

ISU Faculty Senate, 1/24/2011

III. Special Topic of Discussion: Contract/Mediation

MOTION:

Whereas: the ISU Faculty Senate was not party to nor is any member of the ISU faculty a signatory to the Contract between the ISU central administration and MGT of America;

Whereas: the ISU Faculty Senate had no opportunity to vet or review the Contract before the Contract was signed by the ISU central administration and MGT of America;

Whereas: the Contract between the ISU central administration and MGT of America calls for a consultant and not for a mediator to mediate issues of shared governance between ISU faculty and ISU central administration;

Whereas: the Contract between the ISU central administration and MGT of America narrows the scope of the discussions to "the model of shared faculty governance in particular the role and responsibilities of the Faculty Senate that is most appropriate for ISU";

Whereas: the Faculty Senate desires to enter into true mediation with ISU central administration on issues defined within the rubric of shared governance;

Whereas: in his e-mail response to the Chair of the Faculty Senate and copied to all ISU VPs, ISU AVPs, the ISU General Counsel, and the Executive Director of the Office of the State Board of Education, President Vailas wrote on 20 January 2011: "I believe the contract is clear, concise and consistent with the intent of bringing closure to a model of faculty governance and its implementation. This is consistent with restructuring and the support of the SBOE (April Meeting) to bring forward an ISU proposal this Spring Term. As you know in my Email correspondence to you, I always advocated the Faculty Senate Executive Committee to discuss with the Vice Presidents the terms and scope of the third party but the Faculty Senate refused to do so...";

Therefore be it resolved: the Faculty Senate considers the Contract to be solely a matter between the ISU central administration and MGT of America and therefore without bearing on mediation on any issues concerning shared governance or other matters between ISU faculty and the ISU central administration, nor does it preclude true mediation from moving forward in the future.

IV. Continuing Business

A. Confidence/No Confidence Vote resolution

MOTION:

1. **Whereas:** On November 29, 2010, an ISU Faculty Senate resolution calling for a confidence/no confidence vote on Idaho State University President Arthur C. Vailas was rescinded as a good-faith measure to pave the way for mediation – under the rubric of shared governance – of a range of substantial problems that have arisen at ISU and that are harming the institution’s well being;
2. **Whereas:** The ISU Faculty Senate is not party to nor is any member of the ISU faculty a signatory to the contract between the ISU central administration and MGT of America;
3. **Whereas:** The two-party consulting contract between ISU central administration and MGT of America never once mentions the word “mediation” and further precludes true mediation between ISU faculty and the central administration by presuming mediation outcomes prior to the commencement of mediation;
4. **Whereas:** Mediation between faculty and central administration has not begun and President Vailas has expressly communicated to the faculty that he is not willing to mediate wide-ranging issues of great concern to faculty;
5. **Whereas:** The ISU Faculty Senate has served as a clearinghouse for a wide range of issues communicated to this body by numerous faculty regarding President Vailas and his administration and has attempted to distill these to serve as the basis for the text of the motion below;
6. **Whereas:** Many faculty have expressed their opinion that President Vailas is now in his fifth year as president and CEO of ISU and yet still exhibits little knowledge of the ISU culture or basic operational procedures;
7. **Whereas:** President Vailas has chosen to ignore, or has allowed his administration to ignore, established procedures at ISU for policy development and implementation;
8. **Whereas:** Large numbers of faculty report that the educational, creative, and intellectual quality of the ISU workplace has diminished substantially since the arrival of President Vailas;
9. **Whereas:** Many faculty question the integrity of President Vailas;
10. **Whereas:** Many faculty hold the opinion that ISU cannot afford to continue on the path chosen by President Vailas without damaging ISU’s educational and scholarly endeavor;
11. **Whereas:** President Vailas continually engenders faculty distrust by promulgating information that faculty believe to be untrue or unsubstantiated or unsupportable by known evidence and history;
12. **Whereas:** Faculty report experiencing substantial administrative disorganization and dysfunction during the course of carrying out their teaching and scholarly duties;
13. **Whereas:** President Vailas publicly claims credit for himself and his administration for ISU accomplishments that predate his presence at ISU;
14. **Whereas:** Faculty have expressed to their Faculty Senators that they fear retaliation and reprisal if they speak out against policy that is favored by the ISU administration;
15. **Whereas:** President Vailas has not recognized through his actions that the Faculty/Staff Handbook is “binding to the institution” despite his own public statements to faculty and statements submitted by administration into the public

record as part of legal action involving the dismissal of tenured professor Dr. Habib Sadid;

16. **Whereas:** Faculty have expressed to their Faculty Senators that they fear retaliation and reprisal if they sign a petition that calls for a confidence/no confidence vote on President Vailas;
17. **Whereas:** The faculty overwhelmingly and unequivocally recommended that ISU institutional reorganization not proceed until a well-thought-out and detailed plan on the restructuring and merging of the colleges was presented, thereby avoiding the substantial administrative disorganization and dysfunction now present at ISU;
18. **Whereas:** President Vailas put the university community through a rushed reorganization effort with a stated primary motive of cost savings, yet has not been forthcoming with any actual figures or evidence that demonstrate cost savings, if indeed any savings have been realized;
19. **Whereas:** Many faculty believe that the 3:1 vote of no confidence on ISU Provost Gary A. Olson effectively was ignored by President Vailas as indicated by his retention of Dr. Olson in the position of Provost, a vote with the following tally: 295 voted no confidence, 95 voted confidence, and 41 abstained;
20. **Whereas:** President Vailas has gravely tarnished Idaho State University's academic reputation nationally and brought financial jeopardy to the institution through his dismissal of award-winning, tenured, full professor Dr. Habib Sadid despite strong faculty recommendation that such action was unwarranted and would bring the national condemnation and embarrassment that is now occurring, including positioning ISU as an institution of higher education that does not value free speech and academic freedom;
21. **Whereas:** The confidential minority report of the grievance committee evaluating the dismissal action against Dr. Habib Sadid was improperly released to the press and there was no subsequent investigation of this improper action by President Vailas;
22. **Whereas:** Some faculty have claimed that with administrative backing, the Risk & Compliance Officer has intimidated and harassed faculty and graduate students through "strong arm" tactics that include leveling an implicit felony accusation against members of the Faculty Senate Executive Committee and submitting misleading reports in processes leading to the removal of Chairs of the Department of Biological Sciences and the Department of Physics;
23. **Whereas:** The ISU central administration appears to practice nepotism with the result that inappropriate substantial salary and benefits, and absence of administrative scrutiny accrue to central administration family members;
24. **Whereas:** President Vailas has failed to reject the IGAC report which would remove meaningful faculty voice;
25. **Whereas:** The ISU Director of Marketing and Communications, representing President Vailas and ISU central administration, employed egregious plagiarism of copyrighted text to defend the secret IGAC process in a public newspaper column, a shameful action expressly forbidden by long-standing ISU regulation and standards, and that plagiarism has not been publicly condemned by President Vailas;

26. **Whereas:** Some faculty claim that President Vailas' administration engages in character assassination of faculty who criticize administrative actions;
27. **Whereas:** Many faculty at ISU are asking their representatives on the Faculty Senate for a resolution to call for a vote of confidence/no confidence in the President;

Be it resolved: The Faculty Senate of Idaho State University calls for a faculty-wide vote of confidence/no confidence in ISU President Arthur C. Vailas.

Faculty Concerns Document

I move that the Faculty Senate release the faculty concerns document to the SBOE and to faculty.