

Comments from the Provost's Office on the Provisional Faculty Senate's draft 0.6 of the Faculty Constitution. October 14, 2011

1. I certainly would like to convey my sincere appreciation for all the hard work of the Constitution subcommittee and the Provisional Faculty Senate members in working so hard and diligently on this draft Constitution.
2. In the Preamble to the draft Constitution, I would suggest deleting reference to the SBOE policy location (i.e. Section III.B. April 2002), as the Board is constantly updating and often adding new sections to their Governing Policies and Procedures document – if a Section changes, then the Constitution would need to be amended to reflect the location. I think it would be better to just state: . . . *as specified in the Idaho State Board of Education Policies and Procedures document (www.boardofed.idaho.gov)*.
3. I think the reference to the AAUP 1940 Statement of Principles, etc., and much of the text that follows could be eliminated. The AAUP is a national faculty union and it's the SBOE's policies that govern the public institutions in Idaho. If it is deemed appropriate to cite principles of academic freedom, quotation of the Board's Policy III.B, rather than the 1940 AAUP principles should be considered. The AAUP principles have not been adopted *in Toto* for all institutions under the Board's governance.
4. In many peer institutions' constitutions the President of the university is considered the president of THE FACULTY.
5. Please don't forget that ISU's Faculty/Staff Handbook, Part 2, Section I.A.6, and Part 2, Section II.A. refers to the power and authority granted to the president by the Board:

6. University President as Chief Executive Officer

The chief executive officer of Idaho State University is the President. The President has full power and responsibility within the framework of the Board's governing policies and procedures for the organization, management, direction and supervision of the University and is held accountable by the Board for the successful functioning of the institution in all of its units, divisions and services. The President is employed by and serves at the pleasure of the Board.

Part 2. Organization

Section II. Institutional Governance

A. General

1. Chief Program and Administrative Officer

The President is the chief program and administrative officer of the University, with full power and responsibility within the framework of the Board of Education's Rule Manual and its Governing Policies and Procedures for the organization, management, and supervision of the institution. The President is held accountable by the Board for the successful functioning of the University.

2. Faculty Representation (Updated 3/10)

The faculty of each of the institutions of higher education must by Board policy establish written bylaws, a constitution, and necessary procedures, subject to the approval of the President and the Board, for a faculty governing body which makes recommendations to the President and to the Provost and Vice President for Academic Affairs as a part of the decision making process of the University. All such policies and procedures must be consistent with the Board's Rule Manual and Governing Policies and Procedures. To fulfill this function the University Faculty has created the Faculty Senate.

3. Representative Organizations

The President may establish or recognize other governance organizations representative of identifiable institutional constituencies, which, like the faculty governing body, must establish written bylaws and necessary procedures for the purpose of making recommendations to the President. For this purpose, the University has recognized the Council of Professional Employees (COPE) and the Classified Employees Council (CEC).

4. Advisory/Ad Hoc/Study Groups

From time to time the President may establish advisory groups to study and make recommendations on a particular issue. Such advisory groups will report to the President or the President's designee on the topic assigned.

5. College or School Advisory Groups/Councils

Individual colleges or schools may establish representative groups or councils to provide recommendations to the dean, the University Faculty Senate and/or the President of the University. (10-91)

6. Acceptance of Reports and Recommendations

Reports or recommendations by the representative governance organizations may be accepted or rejected by the President.

6. The text regarding who can call a meeting of THE FACULTY, should include the President, Provost, and/or Chair of Senate. Also, the criteria that relates to THE FACULTY having authority to call for a referendum vote on an issue must be stringent enough that this power will be used rarely and for truly significant issues. I think the percents for a quorum and for passage of a referendum need to be high enough to ensure that the issues being considered are of high enough interest and saliency to THE FACULTY that they will exercise their right to vote.
7. I believe that for some University Councils, duly elected representatives from the relevant faculty (by college, expertise, research activity, graduate status, etc.) should be structured such that they do not have another duly elected representative body approving or not approving their actions. Over the past few years there are many examples of delays in approving actions, or rejecting actions, etc. What makes one representative body of faculty that has deliberated on an issue, more important than another representative body of faculty that has not been

involved in the discussions, in passing up recommendations to the appropriate administrator? The President perceives a distributive model of faculty governance as more effective and efficient than the previous hierarchical model we had. This is a major philosophical question that I think needs to be fully discussed with all faculty groups. In other institutions, often the membership of the faculty senate includes chairs of these university councils, deans, etc.

8. Finally, I think a lot of what is in Article V really should be included in the Senate Bylaws and removed from the Constitution.

Please accept my comments on the above items and just that, my comments. I want as much as you do to have a constitution that is acceptable to faculty, approved by the President, and then by the Board. I know we are all under serious time pressure. To get a Constitution on the Board's December 7-8 agenda, we need have the President approve it and then get it to the Board by November 8th! I don't know if we can submit it after that date for the Dec meeting. Thank you for your efforts and please know I do support faculty and am simply trying to help you develop a draft that will be acceptable to everyone, even if it represents a compromise between administration and the faculty.

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