



### Faculty Senate

921 South 8th Avenue,  
Stop 8070  
Pocatello, Idaho  
83209-8070

November 29, 2011

Mike Rush  
Executive Director  
Office of the State Board of Education  
P.O. Box 83720  
Boise, ID 83720-0037

Dear Mr. Rush,

As directed by the State Board of Education, the ISU Provisional Faculty Senate has been diligently working on developing a Faculty Constitution. Provost Barbara Adamcik has regularly attended the weekly meetings of the PFS all semester and provided input on the Constitution as it was being developed. Written and verbal comments and suggestions were assiduously solicited and encouraged from faculty and administration throughout the semester-long process.

On October 24, 2011 the Provisional Faculty Senate approved a draft Constitution that was sent out to all faculty and administrators for review and comment, with feedback due by 5:00 p.m. on Thursday, November 3, 2011. In addition, a university-wide faculty Open Forum was held on Wednesday, November 2, 2011 to discuss the draft Constitution and solicit comments. All comments received were carefully considered and a revised final draft was approved by the Provisional Faculty Senate on November 7, 2011. That final draft was released to all faculty and administrators and a faculty-wide vote was scheduled for faculty to ratify the Constitution.

On November 16, 2011 the ISU faculty voted by a two-to-one margin to approve the final draft Constitution developed by the Provisional Faculty Senate. Please find attached the signed verification of the vote as tallied on November 28, 2011.

During its meeting on November 28, 2011 the Provisional Faculty Senate voted to forward the current draft of the Faculty Constitution to President Vailas for his review and approval in accordance with SBOE policy III.C.2 and the SBOE motions passed on February 17, 2011 and April 21, 2011. The Provisional Faculty Senate respectfully requested that President Vailas announce his decision by December 6, 2011.

In addition, the Provisional Faculty Senate also voted to forward the attached current draft of the Constitution and the memo stating the voting results to the Executive Director of the Idaho State Board of Education, with the respectful request that it be distributed to all SBOE members as an informational item so they will be made aware of the progress made in this assigned task.

Thank you for your kind attention to this matter.

Sincerely,

Dr. Philip Cole, Chair  
ISU Provisional Faculty Senate



November 28, 2011

The ballot boxes containing the votes for the ISU Faculty Constitution were opened one by one and the votes were counted by the Provisional Faculty Senate Executive Committee in the presence of the following outside observers:

- Dr. John Gribas, ISU Faculty Ombudsman
- Mr. Roger Chase, former Mayor of Pocatello
- Dr. Daniel Dale, Professor of Physics
- Dr. Tony Forest, Associate Professor of Physics
- Ms. Tammy Scardino, Idaho State Journal

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We, the following, verify that the final count for the Faculty Constitution held on November 16, 2011 and tallied on November 28, 2011, was as follows:

Yes:	201	67.2%	30.5%
No:	98	32.8%	14.9%

Total voters:	299	45.4%
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Total eligible to vote:	659 (This number is the best to our knowledge as it needs to be confirmed by the Interim Provost Adamcik).
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Mr. Roger Chase  
Former Mayor of Pocatello

Dr. John Gribas  
ISU Faculty Ombudsman

Dr. Philip Cole, Chair  
Provisional Faculty Senate

Dr. David Delehanty, Vice Chair  
Provisional Faculty Senate

Dr. Robert Croker  
Executive Committee member  
Provisional Faculty Senate

Dr. Chad Gross  
Executive Committee member  
Provisional Faculty Senate

# Idaho State University Faculty Constitution

*Revised and approved by Provisional Faculty Senate on November 7, 2011*

*Approved by All-Faculty Vote November 16, 2011*

## **Preamble**

To facilitate communication, understanding, and cooperation among the officers of Idaho State University, and to ensure the orderly development of educational programs and policies committed to our trust, we, the President and faculty of Idaho State University, do hereby subscribe to this Constitution establishing principles of organization, authority, and responsibility of the Idaho State University faculty. In adopting this Constitution the President and faculty of Idaho State University affirm our belief in academic freedom and responsibility as specified in the Idaho State Board of Education Governing Policies and Procedures and the American Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure.

Institutions of higher education are established for the common good and not to further the interest of either the individual faculty member or the institution as a whole, and the common good depends upon the free search for truth and its free exposition through scholarship.

Academic freedom is essential to these purposes and applies to teaching, research (including scholarly and creative activities), and service. Academic freedom in teaching is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. Academic freedom in research is fundamental to the advancement of truth. Academic freedom in service is fundamental to the advancement of the common good and the development of educational programs and policies. Academic freedom should not be abridged or abused. Academic freedom carries with it duties correlative with rights.

Faculty are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.

Faculty are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Faculty are entitled to speak or write freely without institutional discipline or restraint on matters pertaining to faculty governance and development of educational programs and policies.

College and university faculty members are citizens, members of a learned profession, and officers of the educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

## **Article I: Name**

The Idaho State University faculty is comprised of two categories as defined by Article II.

## **Article II: Membership**

### **Section 1: University Faculty**

The University Faculty includes all tenure-track and tenured faculty, as well as non-tenure track faculty with clinical, research, lecturer, and professional-technical appointments at 0.5 FTE or greater. This includes faculty at the rank of professor, associate professor, assistant professor, senior lecturer, associate lecturer, assistant lecturer, and instructors (all levels and designations), or the equivalent of any of these ranks.

### **Section 2: Adjunct, Affiliate, and Visiting Faculty**

The Adjunct, Affiliate, and Visiting Faculty include those faculty with a limited contractual relationship with the University, including part-time (adjunct), non-compensatory (affiliate), and visiting faculty. These faculty have the privilege of participation without vote in meetings of the University Faculty.

## **Article III: Powers and Authority**

### **Section 1: University Faculty Governance**

Recommendations are made to the President and the Provost and Vice President for Academic Affairs of the University.

- a. The University Faculty has primary responsibility on matters of educational policy within the limits prescribed by federal and state law and the regulations of the Idaho State Board of Education. Educational policy pertains to such matters as curricula, methods of instruction, facilities and materials for instruction, standards for admission and retention of students, and criteria for the granting of degrees. It also includes those aspects of student life that relate directly to the educational process including the establishment of regulations concerning financial aid, academic performance, extracurricular activities, and freedom of action and expression.
- b. The University Faculty has primary responsibility for policies and procedures governing the performance of research, scholarship and creative activities.
- c. The University Faculty has primary responsibility for policies and procedures governing faculty appointment, tenure, and promotion.
- d. The University Faculty has primary responsibility for policies and procedures governing the performance of faculty service.
- e. The University Faculty will carry out the responsibilities described in a. through d. above through its representative body, the Faculty Senate, or through the councils and committees established and maintained by the Senate (see Article V). (The governance responsibilities of the Graduate Faculty, a subset of the University Faculty, will be carried out by the Graduate Council.) However, University Faculty will also have the rights of initiative and referendum, as specified in Article IV: Section 2.e and Section 3, Article V: Section 3.d, and in Article VI: Section 1.

On matters described in a. through d. above, the power of review or final decision lodged in the governing Board or delegated by it to the President should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. It is desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the President or Board.

Budgets, personnel limitations, the time element, and the policies of other groups, bodies, and agencies having jurisdiction over the institution may set justifiable limits to the realization of faculty advice.

## **Section 2: College, School, Division, Department, and the Library**

Within the limits of policies approved by the Idaho State Board of Education, the policies and practices within the particular college, school, division, department, or the library will be determined by the members of the University Faculty of the specific college, school, division, department, or the library and will normally be implemented by the interested dean or chairperson.

## **Article IV: Organization of the University Faculty**

### **Section 1: Presiding Officer**

The Chair of the Faculty Senate is the presiding officer of the University Faculty. The Chair of the Faculty Senate or his or her designee will preside at the meetings of the University Faculty, and will oversee the reporting and distribution of the non-transcripted summary of the meetings.

### **Section 2: Meetings of the University Faculty**

#### a. Schedule

Meetings of the University Faculty may be called by the President of the University or by the Chair of the Faculty Senate. The Chair of the Faculty Senate must call a meeting at the written petition of ten percent (10%) of the University Faculty or a majority vote of the Senate.

#### b. Notice

Written notice of each meeting shall be circulated to the University Faculty at least five business days prior to the date of the meeting. The agenda for each meeting will be attached to the notice.

#### c. Quorum

Official business calling for a vote requires a quorum. Twenty percent (20%) of the University Faculty constitutes a quorum. Members must be physically present at designated meeting sites. Proxy votes will not be recognized for absent individuals. The Office of the Provost and Vice President for Academic Affairs will provide the Chair of the Faculty Senate, no later than September 15<sup>th</sup> annually, the number of University Faculty as described in Article II.

#### d. Procedure

Each member of the University Faculty will have a free and equal voice in all deliberations. University Faculty members will be entitled to one vote each. In the absence of special regulations to the contrary, the most recent edition of Robert's Rules of Order as designated by the Chair of the Faculty Senate shall govern the procedure of all meetings of the University Faculty.

#### e. Faculty Review of Senate or Presidential Action

(1) The University Faculty may override an action taken by the Faculty Senate. To override a specific action of the Faculty Senate, the University Faculty may conduct a vote. A majority of those present and voting at a meeting of the University Faculty may call for a vote of the University Faculty. According to the provisions of Article V: Section 3.d, such ballot will be accompanied by the minutes of the meeting sent to each member of the University Faculty. The Faculty Ombudsperson will administer, record and report the

vote within the period of time specified in the Faculty Senate bylaws for faculty-wide referendums. A vote of the University Faculty requires a two-thirds majority of those casting a vote (with abstentions not counting as votes) to override a Faculty Senate action.

- (2) The University Faculty may formally oppose a University Presidential action following the procedure specified in Article IV: Section 2.e.(1). A vote of the faculty requires a two-thirds majority of those casting votes (with abstentions not counting as votes) to formally oppose an action of the University President. The Chair of the Faculty Senate will communicate the results of such a vote to all faculty and to the Idaho State Board of Education if a two-thirds margin is achieved.

f. Financial Support

Financial support for meetings of the University Faculty will be provided by the Office of the Provost and Vice President for Academic Affairs.

**Section 3: Faculty Referenda**

An alternate means to initiate a vote of the University Faculty is a petition signed by at least twenty percent (20%) of the University Faculty. Such a petition must conform to procedures specified in the Faculty Senate bylaws.

**Article V: The Faculty Senate**

**Section 1: Membership**

a. Composition

(1) University Faculty; Voting Members

- (a) Each division, and each college that is not within a division, will be entitled to at least two University Faculty representatives to the Faculty Senate. The library, as well as regional sites with 15 or more University Faculty in residence, will each be entitled to at least one University Faculty representative. University Faculty representatives will be elected by the University Faculty in the unit, college or division of the University.
- (b) Senate representation for each college, division, regional site, and the library will be determined on the ratio of one Senator per 25 University Faculty in the unit. (Units with 51 University Faculty receive 2 Senators; units with 75 University Faculty receive 3 Senators, and so on.) No faculty member may be counted more than once in assigning representation to these units.
- (c) Every January at the first meeting of the spring semester, the Provost and Vice President for Academic Affairs will provide the Faculty Senate data on faculty membership. The Faculty Senate will review the apportionment of the faculty from each college, division, or unit as specified in the bylaws of the Faculty Senate.

(2) Nonvoting Members

- (a) The President of ASISU or his or her designee.
- (b) The President of the University or his or her designee.
- (c) The Provost and Vice President for Academic Affairs or his or her designee.
- (d) Additional non-voting members may be specified in the Faculty Senate Bylaws.

- b. Selection  
University Faculty Senators will be elected by each college, division, or unit of the University. Faculty with administrative appointments at the level of department chairperson or above are not eligible to serve as Senators.
- c. Term of Office  
Elected members normally will serve for three years. Initially, provision shall be made for rotating terms of office so that one-third of the Senate seats will be vacated each year.
- d. Responsibility  
Senators are encouraged and expected to consult their constituencies; however, they are free to exercise their own judgment when voting.
- e. Restructuring  
Newly created colleges and divisions of the University will be represented as provided in Article V: Section 1.a.(1). Implementation will be in accordance with the bylaws of the Faculty Senate.

## **Section 2: Authority and Functions of the Faculty Senate**

- a. Authority  
The Faculty Senate will have the authority and responsibility to act on behalf of the University Faculty. Actions of the Faculty Senate will be effective without approval of the University Faculty, except that such actions will be subject to challenge by the University Faculty (as specified in Article IV: Section 2, Paragraph e.).
- b. Functions  
Within the framework established by the Idaho State Board of Education, the Faculty Senate will, as the representative body of the University Faculty:
  - (1) Recommend to the President and Provost and Vice President for Academic Affairs requirements for admission and for degrees.
  - (2) Make recommendations to the President and Provost and Vice President for Academic Affairs regarding all proposals for new courses and curricula, changes in established curricula, and curricular policies involving relationships between colleges, divisions, or units.
  - (3) Recommend to the President and Provost and Vice President for Academic Affairs criteria for academic rank, tenure, and professional welfare.
  - (4) Provide for the review and mediation of disputes involving professional ethics and grievances.
  - (5) Recommend to the President and Provost and Vice President for Academic Affairs policies and procedures governing the performance of research, scholarship and creative activities.
  - (6) Establish and maintain such committees and councils as are necessary for the implementation of Article III: Section 1 of this Constitution.

- (7) Receive and consider reports from committees and councils and take appropriate action thereon.
- (8) Inform the University Faculty of its actions.

### **Section 3: Organization of the Senate**

#### **a. Officers**

The Senate shall elect annually from among its voting members a Chair and Vice Chair.

#### **b. Meetings**

(1) Regular and special meetings of the Faculty Senate will be held throughout the academic year at times specified in the bylaws.

(2) Regular and special meetings of the Faculty Senate are open.

#### **c. Rules**

The Faculty Senate is empowered to make rules governing its own organization and procedures subject to the conditions of this Constitution.

#### **d. Agenda**

At least three business days prior to any Senate meeting, the Chair of the Faculty Senate will have an agenda published and distributed to the University Faculty. Any item submitted by at least ten percent (10%) of the University Faculty through petition must be placed on the agenda for the next regular Senate meeting. Items not on the agenda of a given meeting may not be brought to formal vote at that meeting without unanimous consent of those voting members present.

## **Article VI: Amendment**

### **Section 1: Of the Constitution**

Amendments may be proposed by either:

- a. A two-thirds vote of the Senate present and voting, or
- b. Twenty percent (20%) of the University Faculty through initiative petition presented to the Chair of the Senate.

The proposed amendment to the Constitution will be placed on the agenda of the next regular meeting of the Senate for open discussion. A written copy of the proposed amendment, including explanation and justification, will be distributed to each member of the University Faculty, after which it will be submitted to a special meeting of the University Faculty for discussion. An amendment thus submitted will become part of the Constitution when approved by secret ballot by a two-thirds majority vote of the University Faculty, in accordance with the Faculty Senate bylaws regarding university-wide referendums.

### **Section 2: Of the Bylaws**

The bylaws may be amended by a two-thirds vote of the Senate, present and voting.