President Owen McDougal called this special session of the Faculty Senate to order at 4:06 p.m.


Agenda Items:

2) New Business:

   (a) Academic Standards Committee is in the process of evaluating Policy 3130 on academic grievance. President McDougal called for volunteer representatives to fill these positions on the board:
   
   - Arts and Letters: Senator Willerton
   - Business and Economics: Senator McCain will find someone
   - Education: Senator Cahill
   - Library: Senator Folkner will find someone or fill the position herself
   - Engineering: Senator Rafla
   - Social Sciences and Public Affairs: Senator Rainford

3) Approval of Past Minutes

   (a) 10 November 2009 Minutes:
   
   - Senator Folkner asked for clarification pertaining to the chronology of SBOE policy and when the U of I faculty came to agreement on their changes to the policy. Provost Andrews and Senator McCain clarified the matter.
   - Senator McCain moved to approve the minutes from the 10 November 2009 meeting. The motion was seconded by Senator Stohr and unanimously passed by the Senate. There were no objections.

3) Old Business

   (a) SBOE Policy Changes: Financial Affairs Committee (FAC): Senator McCain
   
   - Senator Rainford’s pending motion was to “hold a special senate session next Tuesday at 4 pm to have the Financial Affairs Committee present their deliberations from their discussion of the senate followed by discussion and an endorsement.”
- **McCain**: Much of communications is that no change in exigency should be made at all. However, working on the presumption that this is not a possibility for the SBOE, FAC has been drafting proposals to have some input in a new policy.
- **Senator McCain moved to reject any change to SBOE exigency policies or attempt to make a lower level financial challenge SBOE policy less severe than financial exigency.** The motion was seconded by Senator Baker.
- **Senator Rainford called point of order.** His tabled motion was delayed for discussion by the FAC, not for a substitute motion. Rainford stated his motion calls for endorsement of the policy and must be approved before we accept a substitute motion.
- **Senator McCain:** His motion provides a foundation for the first part of the discussion.
- **Senator Stohr:** Rainford’s motion had not been un-tabled so Senator McCain’s motion was appropriate.
- **Senator McCain:** We have people to speak for and against my motion.
- **Senator Rainford:** My original motion is effectively tabled until this discussion is completed.
- **Motion:** Sen. McCain: *Reject any change to SBOE exigency policies or attempt to make a lower level financial policy less severe than financial exigency.* In the interests of clarification, FAC has one member who will speak for the motion, McCarl, and one member who will speak against, Stewart.
- **Senate Secretary Bob McCarl** presented a core argument for rejecting the motion and not accepting any changes to SBOE exigency policies.
  - Spoke in favor of the motion. Originally voted for compromise that would provide institutional interpretation but changed his mind. It is unusual for a policy of this importance to be pushed on faculty senates and we need to be careful. This policy attempts to “impose rules of financial exigency without declaring one.”
  - Current financial exigency policy has “tremendous amount of protections for faculty in it.” Faculty senate needs send message to SBOE that we stand together with other faculty in Idaho to rely on existing personnel policies, and that “we retain the right as a faculty senate to move independently if we so choose.”
  - We are pushed to protect policies that are already in place.
- **Roger Stewart** from the FAC presented a core argument for accepting the motion and going with the changes.
  - Concerned with when financial exigency is not declared and we are in a “grey area” where “who knows what policies hold”?
  - Presented the document that the SBOE has on their agenda for a first read in December. The current changes in the language of the document “allow us to craft very specific policies that will protect us and give us what we want during that interim between normal financial times and times of financial exigency.” (Document that is going to the SBOE)
The “train has left the station,” and we have to respond to the need for changing the policy. This allows the faculty to craft protections “using the term institutional policy” as a caveat for protection. A statement of shared governance.

**Discussion by Senators:**
- **Senator Saunders:** This gives us the opportunity to craft policies that would protect us.
- **Senator Ahten:** Points out that FAC wants to retain existing financial exigency protections and add language in situation of less than financial exigency.
- **Senator Baker:** Asks when does a financial challenge exist? How is it defined? Is it a continual condition or is it simply up to the chief executive officer’s discretion?
- **Senator McCain:** Except when it is subject to institutional policy. Confusion due to internal references of policies to previous policies.
- **VP Lubamersky:** Important that all faculty vote on this issue because it undermines tenure protections. Faculty has a right to be angry.
- **Senator Marker:** The proposed policy changes would set in motion protections for a financial emergency less than financial exigency.
- **Senator Ahten:** Would put language in front of such a contingency. All faculty are working on this in good faith and we should argue this in good faith.
- **VP Lubamersky:** This has the potential to destroy the structure of the university and we need to be clear what this is going to do.
- **Senator McCain:** We do not know what will happen, but if we rewrite our own institutional policy it will give us more protection than the SBOE policies. I speak against this current motion for that reason.
- **Senator Stoehr:** Actually by supporting the motion to do nothing, we have participated as a faculty by considering changes and rejecting them. We should not be a party to changing existing policy.
- **Senator Rainford** voting against the motion; called the question, vote up or down on Senator McCain’s motion.
- **Cheryl Jorcyk:** If faculty senate at Boise State does nothing, that sends a negative message to the SBOE.
- **President McDougal:** Called for roll call vote. Vote taken. A yes vote is to reject any change to the SBOE policy. All policies stay the same, no institutional changes. Only voting members of senate were allowed to vote. Two proxies added to the vote.
- **Senator McCain’s motion was rejected by the Senate by a 9:7 vote. Motion did not carry.**
- **Senator Rainford** moved to endorse the policy presented on 17 November 2009 as presented by the FAC for the first read of SBOE policy with changes made by the FAC. The motion was seconded by Senator McCain.

**Discussion by Senators:**
- **Senator McCain:** Suggest that when the senate president makes the presentation at the SBOE meeting on December 10, 2009 he should discuss the concerns of some of the senators about the changes.
- **Senator Rainford:** Should not handcuff the senate president.
• Senator Saunders: We need to include protections for reinstatement and other elements that have brought up.
• Senator Stohr: Raises issue that tenure and faculty salary are linked and that this change can be destructive if made. Most objectionable aspect of the change.
• President McDougal: Will present the document drafted by FAC.
• Senator Ahten: Reads the changes that would provide protections and address the issues raised by Senator Stohr.
• President McDougal: Just working on the FAC policy recommendation to the state board and other details will be dealt with by FAC later.
• VP Lubamersky: Should go to full faculty vote.
• Ex-Officio Hemmens: Clarification about endorsement of which version of policy? Endorse with changes made by FAC.
• Senator McCain: The FAC has voted on the changes and that is moving on to the SBOE. The other changes mentioned will be made after the first reading.
• Senator Rainford called the question. The motion was passed by the senate by a majority vote. Senator Klein, Vice President Lubamersky, and Senator Stohr were opposed.
• Senator Stohr moved to present this policy as amended by the FAC to the full official faculty to vote on it by December 5, 2009. The motion was seconded by Vice President Lubamersky.

Discussion by Senators:
• Senator Ahten: If put it up for a vote, the final policy will not be clear.
• Senator Stohr: That is reason for the vote, because we are in the process of removing policy protections.
• Ex-Officio Hemmens: Important to rely on the expertise of faculty to make their own decisions on this and make their voices heard.
• Senator Rainford: Not possible to get this vote this quickly or in a clear manner.
• Senator McCain: This is a deceptively difficult process of decision-making and it would be difficult for the whole faculty to embrace it. We need more protection and that must be written into the policy.
• VP Lubamersky: We need to support all faculties in Idaho on this and we need to find some way to enfranchise the voice of our faculty.
• Senator Stohr: It could be done if we move quickly enough and if we decide to do it. We have a responsibility to democratically and collectively deal with this issue.
• President McDougal: (People leaving senate) We are in danger of losing quorum.
• Senator McCain: Important to keep in mind when LCSC voted on the changes in the policy and that is very different than what FAC has recommended.
• Senator Stohr: But they did do a vote.
• Provost Andrews: Faculty needs to be clear about what they would like the whole faculty to vote on, particularly since this policy is being changed.
• Senator Rainford moved to table the motion made by Senator Stohr until the first item of business of the next faculty senate meeting. The motion was seconded by Senator McCain. Rainford called the question.
• **VP Lubamersky**: Robert’s Rules of Order: Senator Rainford cannot move to table a motion on the floor and would like to proceed on Senator Stohr’s motion. (Question of quorum)
• **President McDougal**: Now have ten voting members out of twenty.
• Motion by Stohr would be a full faculty vote; approval of Rainford motion would table Stohr motion until first item of business next faculty senate meeting. McCarl is asked whether there is a template for institutional policy?
• **Secretary McCarl**: A great deal depends on the draft that returns to FAC from the SBOE.
• **President McDougal**: Has contact within SBOE that is interested in and positive toward change.
• **Senator Ahten**: Important that faculty be totally and completely informed, but right now we are in the process of responding to SBOE changes. Reluctant to have an all faculty vote now.
• **Senator Rainford** called point of order: a member may raise absence of a quorum and voting members must be counted to determine if quorum is absent. If quorum has been lost the meeting must be adjourned. Called for a count for quorum.
• **VP Lubamersky**: once quorum has been established it continues to exist no matter how many members leave the meeting. Rainford quotes Robert’s Rules that once quorum is lost, meeting adjourned.
• **Senator McCain**: Not sure what question would be sent to full faculty?
• **Senator Marker**: In favor of disclosure and transparency, but this would not achieve that.
• **Sec. McCarl**: It is doable, but we would have to move very quickly.
• **Ex-Officio Hemmens**: Does not have to be complicated, the faculty senate can just did it. Do you want this one or the existing policy? That is it. We all have doctorates, let us look at it and decide.
• Senator Rainford’s motion is overruled.
• **Senator Stohr** called the question on her motion to send out the policy as amended by FAC to all faculty for a vote by December 5. Senator Stohr, Vice President Lubamersky, and Senator Folkner were in favor of the motion. Senator Brown, Senator Marker, and Senator Ahten were opposed. Senator Rohn had an abstention. Motion did not carry, 3:3:1. (Missing senators and proxies not allowed)

Vice President Lubamersky moved to adjourn the meeting. The motion was seconded by Senator Brown and unanimously passed by the senate. There were no objections. The meeting adjourned at 5:40 p.m.

The next Senate meeting is scheduled for December 08, 2009.