of the prohibited behaviors were probably covered by an existing policy or law.

Councilor Wagner and others regarded the policy as one that would put up a “sign” to those associated with the U of Idaho that clearly stated that we will not accept violent behavior. Another positive part of the policy is that it clearly outlines the procedures to be used in reporting incidents. The policy says that we expect our campus to be violence free and if you see or encounter certain kinds of behavior it should be reported to the proper authorities. Sturko pointed out that many of the terms that concern the council members in the proposed policy are already freely used in several other university policies.

The discussion flowed back and forth for some time, but several ideas emerged that the council thought the policy authors should consider in their final draft.

- have legal counsel review the use of the term “mental harm” to see whether that might be altered or dropped
- consider adding the word “and” after the first three listed behaviors (a-c) to connect them to the “cause” factor (d)
- consider adding reference to the concept of the “reasonable person” test to the opening paragraph of the policy

Chair Bitterwolf asked that Sturko and Silva take the points made at this meeting under consideration and invited them to share the final draft of the policy with the council when it was finished.

FC-03-039, Draft Administration Policy Concerning Discontinuance/Restructuring of Academic Programs. The council was in receipt of the March draft of the policy. Acting Provost Hatch reviewed the document and called the council’s attention to the need for the addition of an academic unit appeal process. He said that there should be a final review at the unit level and that unit personnel should have the opportunity to provide new evidence or arguments to the central administration before a final decision was made on realignment, consolidation, or discontinuance. Councilor Cloud asked whether or not a firm time-line might be established when a program was to be discontinued, some way to give faculty and staff time to make career adjustments. Hatch replied that this would be difficult because some closures would involve curricular, student graduation, and personnel issues, while other closures would not. Because of the uniqueness of each program, some closures might happen in a short period of time, others might take much longer. In response to a question regarding how a closure process starts, Hatch replied that the process might be initiated at any level, but the policy prescribes all the steps that must be followed after the closure is initiated. In response to a question by Councilor Baillargeon, Hatch said that if language concerning assessing student learning outcomes was inadvertently missing in the policy draft it could be added back into the document.

Adjournment. It was **moved and seconded** (Daley Laursen, McGuire) to adjourn. The motion was **adopted** by unanimous voice vote, and Chair Bitterwolf adjourned the meeting at 4:56 p.m.

Next Meeting. The next meeting of the council will be on **April 8th**.

Respectfully submitted,

Peter A. Haggart
Secretary of the Faculty Council