ISU Faculty Senate
Official Minutes
Monday, January 25, 2021 4:00-6:00 p.m.
Location: Join Zoom Meeting https://isu.zoom.us/j/93311614308
Meeting ID: 933 1161 4308
Passcode: 114735

In Attendance: Phoebe Green, Anish Sebastian, Jerry Leffler, Tania Harden, Dan Dale, Jasun Carr, Tyler Jepson, Cory Bennett, Kathy Eroschenko, Darren Leavitt, Alex Rose, Thomas Klein, John Holmes, Amanda Eller, Gesine Hearn, Diane Ogiela, Bethany Schultz-Hurst, Mary Hofle, Christine Hall, Jim Stoutenborough, Colden Baxter, David Hachey, Christy Sabel, Ken Aho, Chad Yates, Justin Lee, Ryan Pitcher, John Baker

Absent But Excused:

Absent:

Ex-Officio: Mike Ellis, Dani Dunstan, Joanne Tokle, John Fitzpatrick, Rex Force, Karen Appleby, Craig Chatriand, Kellee Kirkpatrick, Nitin Srivastava, Aayush Jha, Clayn Lambert, Deirdre Caputo-Levine

Recording Secretary: Ann Medinger

Open Forum:
Mikle Ellis (See statement at the end of minutes)
The Ask: To create a new Grievance Policy
Kirkpatrick gave an update on where the Grievance Policy is, in the approval process. It is currently with General Counsel to make sure it meets all the legal guidelines for the University.
Dunstan- stated that General Counsel has been pushed to have it ready to hand back to FPPC including legal feedback.

1) Announcements
   a) Faculty Senate Bylaws Subcommittee
      i) We are still in need of additional volunteers to see this through
         (1) Current Volunteers
            (a) Jim Stoutenborough
            (b) Bethany Schultz-Hurst
      b) Update as to when SBOE will be attending our Faculty Senate Meeting

2) ASISU Update- Aayush Jha
   a) 2021 election timeline is fixed
      i) February 8th is the submission deadline for candidates for ASISU for 2021-2022 academic year

3) Student Affairs Update- Craig Chatriand
   a) ASISU elections coming up
b) Students appreciate the flexibility that the faculty have shown to them

c) Student activity fee process proposals are due back to Student Affairs office today

d) Fun events coming from student activities board
   i) Bengal IDOL
   ii) Online BINGO
   iii) Lip Sync contest

4) **Academic Affairs Update - Karen Appleby**
   a) Budget process update
      i) Deans have submitted their plans
      ii) Legislative session has started in Boise
         (1) Tomorrow they will be going over budget
      iii) Reiterate that flexibility from faculty has been great in their dealings with students
         (1) Please continue to be flexible

5) **President’s Update - Kevin Satterlee- Dani**
   a) Ask President Satterlee to ask the SBOE to request that Governor Little add University faculty and staff to
      the list of eligible teachers for the COVID vaccine
      i) Governor’s advisory group
         (1) Did not put higher education instructors in the high priority group with K-12
         (2) Office of the state board of education is compiling head count numbers for higher education faculty
             and staff
         (a) Those numbers will we sent to SBOE
   b) This week is Higher Education Week in legislation
   c) Get your COVID screening done
   d) Encourage students to get their COVID screening done

6) **Health Committee Update - Rex Force**
   a) Mandatory vaccination feedback update

7) **Guest**
   a) John Fitzpatrick- The Five Dysfunctions of a Team
      i) Faculty Senators should have read through pg. 114
      ii) For next session, read up to pg. 139

8) **Consent Agenda- Approved**
   a) FS Minutes January 11, 2021

9) **Continuing Business**
   a) Program Health and Sustainability
      i) See document in box folder, “DRAFT Procedure for allocating program reviews”
         (1) Carr went through the document and process he has come up with
         (2) Discussion ensued amongst Faculty Senators
         (a) Baxter does not like the Program Health Feedback Form and would like to push back on that
         (i) Tokle said the form can be adjusted
         (3) Senators talked about their experiences in providing feedback with the deans
         (a) Some senators had a good experience with transparency from their deans.
Some senators had a bad experience with very little transparency from their deans, meaning they did not have a chance to give any feedback.

Where we will go from here
(a) Tokle wants Faculty Senate to be involved in some way - even if it is not giving feedback on the programs
(b) Programs packets will be sent out this Friday
(c) February 19th is the deadline for the program review
(d) That gives Faculty Senate 2 weeks for the review process
(e) Leffler suggested that for those programs that are in the bottom quintiles, the senators go to the faculty involved in those programs and ask if they had an opportunity to provide any feedback to their deans when the results were decided upon.

Final decision on process as Faculty Senate will move forward
(a) Reach out to the programs and meet with faculty - no chairs
(b) Gauge involvement and process
(c) Gauge reaction to the department narrative/plan
(d) Provide feedback from faculty group as Fac Senate Input
(e) Cross-Unit Verification of scale use
(f) Survey Verification of Process (Later)

Letter to release faculty from worry concerning taking advantage of stop-the-clock and other features that have been implemented as a result of COVID-19 - THIS WAS TABLED UNTIL NEXT MEETING

Any volunteers Jerry Leffler may have received to head this charge

We are in need of additional feedback on whether or not ISU should require mandatory COVID-19 vaccines - THIS WAS TABLED UNTIL NEXT MEETING

See document in Faculty Senate Box Folder
(1) Replace Karen Hartman for one semester only
(2) Replace Bob Tokle through Spring 2024
(3) One- one-year appointment renewable for up to three years
(a) Volunteers are as follows
 (i) Duane Rawlings
 (ii) Douglas Warnock
 (iii) Michelle Anderson

New Business
a) Policy III.U. Textbook and Instructional Material Affordability
i) Clayn Lambert presented the reasoning there is a necessity for this to become a policy at ISU
   (1) This regards open education and no-cost teaching resources
   (2) Faculty Senate will discuss this in executive committee and come back to the senate with a recommendation
   (3) Invitation for Clayn Lambert to come back once the language on the new policy is formed
ii) Discussion and possible motion for sending this to FPPC to draft and official policy for ISU
   (1) See box folder for documents pertaining to this discussion

Executive Session- Emeritus Status for Dr. Laura Woodworth-Ney - THIS WAS TABLED UNTIL NEXT MEETING
If the motion passes, it is with the caveat that the Emeritus Policy must pass and be signed prior to the motion becoming official.

See Box Folder for draft of Emeritus policy that is pending approval.

12) Adjournment

ACTION - Carr motioned to adjourn

- Motion seconded
- Motion carried
- Meeting adjourned at 6:31 pm

Statement from Mikle Ellis:

Statement by Mikle Ellis
Given in Faculty Senate Open Forum
January 25, 2021

I am here to ask the Faculty Senate to support an endeavor of the Faculty Professional Policy Council: a new faculty grievance policy. This policy has been over two years in development. Three faculty committees have worked on this new policy. A faculty committee was first convened by the associate provost, Alan Franz, to review this policy. This committee was later absorbed by Faculty Professional Policy Council. Finally, Faculty Professional Policy Council has also reviewed the policy. The General Counsel, the Ombudsman, and the University policy manager have all contributed to the development of this new policy. I am here to request that Faculty Senate act on this proposed policy.

I would like to take a few minutes and discuss some of the deficiencies of the current policy and since I am one of only few faculty members that has actually been through a grievance hearing, I would also like to illustrate how the policy is being applied. I will be brief and should have a few minutes remaining for any questions any senator may wish to ask. I can also supply a copy of my remarks for the minutes.

The current faculty grievance policy (ISUPP 4041) states: C-1. “The burden of proof in any grievance proceeding at any level rests with the grievant.” In other words, you are assumed guilty of any accusations until proven innocent. I would submit there is no more sacred principle of American law than the presumption of innocence.

The current policy is administrated by the Office of Academic Affairs which also represents the administration in the grievance hearing. In other words, the Office of Academic Affairs rules on any questions related to the correct application of the policy and also serves has the prosecution in the grievance hearing. Again, I would submit that nothing is more fundamental to due process than the right to have the case heard by an unbiased tribunal.

My grievance panel issued memo outlining the procedures the committee was going to follow in the conducting the hearing. One of those procedures was: “Neither the Grievant nor the Provost will be given the opportunity to counter arguments brought forth by a witness.” I objected to this procedure. The representative from the Provost office in my hearing congratulated the panel on their procedures. This
illustrates the problem of having the grievance policy administered by the Office of Academic Affairs when they also prosecute the case.

Any question that I wished to ask a witness had to be approved by the panel. I was not allowed to ask any follow-up questions of a witness in real-time. The panel did not require all the witnesses that I called attend the hearing, despite statements in the policy that all witnesses are required to attend the hearing. One member of the grievance panel did not even attend all of the grievance hearing.

At the same time that my grievance was being conducted there was another faculty grievance also being conducted on campus governed by the same policy. The other grievance panel followed vastly different procedures in conducting their hearing. In particular the grievant was able to question any witnesses in real-time. At the very least the policy was confusing to both committees.

The representative from Academic Affairs for my grievance hearing did not call one witness. Now to be fair my witness list may have included his witnesses also. He never asked one question of any witness. In fact he stated at the end of the hearing: “There is no desire from Academic Affairs for a specific outcome from the panel.”

I would submit this is akin to a prosecuting attorney stating to the jury: I do not care if you convict.

Given the gross deficiencies of the present policy and the time and effort that has already been expended, I am concerned that this has not been placed on the Faculty Senate agenda. It is my understanding that Faculty Professional Council has produced a draft of the policy that has been sent to General Counsel and Human Resources for review. I also understand that General Counsel has had the policy for over two months and has not committed to any date by which he will complete his review.

You should be aware that the draft policy was based in large measure on the grievance policies at Boise State and UofI. If there is a legal issue with the proposed policy, the Faculty Senate may wish to inform the other universities that their grievance policies are not legal.

I would be pleased to address any questions that you may have.