

RESOLUTION NO. FSR-2009-01

A RESOLUTION EXPRESSING OPPOSITION BY THE FACULTY OF LEWIS-CLARK STATE COLLEGE
TO THE IDAHO STATE BOARD OF EDUCATION'S REVISIONS OF
HUMAN RESOURCE POLICIES II.B, II.G, AND II.N,
CURRENTLY SCHEDULED FOR A FIRST READING ON OCTOBER 15, 2009

WHEREAS, the Idaho State Board of Education has proposed changes to the following
Human Resource Policies:

1. Section II.B: Human Resources Policies & Procedures-Appointment Authority & Procedures
2. Section II.G: Human Resources Policies and Procedures-Policies Regarding Faculty;
3. Section II.N. Human Resources Policies and Procedures-Financial Exigency Procedures, and

Policy Section II.B

WHEREAS, under the proposed change to **Section II.B**, administrations will have the ability to invoke furloughs or salary reductions even where no financial exigency exists; as such, the action effectively enhances the powers of the administrations without a corresponding accountability that is required in times of financial exigency, an accountability dictated by public policy; and

Policy Section II.G

WHEREAS, the proposed policy on faculty contracts, **Section II.G**, eliminates the protection of employment afforded by contract, or the right to a thorough appeal before a panel of peers based on institutional reduction procedure; and

WHEREAS, by these changes, the Idaho State Board of Education effectively strips a faculty person's ability to rely upon a contract by modifying the contract, without clear guidelines at any time, at the will of the institutions. As such, institutions will have the ability to engage in unethical acts that undermine the trust and respect of their own faculty. We believe a policy like this will provide the perfect "loophole" that could be used against faculty--in times of financial exigency or not. Any salary reduction procedures must be approved by all parties involved, and contract law and ethics must be followed; and

WHEREAS, the institutions of higher education in Idaho state that they follow and support the AAUP statement on academic freedom and tenure. This is stated many times throughout polices, procedures, and accreditation self-studies. The policy proposals are in direct violation of this and this puts all Idaho educational institutions at risk of being sanctioned in the form of

censure by the AAUP if the new policies go into effect. The negative publicity that sanctioned institutions of higher education receive has a perilous effect on the institution and state. Historically, it is very difficult to retain and recruit faculty at sanctioned institutions and school enrollments are at risk due to the negativity and publicity sanctioned schools receive; and

WHEREAS, recruitment, retention, scholarship, creativity, morale, legal issues, and institutional efficiency are at risk if the policies go into force. The policy change disregards over 30 years of progress with higher education and shared governance in the great state of Idaho; and

WHEREAS, if Idaho is looking to boost its economy, we believe it is the institutions of higher education that will produce the work force that will contribute to any such recovery and/or growth. Fundamental to these institutions are the many men and women of the faculty who have committed their daily lives and efforts to the advancement of their students (at salaries already compressed at 20-40% below the median salary with their peers). That the State Board can disregard these efforts by essentially creating an at-will relationship after drawing in a faculty member with a contract of employment is simply unconscionable and unethical. Additionally, tenure in itself is an achievement that is rewarded with longevity, including sustainable contracts. This is a direct violation of contract ethics and potentially the federal rules and regulations that pertain to them; and

Policy Section II.N

WHEREAS, the financial exigency policy, **Section II.N**, which creates a possibility of curtailing, modifying or eliminating some of its programs in agencies or institutions (including layoffs of non-classified contract employees, tenured and nontenured faculty and classified employees during the term of their contract of employment), is now being expanded to include invoking furloughs and salary reductions *without* a declaration of financial exigency. In essence, this provision gives unilateral power to the administration to declare reductions in force by fiat. Again, this is contrary to the public trust given to the State Board and it ignores the accountability required by public policy.

NOW, THEREFORE, BE IT RESOLVED by the Faculty of Lewis-Clark State College that it expresses opposition to all proposed changes to Idaho State Board of Education Human Resource Policies II.B, II.G, and II.N.

ADOPTED UNANIMOUSLY by the Faculty Senate of Lewis-Clark State College at a regular meeting held on the 8th day of October, 2009.