

**Idaho State University**  
**Faculty Constitution Draft**  
*as approved by Provisional Faculty Senate on October 24, 2011*  
*with Administration's Suggestions compiled by Provost Adamcik – Nov. 2, 2011*

**Preamble**

To facilitate communication, understanding, and cooperation among the constituent groups within 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 applicable state and federal law.

**Comment [MSOffice1]:** Not sure what is meant by "officers", it may be better to refer to the broad constituent groups (faculty, administration, staff, students), that would benefit directly and indirectly by "communication, understanding, and cooperation"

Institutions of higher education are operated for the common good and not to further the interests of individual faculty members or the institution as a whole. The Idaho State Board of Education in its Governing Policies affirms its belief that academic freedom should not be abridged or abused.

**Comment [MSOffice2]:** University Counsel believes that faculty are protected by SBOE policies and federal and state law and that these protections are appropriate and sufficient. By adding "applicable state and federal law" you really don't need to expound on academic freedom in the Preamble, but if faculty think it essential, then see next comment below.

Academic freedom is essential to protect the rights of the faculty member in teaching and the student in learning. Freedom in research (including scholarly and creative activity) and teaching is fundamental to the advancement of truth. Academic freedom carries with it responsibilities as well as rights.

**Comment [MSOffice3]:** The reference to the AAUP should be removed, this is a potential flash point as not everyone on campus is a member of the AAUP. The revised text that is inserted below, from SBOE Policy (Section III.B. *Academic Freedom and Responsibility*) accomplishes the same thing as the AAUP language, in defining academic freedom and can be fully justified in the Preamble, without the potential for controversy.

Faculty are entitled to freedom in the classroom in discussing the subject material, but they should not introduce controversial matters which are not germane to the subject.

Faculty are entitled to freedom in research and in the publication of the results. However, research for pecuniary return, when that research involves use of institutional facilities or resources not usually available to the general public may be undertaken only with prior written approval by the President or his or her designee.

Membership in the academic community imposes on all employees – administrators, the faculty, professional and classified staff – and students an obligation to respect the dignity of others, to acknowledge the right of others to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus of the institution.

Idaho State University faculty members are citizens, members of a learned profession, and representatives of the institution. When they speak or write as citizens, they should be free from institutional censorship or discipline. However, the special position faculty hold in the community imposes special obligations. As members of the academic community and representatives of the institution, faculty members 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 three categories as defined by Article II.

## Article II: Membership

THE FACULTY of the University shall comprise two categories of members hereinafter referred to as: 1) Academic Faculty, and 2) Administrative Faculty. Associated faculties constitute a third category: 3) Adjunct, Affiliate, and Visiting Faculty.

### Section 1: Academic Faculty

The Academic Faculty of the University includes all tenure-track and tenured faculty, and 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.

**Comment [MSOffice4]:** This is a more straightforward definition of the academic faculty. It distinguishes the two faculty variables – appointment category and rank – used to identify faculty. The appointment categories are tenure-track/tenured (professoriate), and non-tenure track clinical, research, lecturer, and professional-technical. The academic ranks are professor, associate professor, assistant professor, and senior, associate and assistant lecturer, and instructor. The PTE ranks are 4 levels of instructors. The appointment categories are tenure-track/tenured, clinical, research, lecturer, and professional-technical.

### Section 2: Administrative Faculty

The Administrative Faculty of the University includes the President of the University, the Provost and Vice President for Academic Affairs, the Vice President for Research, the deans, associate deans, and assistant deans, and all permanent administrative officials who are qualified to hold academic rank and are designated as members of the administrative faculty by the President.

**Comment [MSOffice5]:** The SBOE includes associate and assistant deans within administrative faculty (“management/administration”) see Section II.G.2.b.(1)

**Comment [MSOffice6]:** Why is it necessary to separate out administrators who hold faculty rank and appointments in an academic unit? This reinforces the “us” vs. “them” concept. Also, all administrative faculty also fall under the Academic Faculty above (these are not mutually separate categories)

### Section 3: 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. Individuals in this category are not part of THE FACULTY.

**Comment [MSOffice7]:** The UI constitution does not disenfranchise these faculty to the extent that this statement does! UI indicates that adjunct and affiliate faculty are associated faculties, and that these faculty groups have the privilege of participation without vote in meetings of the university faculty – much better language, we believe.

## Article III: Powers and Authority

### Section 1: General

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

- a. THE FACULTY has primary responsibility to make recommendations 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 development of policies concerning financial aid, academic performance, extracurricular activities, and freedom of action and expression.

**Comment [MSOffice8]:** It isn't clear what is meant by “primary responsibility on matters” . . . The Faculty make recommendations on matters of . . .

**Comment [MSOffice9]:** Not sure what “establishment of regulations” concerning means

On these matters, **should** the governing Board or the President exercised **their final decision-making authority** adversely to a recommendation by **THE FACULTY**, the Board or the President should communicate that action and the reasons for the decision to **THE FACULTY**. It is desirable that **THE FACULTY** should, following such communication, have **an** opportunity for further **discussion, reconsideration** and transmittal of its views to the President or Board **within appropriate channels and time limits**. 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 realization of faculty advice.

**Comment [MSOffice10]:** The Board and President have the authority to consider recommendations from relevant constituent groups and then make a final decision. The statement in the PFS draft, "should be exercised adversely only in exceptional circumstances" is somewhat confrontational and the real issue is that feedback about a decision be provided which can lead to further discussion at the time, or in the future a decision can be revisited.

- b. **THE FACULTY** has primary responsibility for **making recommendations with respect to** policies and procedures governing the performance of research, scholarship and creative activities.
- c. **THE FACULTY** has primary responsibility for **making recommendations with respect to** policies and procedures governing faculty appointment, tenure, and promotion.
- d. **THE FACULTY** has primary responsibility for **making recommendations with respect to** policies and procedures governing the performance of faculty service.
- e. **THE FACULTY** will normally function through its **elected** representative **bodies**, including the Faculty Senate (see Article V) and other university-level councils and committees that may be established pursuant to Board policy (see Article V, Section 2.a), through the authority granted to make recommendations regarding policies and procedures. **THE FACULTY** will function similarly through the governance committees established within the colleges/academic units. **However, THE FACULTY will also have the rights of initiative and referendum, as specified in Article IV: Section 2.c and Section 3, Article V: Section 3.d, and in Article VI: Section 1.**

**Comment [MSOffice11]:** The Senate is not the only elected representative faculty body that participates in shared governance and provides recommendations to upper administration and deans. The Graduate Council has always been independent of the Senate; prior to the early 1980's other councils were independent of the then Faculty Council; the Executive Councils and other elected committees within colleges/academic units are also part of the faculty governance structure.

**Comment [MSOffice12]:** Is this sentence necessary, given that the process for a vote of the faculty is outlined in the Articles that follow?

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

Within the limits of policies approved by the Idaho State Board of Education, **THE FACULTY** within the particular college, school, division, department, or the library will **make recommendations regarding policies and practices** of the specific college, school, division, department, or the library to the interested dean, **executive committee**, or chairperson.

**Comment [MSOffice13]:** As previously written, this section suggested that the faculty of an academic unit made the decisions and the dean just implemented what the faculty decided!

## Article IV: Organization of **THE FACULTY**

### Section 1: Presiding Officer

The **President of the University** is both a member of and the president of **THE FACULTY**. The President is appointed by the Board as the institution's chief executive officer, and is the official leader and voice of the university.

**Comment [MSOffice14]:** In the UI constitution, and the constitution of a number of our peer institutions, and by academic tradition, the president of the University is considered also to be the president of the faculty. Traditionally, it is the president who calls the meetings of the faculty body and presides at these meetings. Faculty and the Senate certainly can request a meeting of the faculty, and the president certainly can delegate responsibility for conducting such meetings. The UI and a few of our peer institutions, have a "Secretary of THE FACULTY", which certainly could be the Chair of the Senate.

The Chair of the Faculty Senate is the presiding officer of the Senate. The President and/or the Chair of the Faculty Senate (or their designees) will preside at the meetings of THE FACULTY, and will oversee the reporting and distribution of the non-transcripted summary of the meetings.

## Section 2: Meetings of THE FACULTY

### a. Schedule

The President will schedule a regular meeting of THE FACULTY at least once each semester. Additional meetings of THE FACULTY may be called at any time, with due notice, by the President. Special meetings of THE FACULTY may be called by the President or by the Chair of the Faculty Senate. The President must call a meeting of THE FACULTY within 10 days of receipt of a written petition signed by twenty percent (20%) of THE FACULTY, or a two-thirds majority vote of the full Faculty Senate.

### b. Notice

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

**Comment [MSOffice15]:** Three business days may not be sufficient time for faculty to clear their schedule or request a different time or day for a meeting.

### c. Quorum

Official business calling for a vote requires a quorum. Thirty-five percent (35%) of THE 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 15th, the number of Academic and Administrative Faculty as described in Article II.

**Comment [MSOffice16]:** This should be considered carefully. If, for example, a vote was to take place at a meeting of the faculty (n=650), and 20% were present (130), and 2/3 voted yes (87), then "two-thirds of the faculty present approved a motion" but in reality it was only 13% of the total faculty that approved a motion. For important faculty votes, is this appropriate?

**Comment [MSOffice17]:** 20% is not sufficient, 35-40% seems more reasonable – a significant proportion of the eligible faculty should be present for a vote at the time of a meeting to occur. Faculty have a responsibility to participate in shared faculty governance.

### d. Procedure

Each member of THE FACULTY will have a free and equal voice in all deliberations. Academic and Administrative 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 FACULTY.

**Comment [MSOffice18]:** September 1<sup>st</sup> is not sufficient time to determine who all the new faculty teaching courses are (not everyone has been entered into the Banner system that early in the semester);

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

- (1) THE FACULTY may override an action taken by the Faculty Senate. To override a specific action of the Faculty Senate, THE FACULTY may conduct a vote. A majority of those present and voting at a meeting of THE FACULTY may call for a vote of THE 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 FACULTY. The Chair of the Faculty Senate will oversee, record and report the vote within the period of time specified in the Faculty Senate bylaws for faculty-wide referendums. A vote of THE FACULTY requires a two-thirds majority of those casting a vote (with abstentions not counting as votes) to override a Faculty Senate action.

**Comment [MSOffice19]:** Is this a conflict of interest for the presiding officer of the senate to "administer/oversee, record and report" the vote that will determine whether to overturn an action of the senate? For the faculty to care enough to schedule a vote to overturn the senate's action (or to recall a senator) will likely be controversial (and both sides vested). Maybe the ombudsperson (with university counsel) or if we had one, the Secretary of the Faculty, or the chair of another elected council should be in charge of conducting, counting, and reporting the votes.

(2) THE FACULTY may formally oppose a University Presidential action relating to the matters referenced in Article III and Article V.2.b of this Constitution, following the procedure specified in Article IV: Section 2.e.(1). Matters pertaining to a particular officer or employee of the University may not be considered using this procedure. A vote of the faculty requires a two-thirds majority of those casting votes (with abstentions not counting as votes) to oppose an action of the University President. The Chair of the Faculty Senate will communicate the results of such a vote to THE FACULTY, to the President, and to the Idaho State Board of Education.

**Comment [MSOffice20]:** This is a point the President feels strongly about; personnel issues should be handled through the evaluation process, not public votes. I plan to put on Academic Affairs website the annual goals for each dean, the Provost's office, and if the President is the President of the faculty, the President's goals from the Board. We need to be evaluated on how well we accomplish agreed upon goals, just as faculty are evaluated, not on personal traits or personalities.

f. Financial Support

Financial support for official meetings of THE FACULTY will be provided by the Office of the Provost.

**Comment [MSOffice21]:** Meetings of the FACULTY called by or approved by the President will have necessary financial support; unofficial/unapproved meetings will not (i.e., open forums, booth barn, etc.) – we will provide necessary funding for the Nov. 2<sup>nd</sup> open forum meeting, however.

### Section 3: Faculty Referenda

An alternate means to initiate a vote of THE FACULTY is a petition signed by at least twenty percent (20%) of THE FACULTY. Such a petition must conform to procedures specified in the Faculty Senate bylaws. A vote of THE FACULTY requires a two-thirds majority of those casting votes (with abstentions not counting as votes) to approve a motion.

## Article V: The Faculty Senate

### Section 1: Membership

a. Composition

(1) Academic Faculty; Voting Members

(a) Each college or division will be entitled to at least two Academic Faculty representatives to the Faculty Senate except the library, which will be entitled to at least one Academic Faculty representative. Any additional units identified in the Faculty Senate bylaws will receive at least one representative. Academic Faculty representatives will be elected by the Academic Faculty in the unit, college or division of the University.

**Comment [MSOffice22]:** Much of this section could be put in the Senate Bylaws and removed from the constitution.

(b) Senate representation will be determined on the ratio of one Senator per each 25 Academic Faculty in the academic unit (i.e. college, division, library) of the University.

**Comment [MSOffice23]:** Need to clarify somehow what is meant here, if adding the word "each" isn't enough, then you could put in brackets (e.g., 25-49 = 1, 50-74 = 2, etc.) You may want to put this in the bylaws and not the constitution, because this number could change. UI has 1 senator for each 50 faculty members, for example. Other peers have differing ratios, so if this is in the constitution we are pretty much stuck with 1/25.

(c) Every January at the first meeting of the spring semester, the Provost 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 dean of each **academic unit**, college, division, and the library.

**Comment [MSOffice24]:** I think you need to add "academic" before unit – we have a "dean of students" for example, who is often not a faculty member.

b. Selection

Academic Faculty Senators will be elected by each college, division, or unit of the University.

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.

**Comment [MSOffice25]:** Should there be "term limits", or at least a break in service for senators?

d. Responsibility

All members of the Senate are uninstructed **representatives**. Having sought the counsel and advice of their colleagues, Senate members will be free to exercise their own judgment on matters of decision and vote.

**Comment [MSOffice26]:** Is this statement necessary? The most important aspect of this section is that senators communicate with the faculty they represent and on crucial issues, seek advice and feedback.

e. Restructuring

Newly created colleges and divisions of the University will be represented as provided in Article V: Section I.a.(1-3). 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 FACULTY **as provided in this Constitution**. Actions of the Faculty Senate will be effective without approval of THE FACULTY, except that such actions will be subject to challenge, by THE FACULTY (as specified in Article IV: Section 2, Paragraph e.) or by the President of the University. **Additional governance bodies, including councils or committees that may be established pursuant to Board policy and comprised of elected members of THE FACULTY, also will have the authority and responsibility to act on behalf of THE FACULTY in matters specific to their given charge.**

b. Functions

Within the framework established by the Idaho State Board of Education, the Faculty Senate will, as a representative body of THE FACULTY:

- (1) Recommend to the President and Provost and Vice President of Academic Affairs requirements for admission and for degrees.
- (2) Make recommendations to the President and Provost and Vice President of 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 of Academic Affairs criteria for academic rank, tenure, and professional welfare.
- (4) Provide for the review of disputes involving professional ethics and grievances **in accordance with Board and University policies.**
- (5) Recommend to the President and Provost and Vice President of Academic Affairs policies and procedures governing the performance of research, scholarship and creative activities.
- (6) 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 **its** committees and councils and take appropriate action thereon.
- (8) Inform THE FACULTY of its actions.

### Section 3: Organization of the Senate

#### a. Officers

- (1) 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.
- (3) Non-Senate members may only address the Senate when called upon by the Faculty Senate presiding officer.

#### c. Rules

The Faculty Senate is empowered to make rules governing its own organization and procedure subject to the conditions of this Constitution, **approval of the President and Board**, and the following:

- (1) A simple majority of voting members of the Senate members will constitute a quorum. If quorum is lost, the meeting will be immediately adjourned and the discussion will continue at the next regularly scheduled meeting or special session of the Faculty Senate.
- (2) A digest of the Senate meeting minutes will be distributed to THE FACULTY without delay.

#### d. Agenda

**Comment [MSOffice27]:** Most of this section could be put in the Senate Bylaws and not the constitution.

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 FACULTY. Any item submitted by at least ten percent (10%) of THE 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 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 FACULTY through initiative petition presented to the President.

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 FACULTY, after which it will be submitted to a special meeting of THE 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 FACULTY and after approval by the President and the Board.

**Comment [MSOffice28]:** See comments in Article IV, Section 2.c re Quorum. It seems a very small proportion of the faculty can initiate (and approve) proposals to make changes in the constitutional. It is understood that changes are subject to Presidential and Board approval, but it seems counter to commonly accepted constitutional amendment processes to provide such a potentially low threshold (2/3 of Senators or 20% of Faculty).

### Section 2: Of the Bylaws

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

**Comment [MSOffice29]:** Any changes to the constitution, or to the faculty senate bylaws require the approval of the President and the Board.