

# COLLEGE AND UNIVERSITY GOVERNANCE: IDAHO STATE UNIVERSITY<sup>1</sup>

(MAY 2011)

This report, prepared by the Association's staff, concerns the decision made on February 17, 2011, by the Idaho State Board of Education to suspend the operation and bylaws of the faculty senate at Idaho State University and to direct ISU president Arthur C. Vailas to "implement an interim faculty advisory structure." The board acted on the recommendation of the president, one week after the faculty voted no confidence in his leadership. In a press release, the board characterized its action as "the most reasonable . . . to take at this time" because of "the impasse between the leadership of the senate group and the administration."<sup>2</sup>

## I. Background

Idaho State University traces its history to 1901, when the state legislature established an academy in Pocatello to provide college-preparatory and industrial-training courses. During the next sixty years, the institution underwent a number of transformations, becoming a two-year

technical institute in 1915, a junior-college branch of the University of Idaho in 1927, a freestanding four-year college in 1947, and a university in 1963. In the last five decades, ISU has expanded considerably: in 1963, the university enrolled 3,500 students and offered six baccalaureate and eight master's degree programs; today, ISU enrolls approximately 12,200 students, including some 10,200 undergraduate and 2,000 graduate and professional students, who take courses on the main campus in Pocatello and on branch campuses in Meridian, Idaho Falls, and Twin Falls. These students were served during the 2010–11 academic year by 621 full-time and 151 part-time faculty members organized into five colleges (arts and sciences, business, education, science and engineering, and technology) and a division of health sciences. The university has been accredited since 1948 by its regional accrediting body, now the Northwest Commission on Colleges and Universities.

Dr. Vailas assumed the presidency of Idaho State on July 1, 2006, succeeding Dr. Richard L. Bowen, who had retired after a faculty senate vote of no confidence. President Vailas, who earned a PhD in connective tissue physiology at the University of Iowa, had been vice chancellor and vice president for research and intellectual property at the University of Houston and had previously held faculty appointments at the University of Wisconsin–Madison and the University of California, Los Angeles. According to ISU's website, in his five years as president Dr. Vailas "has placed ISU on a trajectory to become a major research institution that provides the highest quality education to its students," improved the "transparency and efficiency" of the budget process, substantially increased the endowment, reversed a decline in student enrollments, and raised funds for the construction of a number of new teaching, research, and athletics facilities. His presidency has also witnessed a 22 percent increase in external research funding.

Dr. Gary A. Olson became provost and vice president for academic affairs on April 1, 2009. Provost Olson, whose PhD in English is from Indiana University of Pennsylvania, had been dean of the College of Arts and Sciences at Illinois State University since 2004 and, prior to that, a faculty member and administrator at the

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1. The text of this report was written in the first instance by the Association's staff. In accordance with Association practice, the text was then submitted to the Committee on College and University Governance. With the approval of that committee, the report was subsequently sent to the administration of Idaho State University, to the Idaho State Board of Education, and to the leadership of the suspended faculty senate. In light of the responses received, this final report has been prepared for publication.

2. In his extensive comments on a prepublication draft of this report (hereinafter, "draft report"), President Vailas writes, "The fact of a no-confidence vote has been isolated and selectively taken from a broader spectrum of behaviors that culminated in the suspension of the Idaho State University (ISU) faculty senate. Citing the vote in this manner, which takes it out of the greater and more meaningful context, is misleading. Written this way, the statement suggests that the board's action, and the president's underlying recommendation, were based solely on the fact of a no-confidence vote within a week of the meeting and, therefore, implies that the suspension was retributive and reactionary."

University of South Florida, the University of Alabama, and the University of North Carolina at Wilmington. The author and coauthor of a number of books and articles on rhetoric, writing, culture, and higher education, Dr. Olson writes a monthly column on academic administration, “Heads Up,” for the *Chronicle of Higher Education*. On March 16, 2011, the provost announced that he would be resigning his office effective June 25.

Idaho State University is governed by the Idaho State Board of Education, which, according to its website, “provides general oversight and governance for public K–20 education” and “serves as the board of trustees for state-sponsored public four-year colleges and universities.” The chair of the board, whose eight members are appointed by the governor, is Richard Westerberg, a county commissioner, retired PacifiCorps executive, and former army officer. In a widely reported remark made at a taped meeting of the engineering faculty on April 21, 2009, ISU Provost Olson compared attending state board of education meetings to “going to a circus” and added, “I don’t think any of those people have ever gone to a college, much less gotten a degree at one.” In fact, most board members have attended a college or university—six have bachelor’s degrees, two have law degrees, and three have master’s degrees. None, however, appears to have had any other higher education experience.

The constitution, organization, rules, and responsibilities of the now-suspended Idaho State faculty senate are set forth in its bylaws (most recently revised in 2005). The thirty regular senate seats were “apportioned among the colleges and the university library according to the number of tenure-track and non-tenure-track faculty positions” that were at least half time. The university’s president, the provost, the dean of students, a curriculum council representative, and a student senate representative participated in the senate’s biweekly meetings as ex officio, nonvoting members. Tenure-track faculty members and those non-tenure-track faculty members at the rank of instructor or above with at least half-time appointments and three years of service were eligible for election to the senate. Every faculty member holding at least a half-time appointment was eligible to vote in all elections, which were held in the spring. The officers of the senate were the chair and vice chair/chair-elect, who, together with three at-large members and the past chair, constituted the senate executive committee. This body set senate agendas, coordinated the work of the university’s councils and senate subcommittees, and supervised faculty and senate elections.

The powers and duties of the senate included making academic-policy recommendations to the president and the state board of education; appointing faculty representatives to committees and, in cooperation with the president, to the university councils; and communicating to the faculty about “issues under deliberation.” Much of the senate’s work was carried on through nine standing committees, called “councils,” including those on academic standards, budget, campus planning, teaching and learning, cultural affairs, curriculum, faculty professional policies, and research. Several years ago the Faculty Senate Advisory Council was created for the purpose of improving communication between the senate and the administration, particularly the Office of Academic Affairs.<sup>3</sup>

The website of the currently suspended senate contains a statement on shared governance, which reads, in part:

Faculty governance at Idaho State University is one of several integral parts in the shared governance structure. The primary focus of faculty governance is to promote, support, and uphold the academic health and mission of the University. As such, the Faculty has primary responsibilities in fundamental areas of academic standards and curriculum, academic freedom, academic status and personnel policy, research policy, faculty ethics and commitment, and areas of student affairs related to the educational process. The faculty also provides input regarding joint efforts involving internal operations of the institution, such as budget and physical resources. Regarding areas of primary faculty responsibility, the faculty advocates principles outlined by the *Statement on Government of Colleges and Universities*, jointly formulated by the American Association of University Professors (AAUP), the American Council on Education (ACE), and the Association

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3. In their comments on the draft report, former senate leaders note that the Faculty Senate Advisory Council “consisted of chairs of each of the eight faculty senate councils, the faculty senate chair, and university vice presidents (academics, research, finance and administration) or their representatives. Upon his arrival, however, the provost established his own ‘Academic Affairs Advisory Council’ populated with faculty of his own choosing and thereafter largely ignored the Faculty Senate Advisory Council. Other central administration branches then followed suit.”

of Governing Boards of Universities and Colleges (AGB).<sup>4</sup>

During the period covered in this report, the chairs of the faculty senate were Dr. Alan Frantz (2009–10), professor of educational leadership, and Dr. Philip Cole (2010–11), associate professor of physics and astronomy. As vice chair in 2010–11, Dr. Mikle Ellis, associate professor of electrical engineering and computer science, would have succeeded Professor Cole as chair in 2011–12.

## II. The Suspension of the Senate

Conflict between the faculty and the administration emerged in fall 2008 over an administration proposal to create a Manual of Administrative Policies and Procedures (MAPP), which some faculty members viewed as potentially infringing on the faculty's primary responsibility for academic and faculty personnel matters. By the 2009–10 academic year (according to faculty sources), "a large body of substantial grievances" against the administration had accumulated. As a result, faculty discontent reportedly was high when, in fall 2009, the administration proposed to restructure the university, primarily by recombining its seven colleges into five. In a November 5, 2009, letter to the faculty, Provost Olson (who had taken office in April of that year) announced that "state-mandated budget cuts" required the university to reduce its budget by another 6 percent, after having reduced it by 12 percent the previous academic year. "The bottom line," he wrote, "is that as an institution, we are in dire shape. We simply do not have the resources to sustain such deep reductions in our already meager budget." He mentioned as one possible response across-the-board budget cuts that "would inevitably mean cutting faculty, probably more than 32 faculty in the first round."

The provost went on to explain that the president and he had come up with a better plan, one that would retain as many faculty and staff as possible and would trim administrative positions and reorganize units for maximum efficiency.

The plan would increase shared governance, create the potential for research and teaching collaborations, reduce bureaucracy, and eliminate unnecessary administrative layers. Clearly, this is a win-win scenario.

Provost Olson explained how the process would unfold. The president had directed him to form three task forces to develop a reorganization plan, based on the administration's proposed model, with each task force assigned to one of three clusters of programs: (1) pharmacy and health professions, (2) engineering and the sciences, and (3) arts, humanities, education, and the social sciences. The provost noted that he had already appointed several associate vice presidents to chair the three task forces and had directed them to appoint to their groups "representative members from the ranks of the senior faculty."

The provost wrote that the task forces would "hold appropriate sessions to examine the proposed model and permutations of it. The three task forces will report their findings to me, and I will then call a meeting of all faculty and staff to discuss the findings and recommendations of the task forces." Significantly, the provost added, "[T]he president made clear that the proposed plan is simply that: a proposal that all appropriate constituents will need to carefully consider, discuss, and fine tune—or even reject, if necessary."

In a November 6, 2009, letter to the faculty and staff, Dr. Olson announced the membership of the newly constituted task forces. Soon thereafter they met and were given their charge. According to a faculty member who served on one of them,

We were told that the university was in a severe budget crisis and we had to incorporate cost-saving measures. We were told reorganization would save the university \$2 million. In addition, we were told that the task force needed to have its report submitted to the administration by December 1 (the December deadline changed several times, and we eventually submitted our proposal . . . by February 10). In order to "save time" we were provided with a model of restructuring that we should institute. The Task Force was to write a report justifying reorganization and fleshing out the model that the administration provided (later termed "the Blue Model" because the "boxes" for each college were blue!).<sup>5</sup>

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5. According to President Vailas, "Significantly, the faculty member quoted above was one of about thirty-six faculty who served on the reorganization task forces. Given the extent of the task forces' work outlined in their reports, the number of hours they met, the breadth of the input provided, and the significant modifications ultimately made to the president's initial plan, most task force members apparently did not construe the provost's charge in the

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4. President Vailas comments, "[This statement on shared governance] was not, however, adopted by the administration or approved for inclusion in the ISU Faculty/Staff Handbook."

In the introduction of what turned out to be the final draft of the report (dated April 8, 2010), the provost characterized the process as inclusive and consultative. Not only had the task forces held eight open forums, but he had personally convened a joint meeting in early February with the faculty senate executive committee, the council of deans, the president of the student body, the chair of the staff council, and the members of both the president's and the provost's advisory councils. At the meeting he "solicited advice, suggestions, and input." And on February 12, he sponsored a university-wide forum to "solicit advice and foster dialogue." After extending the deadline for written comments, which was originally February 19, the provost wrote to faculty, staff, and students on February 26 to invite "additional input." According to him, "All feedback was carefully considered, and a number of substantive changes in response to feedback and task-force recommendations were incorporated into the final report."

According to faculty sources, however, the reorganization plan unveiled on February 12 was consistent in most essential respects with the Blue Model that the administration had originally proposed, and senate leaders immediately drafted a resolution calling for a referendum on the plan. In response, Provost Olson told a reporter from Pocatello's *Idaho State Journal* that he considered any faculty senate resolution to be irrelevant. "Obviously, they can vote on whatever they want, but that's not going to affect the process, which was set up by President Vailas and myself. [Task force members] put in [more than 3,000 hours] studying this process and it would be highly unfair to ignore the hard work they put in. How can you vote on something when you haven't been part of it, but your colleagues spent 3,000 hours on it?" After receiving a faculty petition calling for a referendum on the proposal, the senate conducted a vote on March 10. Of the 379 faculty members who participated, 278 (73 percent) voted to reject the plan. Nevertheless, on April 1, the proposal was finalized, with few substantive changes.<sup>6</sup> The administration forwarded

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same way as the faculty member quoted above—as a simple directive to make the president's plan work and to do so as quickly as possible. Moreover, as one person serving on one task force, the faculty member cited could not speak to the experience of members of the other task forces."

6. President Vailas writes, "A referendum vote to solicit input was unnecessary at that point because there was a reasonable, functioning process in place. It was also

it to the Idaho State Board of Education, which gave its approval on April 22. According to the minutes of that meeting, ISU administrators presented the reorganization to the board almost entirely as a means of reducing "administrative costs" (reduced from the original estimate of \$2 million down to \$900,000), though Vice President for Finance and Administration James Fletcher also told the board that the reorganization would "provide more self-governance for the faculty."

Asked about the basis for the faculty's opposition to the restructuring proposal, Professor Frantz, who was senate chair at the time, and Professor David Delehanty, who was the immediate past senate chair, informed the AAUP that

[t]he rationale for reorganization was highly inconsistent and variously justified as providing cost-savings, escaping out-of-date academic "silos," increasing intramural collaborations (citing what faculty felt were non-existent barriers to collaboration across colleges), creating strong boundaries between colleges to increase autonomy of each college in finances and in policy, and claiming that reorganized colleges would be sized for academic efficiency. None of these rationales was supported by identifying actual problems or with data. Nor were metrics for various goals identified. Simple questions remain unanswered: What outcomes are we seeking? How is the newly shaped university intended to function? Why is it necessary to reorganize on such a short timeline, while under financial duress and while implementing a new administrative software system? In short, the fundamental rationale was not (and still has not been) provided to faculty: What problems are we solving and how does reorganization solve them?<sup>7</sup>

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obstructionist, because it disrupted a legitimate, functional instance of institutional governance where constituents were providing advisory input and recommendation through established channels of communication." He adds, "Contrary to what is stated in the draft report, there were significant changes in the reorganization proposal over the course of the review and comment period."

7. "In fact," writes President Vailas, "the rationale for the reorganization encompassed all of the advantages" cited by Professors Frantz and Delehanty. "Evidently, 'highly inconsistent' for some is 'multi-faceted, broad-based, and far-reaching' for others. During the period the campus was defining, reviewing, and finalizing the

Faculty also had severe problems with process. In short, faculty were not appropriately represented in the evaluation and formulation stages of reorganization. In particular, faculty membership on college reorganization committees was by appointment, not by faculty selecting their representatives. Recommendations by some college committees against reorganization were ignored. The promised vetting of task-force outcomes by the duly elected faculty senate was not allowed to occur. Additionally, faculty who participated on the task forces felt their participation was ultimately a disingenuous manipulation because their recommendations were substantially ignored, yet the administration publicly justified the reorganization by saying that the faculty had participated in the process. Toward what proved to be the end of the reorganization planning process, the provost presented the draft plan to the faculty. Via faculty-wide vote, the faculty indicated that they found major flaws in the reorganization plan and rejected it. This referendum too was ignored. The overwhelming sentiment among the faculty is that the reorganization was pre-planned and then pushed through, despite faculty insights and reservations.<sup>8</sup>

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reorganization plan, the provost maintained regular communications with faculty. These letters documented the reasons for reorganization, frequently and in detail.”

8. Commenting on this paragraph, President Vailas states, “These are conclusory, over-generalized assertions not supported by data or evidence. If faculty had severe problems, there is no evidence of what those problems were or how many faculty members had them. If faculty who served on the task forces felt manipulated and believed the process was a farce, there should be evidence of more who spoke out. . . . Moreover, the fact there were dissenters who did not like the process is not sufficient to indict the process. . . . Finally, to assert that recommendations by some college committees were ignored assumes that, because a recommendation is not adopted, no consideration has been given to it. This was not the case. . . . The outcome of the vote against the reorganization does not evidence anything other than the fact of generalized discontent. . . . The dissenting faculty, who had ‘severe problems’ with it, did not succeed in stopping the reorganization, in spite of circumventing the established process with a vote. This appears to be the real source of these faculty members’ frustration, revealed through the comments in this section of the draft report.”

Less than a week after the vote rejecting the restructuring plan, the senate received another faculty petition, this time calling for a vote of no confidence in Provost Olson. Faculty members who spoke to the press attributed their dissatisfaction with the provost, who had been in office for less than a year, primarily to his handling of the reorganization plan. The vote, which took place on April 10, found that 295 (70 percent) of the 431 faculty members who cast ballots had no confidence in his leadership. The *Idaho State Journal* reported that, “[w]hile many faculty members have taken issue with the reorganization, others who voted against Olson argue that the provost has failed to relay faculty concerns to Vailas. . . . Faculty who support Olson have argued that the vote was premature and unfair, and that professors should give him more time to adjust to the job.” President Vailas gave no public response to the vote until five months later. According to a newspaper account, when asked at a September faculty-staff forum what action he would take, he affirmed that the provost would stay, adding, “And we will see how that works in the future.” As noted earlier, however, Dr. Olson announced on March 16, 2011, that he would be resigning as provost effective June 25.

On June 17, 2010, almost two months after voting to adopt the reorganization plan, the Idaho State Board of Education unanimously approved a resolution directing President Vailas “to institute a review of the faculty governance structure at Idaho State University and to report back to the Board all findings at the conclusion of the review.” The minutes record no discussion, nor do they indicate the source of the motion, though senate leaders have stated to the AAUP staff that they believe it came from the Vailas administration. According to senate leaders, the faculty had received no prior notice that the board would be considering this action.<sup>9</sup> Board records indicate, however, that whoever authored the agenda item presented it as a necessary consequence of the board-approved consolidation of the colleges: “At the April 2010 meeting of the Board, Idaho State University recommended, and the Board approved, significant organizational changes in the University’s colleges, *thereby also necessitating a revision of the faculty governance structure*” (emphasis added).

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9. “That faculty leaders believe the Vailas administration instigated the motion is predictable speculation,” President Vailas responds, “but it is puzzling why it is considered relevant.”

The university administration announced on July 5 that, in accord with the board's directive, President Vailas had appointed an eleven-member Institutional Governance Advisory Committee (IGAC) and had given it the following charge: "to review institutional governance and prepare a report and recommendation to be completed sometime in the fall semester." According to the press release, in the fall the draft report would be submitted "for comment" to the faculty senate and "the campus community."

Faculty senate leaders reacted with alarm. At the August 12 meeting of the state board of education, incoming senate chair Philip Cole raised three concerns:

First, as passed by the SBOE [State Board of Education], the motion [to review governance] states, "*A review of governance will necessarily require the use of a broad advisory group (including faculty).*" Unfortunately, regular faculty are not represented on the advisory group; one faculty member resigned from the group, and the other faculty member left for another university.

Second, advisory group members were required to sign a "Statement of Confidentiality" stipulating that they may never discuss anything presented by or to the committee except with other members of the committee. . . . We have asked for justification for this secrecy and have so far received none.<sup>10</sup>

Third, given the abbreviated timeline between the presentation of the committee's proposal to the faculty at large and the submission of the pro-

posal to the SBOE, we think it prudent to slow down the process so that faculty may have adequate time to review, reflect, and respond to any changes in shared governance.

It is not evident that either the administration or the institutional governance committee made any attempt to accommodate these concerns.

On August 17, the IGAC issued its five-page report.<sup>11</sup> After reviewing the committee's charge, the report discusses the scope of President Vailas's authority, under state board policies, including the power "to establish or recognize constituent governance organizations that advise him as part of the decision-making process . . . and to create advisory groups to make recommendations on particular issues." It then asserts that the recent reorganization "provid[ed] an opportunity for fundamental change. Innovative and strategic restructuring of the governance system can reduce [the] faculty service burden while increasing the breadth of faculty input on curriculum, academic standards, faculty appointments and ranks, promotion and tenure, faculty hiring and retention strategies, and workload through a streamlined communication model with reduced committee commitments." The next section succinctly describes six "values/premises" that informed the committee's work, and the following section lists a number of concerns—mainly about the "size, structure, and composition of the Faculty Senate"—and the resulting inefficiencies. Most of the recommendations set forth in the last two pages of the report are quite broad, with the exception of the final one: that "the President create four university-wide committees to advise him and his designees on issues critical to the effective operation of the University." These committees would operate independently of the faculty senate, would consist of "senior" faculty members and administrators, and would report to "the appropriate Vice President." The report does not specify how members will be selected. The four proposed committees are the University Curriculum Advisory Committee, the University Budget Advisory Committee, the University Research Advisory Committee, and the Master Planning Advisory Committee.

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10. The confidentiality statement Professor Cole referred to reads as follows: "I acknowledge that my participation in the meetings of the Advisory Group on Faculty Governance Committee [*sic*] is done under conditions of strict confidentiality and that I will not share or discuss the discussions had, presentations made, or any materials presented or distributed with anyone not on this committee." In a July 26 letter to Institutional Governance Advisory Committee chair Professor David Beard, senate vice chair Mickle Ellis wrote, "The confidentiality agreements unfortunately give your group the appearance of a lack of transparency, one shaping faculty governance while shunning the input of any but a tiny number of administratively active faculty members. Such practice strikes us as contrary to the openness and transparency that President Vailas has so often advocated." Faculty members report having been required to sign confidentiality agreements in order to participate on other institutional committees.

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11. On September 14, a final draft of the report, dated September 8, was issued. With the exception of three additional sentences in the final paragraph regarding the report's lack of specificity (the committee did not feel that it was within its purview to "micro-manage"), the differences between the two versions are negligible.

One of the faculty senate's first actions upon receiving a copy of the report was to pass the following resolution, which was forwarded to the administration on September 10:

The Faculty Senate requests that the Idaho State University administration, prior to the submission to the SBOE of any proposed governance plan,

(a) vet that proposal with the faculty by presenting it to the Senate for discussion and feedback, and

(b) . . . allow for time that may be required for Senators to discuss with faculty constituents [in order] for a faculty-wide vote to occur.

The president, however, submitted the final version of the report to the board of education on September 14 for inclusion on the board's October agenda. In a cover letter, President Vailas wrote, "The report reveals a cumbersome [faculty governance] system that is often unproductive and inefficient, and through its recommendations lays out a road map for the important work of governance reform to continue. The expected next step is the implementation of change through an approved constitution and bylaws."<sup>12</sup>

Upon learning of this action, the five members of the faculty senate executive committee sent a letter to the faculty, dated September 21, in which they express their disappointment that the administration forwarded such a "deeply flawed report" to the state board without adequate faculty consultation, an action they call a "breach of faith." The letter then presents their critique of the process that led to the report. The Institutional Governance Advisory Committee "was created and appointed by President Vailas during the summer, . . . worked in secret, under a confidentiality agreement signed by its members, and . . . released its findings ([to] both print and television media) prior to releasing findings to the ISU faculty for evaluation and com-

ments." The final two pages of the letter detail what senate leaders aver are the report's "many errors, misrepresentations, and unsupported conclusions."<sup>13</sup> But the most objectionable element they find in the IGAC report is the recommendation to create the four university-wide committees to advise the president. They point out that these committees would effectively supersede four standing committees of the senate in the areas of curriculum, research, university budget, and campus planning. And while the IGAC report does not specify the method for selecting committee members, the senate leaders apparently assumed that the administration would appoint them. Thus, if the proposal were to be implemented, "the concept of faculty-formed governance [would be] abandoned and replaced by governance through administrative appointment."

Before offering their critique, the senate leaders noted, with apparent approval, that the faculty senate and the office of academic affairs had jointly appointed an Institutional Governance Working Group (IGWG) consisting of six faculty members. It is, however, unclear how its charge—"to assist President Vailas in implementing ISU's response" to the board of education's directive to review governance—was distinguishable from that of the Institutional Governance Advisory Committee.

Provost Olson responded to the senate executive committee's letter in a September 22 "Letter of Clarification" to the faculty. He stated, among other things, that the IGAC report had been available to faculty members since it was released at an open forum on August 14 (classes, however, did not begin until August 23), that the report was posted on the university's website from August 16 to August 31, and that "[c]ommittee members were available to answer questions and listen to concerns during this time." Regarding the fear that the state board would immediately adopt the proposal, he pointed out that it had "been submitted as an informational item."

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12. One of the administration's consistent claims, made by President Vailas both in his February 28, 2011, letter to the AAUP and in his May 2 response to the draft report, is that the faculty senate lacks a constitution and that the senate has refused to revise its allegedly inadequate bylaws and submit them to the president for his approval. However, as one former senate leader wrote to the AAUP, "The main thing is that ISU has not had something actually labeled 'constitution' for the faculty, and the president, in my view, has simply latched onto that in order to have something he can point to as being out of compliance and the senate's fault, and to be able to demand it."

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13. President Vailas counters, "Many of the concerns about and recommended changes to the faculty governance process and structure that were set forth in the 2010 IGAC report are the same as those that have been independently identified and advocated by the 2006 faculty senate task force on governance, the faculty senate, and the faculty. Given this validation of certain IGAC recommendations, it seems unreasonable and improvident to characterize the IGAC report as 'deeply flawed' and containing 'many errors, misrepresentations, and unsupported conclusions.'"

If the administration expected that the provost's explanations and the appointment of the IGWG would calm the troubled waters, they were mistaken. On September 27, the faculty senate passed three resolutions, which it sent immediately to the administration. The first deplored "the confidential manner in which the Summer 2010 Institutional Governance [Advisory] Committee was formed and conducted its business and the lack of rank and file faculty representation on the committee." The second expressed "disappointment in President Vailas" for not heeding the senate's earlier request not to forward the IGAC report to the state board before the faculty could review, comment, and vote on it. And the third asked the president to withdraw the IGAC report from the board's agenda.

The conflict escalated further in October. After the *Idaho State Journal* printed President Vailas's characterization of the faculty senate as "dysfunctional," the senate leadership prepared to conduct a vote of no confidence in him. In an attempt to defuse the crisis, both sides agreed to a special meeting on October 18 to discuss their differences, with the senate providing President Vailas and Provost Olson in advance with seventeen questions, most of them dealing with issues of shared governance and, more particularly, with the reorganization decision and the handling of the IGAC report. Although the local press reported that participants on both sides described the meeting as "a positive exchange," the faculty senate continued to compile a list of grievances against the president and on November 8 agreed to hold a vote of no confidence, eventually scheduled for early December.

On November 29, however, just a week before the balloting was to take place, the senate voted to rescind the decision to conduct the no-confidence vote as a result of having reached a tentative agreement, through the intervention of the vice chair of the state board, to engage in mediated discussions with the administration. The talks were to be facilitated by Dr. Thomas C. Meredith, retired commissioner of Mississippi higher education and former chancellor of both the Georgia and Alabama university systems. But the uneasy truce began to unravel in early January 2011, when the administration sent Professor Cole a copy of the signed mediation contract, which the senate found to be one-sided in favor of the administration. In a letter to faculty senators dated January 9 (sent the next day to all faculty members), Professor Cole listed specific objections, among others that the contract did not contain the word "mediation," that it lacked any expectation that the mediator would visit campus, that the subject of mediation was limited

to "an IGAC-like model of shared governance," and that the faculty senate had not agreed to the terms of the agreement. "The contract," Professor Cole wrote, "therefore cannot serve as a just vehicle for mediation. . . . If one party writes the terms, controls who may speak to the mediator, and controls the financing of the contract," the undertaking "can only be viewed with great suspicion."<sup>14</sup> Nevertheless, the senate chair suggested "a path forward": "we must request that the state board submit another contract to [the mediator] and that the language be approved by both the Faculty Senate and the ISU central administration."

Despite President Vailas's attempt the next day in a meeting with the faculty senate to persuade senators to go ahead with the mediation, the two sides were unable to resolve their differences over the topics for discussion. Documents indicate that a major sticking point, at least from the administration's perspective, was the senate's insistence on providing the mediator with thirty-five pages of complaints and grievances against the administration that the senate had compiled. By January 12, all parties seemed to acknowledge that mediation was no longer a possibility. Having received the requisite faculty petition, the senate on January 24 adopted a long resolution in support of its call for a vote of no confidence in President Vailas.

This resolution, published the next day in the local newspaper, incorporates some twenty-three grounds for the motion, many of which had appeared in the earlier compilation of grievances. Prominent among them are the by now familiar complaints about the mediation contract, the handling of the IGAC report, and the "rushed reorganization effort." At least three make reference to faculty questions about the president's integrity. Several register faculty fears about administrative retaliation for speaking out against administration policies. Several others refer to "administrative disorganization and dysfunction" as well as disregard for "established procedures." Two deplore the administration's dismissal, in October 2009, of an "award-winning,

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14. "There is nothing suspicious," asserts President Vailas, "about the fact that faculty senate officers were not included in negotiating many of the contract terms, including the consultant's fee. The faculty senate has no authority to bind the institution, is not a legal entity able to contract, and cannot pay for the services. There was nothing in the contract that prohibited the faculty senate officers from speaking with [Dr. Meredith]. In fact, they had contacted [him] on a variety of issues."

tenured full professor” of engineering, “despite [a] strong faculty recommendation” against the action. And one states that the president had “effectively . . . ignored” the faculty’s vote of no confidence in Provost Olson.

The vote was tallied and the results published on February 11. Of the 495 faculty who voted (out of a possible 649), 359 (80 percent) voted no confidence in the president, 92 voted confidence, and 44 abstained. The administration responded the same day with a statement:

The vote is what it is. Despite an organized negative campaign by some Faculty Senate members and others based upon half truths and fabrications, including 119 allegations that were never vetted by the Faculty Senate and subsequently found to have no merit, only 55% of the eligible faculty registered a no vote.

Professor Cole immediately called on the president to resign. In an interview with the *Idaho State Journal*, he and senate vice-chair Ellis said that the next move belonged to the state board of education, which was about to hold its February meeting. According to Professors Cole and Ellis, the choices were three: “The state board can dismiss Vailas, can express support for Vailas, or do nothing at all.”

The state board meeting took place a week later. The board, convening in Boise, had invited senate chair Cole to attend and speak about governance issues at Idaho State. Professor Cole began his remarks (the full text of which was printed in the next day’s newspaper) with a detailed account of “the overwhelming vote of no confidence in President Vailas,” which, he said, “cannot credibly be blamed on the actions of a vocal few.” “No matter how one spins it,” he continued, “this vote has been over two years in the making,” and he recounted the previous year’s battles over restructuring, ending with the vote of no confidence in the provost. “President Vailas,” he concluded, “has lost the respect and goodwill of the faculty.”

The president spoke next. According to a newspaper account of the meeting (citing Professor Cole as a source), he placed the blame for the crisis at Idaho State on the faculty senate and asked the board to dissolve that body, suspend its bylaws, and institute a new senate in its place along the lines recommended in the IGAC report. Immediately, one of the board members read a prepared motion (here in final form):

To suspend the operation and bylaws of the current Idaho State University Faculty Senate; to authorize President Vailas to implement an interim faculty advisory structure; to direct the President to con-

clude his review of the faculty governance role as he was previously charged; and to bring a final proposal for a reconstituted Faculty Senate to the Board in April 2011, and no later than June 2011. Such proposal should include a charge to the reconstituted Faculty Senate to formulate and present to the President for review and approval a proposed Constitution and Bylaws in accordance with Board Policy III.C.2, which should then be presented by the President to the Board for review and approval, at an appropriate date.

After a brief discussion, the board adopted the motion unanimously. ISU faculty members report that back in Pocatello, less than five minutes after the board vote was taken, campus security officers changed the locks on the senate offices and surrounded them with police tape.

A university news release issued the same day announced a faculty-staff meeting for February 25 to discuss the board’s action and quotes President Vailas as assuring the campus community that “[t]he faculty will continue to have a significant voice in ISU’s governance.” Provost Olson, in a February 23 letter to one of the senate councils asking it to continue its work, wrote, “I want to point out that besides dissolving the senate, the SBOE also suspended the bylaws, so the bylaws no longer govern the councils. As the chief academic officer, it is in my authority to empower councils and committees to conduct academic work.”

Faculty sources convey a different perspective, reporting that “faculty governance at ISU is in extreme disorder.” Some councils do indeed continue to meet, albeit without any constitutional warrant, but “some members of the councils no longer recognize the legitimacy of the councils and decline to participate.” As a result, the provost, apparently exercising the above mentioned authority, has instructed at least one council to meet without a quorum. At the president’s direction, each college has established an executive committee. In some colleges, members are elected by the faculty. In other colleges, such as science and engineering, the dean appoints the members. Every executive committee includes staff members and administrators and is chaired by a dean. According to former senate leaders, neither the faculty as a whole, nor any legitimate faculty body, had any role in creating these committees, all of whose members “serve at the pleasure of their deans.” These executive committees, furthermore, make decisions in areas that were formerly within the senate’s purview. ISU faculty members have informed the AAUP’s staff that no elected faculty bodies exist on campus to address such issues as changes to the university’s retrenchment

procedures, administrative budget recommendations, and proposed revisions of the tenure and promotion policy.

Governance review, these same sources relate, is taking place but is being conducted by ad hoc committees appointed by the administration. Some of these committees, such as the Institutional Governance Advisory Committee (which produced the IGAC report) and the several college executive committees, have been tasked with developing “a new governance model.” The Institutional Governance Working Group, created in response to the IGAC controversy, was developing a new senate constitution and bylaws when the president abruptly dissolved it on April 6. Since the suspension of the senate, President Vailas has been holding governance workshops, attended mainly by administrators, whose purpose duplicates that of the now dissolved IGWG. And the provost-appointed General Education Review Committee is redesigning general education. “We wish to be very clear,” one group of faculty members wrote, “these fundamental tasks are not being carried out by duly elected faculty representatives.”

In an April 12 e-mail message to faculty and staff, President Vailas announced that “in response to the June 2010 State Board of Education directive,” he would be implementing “a provisional structure” for faculty participation in academic governance. This structure, which the president stated was developed based on the governance review described in the previous paragraph, was to consist of two elements: several existing university-level councils and a provisional faculty senate. Both the councils and the provisional senate “will report to and work with” the provost, and the senate’s “primary and immediate responsibility” would be to draft a final “faculty constitution and senate bylaws.” The president wrote that further details of this new “advisory system” would be fleshed out by these faculty bodies in cooperation with the administration.

On April 13, the president asked the colleges to conduct faculty elections for representatives to the provisional faculty senate prior to the end of the academic year, prompting the following press release from former senate leaders:

Former members of Idaho State University’s Faculty Senate have strong reservations about the ISU administration’s attempt to legitimize its version of faculty governance with an ad hoc emergency election by fiat. Despite this, we plan to continue our advocacy for true shared governance by requesting [that] duly elected senators of the now disbanded ISU Faculty Senate be nomi-

inated as candidates for the “Provisional Faculty Senate.” We encourage faculty to vote for their duly elected representatives.

Elections took place during the week of April 25. Of the eighteen senators elected, thirteen were members of the senate suspended in February; two others had served in the senate in previous years. Among the fifteen former senators were three recent senate chairs—Professors Cole, Frantz, and Delehanty. At its May 6 inaugural meeting, senators present, by unanimous votes, elected Professor Cole as chair and adopted a preamble and two sections of a provisional constitution to be forwarded to the president and state board for approval. They also adopted the following resolution:

Whereas: One week after the faculty-wide 4:1 vote of no confidence in President Vailas, on February 17, 2011, the duly elected ISU Faculty Senate was dissolved at the request of President Vailas;

Whereas: The majority of the newly formed Provisional Faculty Senate consists of former duly-elected senators from the disbanded ISU Faculty Senate;

Whereas: The ISU Faculty chose to restore the entire Executive Committee of the disbanded ISU Faculty Senate;

Whereas: The ISU Faculty chose former senate chairs from the three most recent academic years as voting representatives on the Provisional Faculty Senate;

Whereas: The Provisional Faculty Senate will serve as a stepping stone toward constitutionally restoring shared governance to ISU;

Be it Resolved: The members of the Provisional Faculty Senate recognize and honor the hard-working, highly professional ISU Faculty for their resounding vote of confidence in faculty governance as demonstrated by choosing their duly elected senators to represent them in ISU Faculty’s continuing effort to restore true shared governance at ISU to all of its former purviews including Academic Standards, Budget, Campus Planning, Undergraduate Curriculum, Cultural Affairs, Faculty Professional Policies, Teaching and Learning, and Research.

The administration, however, declined to recognize the provisional senate’s actions or to grant the newly elected senators’ request to restore the senate travel budget (for officers to attend state board meetings), the use of the senate chair’s cell phone, and access to the senate office and website. In a May 11 e-mail message

to Professor Cole, who had written to express “deep concern” about the denial of this request, Dr. Barbara Adamcik, associate vice president for academic affairs and interim provost effective June 26, wrote, “I understand that you have organized unofficial meeting(s) recently and held elections for ‘officers.’ This was inappropriate.” She went on to state that in the fall she herself would call the provisional senate’s “first meeting” and provide “guidelines for how [the senate] will function to complete its assigned responsibilities.” With respect to the provisional senate’s request, she wrote, “There is no need for you or other provisional senate members to have access to the Faculty Senate office, cell phone, etc., during the summer.”

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The AAUP’s staff sent a letter by facsimile to President Vailas on February 22, 2011, notifying him that the Association intended to authorize a formal investigation unless he could provide, by March 1, information of “extraordinary factors currently unknown to us that would justify” the board’s unilateral suspension of the senate. Responding by letter of February 28, the president advised the Association that the senate was suspended because the faculty did not submit for his approval a new constitution and bylaws, which he stated were made necessary by the IGAC review, and also because the senate “rescinded its agreement” to engage in mediated governance discussions, insisting instead on “a much broader discussion, a ‘hodge-podge’ of gripes, comments, and complaints.” The staff wrote again on March 3 to inform President Vailas that “the General Secretary concurs in our staff’s opinion that the senate’s unwillingness to adhere to the wishes of your appointed working group or to agree to the scope of proposed governance discussions was not a factor so extraordinary as to compel the suspension of the faculty’s official governing body in order to preserve the university’s teaching and research mission. The General Secretary has accordingly authorized our staff to undertake an investigation and prepare a report.”

### III. Concluding Remarks

Fundamental principles and standards of academic governance in American higher education are set forth in the 1966 *Statement on Government of Colleges and Universities*, which the AAUP developed in cooperation with the American Council on Education and the Association of Governing Boards of Universities and Colleges. The AAUP adopted the document as official policy, and the other two organizations commended it to

the attention of their respective memberships. Because “the variety and complexity of the tasks performed by institutions of higher education produce an inescapable interdependence among governing board, administration, faculty, students, and others,” the *Statement on Government* calls for “adequate communication among these components and joint planning and effort.” Joint effort in academic decision making (commonly referred to as “shared governance”) is embodied in two basic principles: “(1) important areas of action involve at one time or another the initiating capacity and decision-making participation of all the institutional components and (2) differences in the weight of each voice, from one point to the next, should be determined by reference to the responsibility of each component for the particular matter at hand.”

In its essence, shared governance therefore means that (1) no major institutional decision should be reached without at some point involving the board, the administration, and the faculty (thus precluding unilateral decision making) and (2) the amount of authority each constituent exercises in a decision-making realm derives from its responsibilities.

Because its members have special competence in teaching and scholarship, “the faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process.” For the same reason, “[f]aculty status and related matters are [also] primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal.” The deference the *Statement on Government* gives to faculty authority in these areas of primary responsibility is such that, with respect to teaching and research, “the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty.” Moreover, “it is desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the president and the governing board.” Similarly, with regard to “questions of faculty status,” “[t]he governing board and president should . . . concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.”

In recognition, perhaps, of the wide diversity among American colleges and universities, the *Statement on Government* does not offer specific models for ensuring that the faculty plays a significant role in all important

institutional decision making and a primary role in decisions about the curriculum, academic policy, scholarship, and faculty personnel matters. It does not, for example, suggest that all colleges and universities should incorporate a faculty senate. Instead, it commends additional general standards, four of which are of particular relevance to the subject of this report:

1. Agencies for faculty participation in the government of the college or university should be established at each level where faculty responsibility is present.
2. An agency should exist for the presentation of the views of the whole faculty.
3. The structure and procedures for faculty participation should be designed, approved, and established by the joint action of the components of the institution.
4. Faculty representatives should be selected by the faculty according to procedures determined by the faculty.

As is the case at most medium to large colleges and universities, at Idaho State University these standards were embodied through the faculty senate, which was the primary means of ensuring that the faculty performed its essential role in academic governance. When the state board, following the president's recommendation, suspended the senate from operation, it effectively obliterated that role. Under the above-cited standards, legitimate agencies no longer exist to facilitate faculty participation in institutional decision making, nor does any agency remain that can speak on behalf of the faculty to the administration, the board, the students, and other constituencies. The senate, which had been created through joint effort, was eliminated unilaterally. And the faculty's elected representatives have been summarily dismissed from office by the same unilateral action.

In justifying its decision, the board settled on the term "impasse." An *Idaho State Journal* blog posting dated February 20 quotes Mr. Mark Browning, the state board of education spokesperson, as saying that the board dissolved the senate "as a last resort," being unable to see any other means of resolving the conflict between the faculty and the president. "I think it was just apparent to them there wasn't going to be any progress on this situation. You just can't continue to fight like that and expect the institution to do good things."

As the narrative section of this report indicates, however, this impasse followed several years of struggle and conflict brought about in large part by recurring patterns of administrative high-handedness. Rather than allow the senate, other duly constituted faculty bodies, or

faculty-selected representatives to participate appropriately in important decision-making processes concerning the organization of the university and the shape of faculty governance, the administration repeatedly, and over the objections of the faculty's representatives, chose to make these major decisions based on the recommendations of task forces and committees selected by the administration and dominated by administrators. In at least one instance, faculty members serving on these deliberative bodies signed confidentiality agreements, thereby effectively preventing themselves from acting as faculty representatives.<sup>15</sup> The notion of academic governance that drove these administrative actions has little in common with principles in the *Statement on Government*, as President Vailas himself made perfectly clear in an October 2010 interview: "All this stuff about what people's roles are doesn't make any sense. Shared governance is a process of input. Management reaches to constituents for information to make informed decisions" (*Bannock Alternative*, November 1, 2010).

Frustrated by their exclusion from substantive participation in academic decision making, faculty members expressed their views collectively through one of the few means left to them—the democratic

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15. Commenting on the first three sentences of this paragraph, President Vailas writes, "During this time period, the faculty senate was developing its own recurring patterns of high-handedness: refusing or neglecting to tend to its assigned areas of responsibility, spilling over into management of the university, assuming an unauthorized role in personnel matters, to name a few examples. One recent example occurred in a faculty grievance involving the recommended dismissal of a tenured professor. Although the faculty member's grievance had concluded, as well as the role of faculty as authorized [by] the faculty/staff handbook, the faculty senate nevertheless interjected itself into what was a personnel decision squarely within the president's purview. The senate passed a resolution in support of the faculty member, with the express intent to influence the president in his decision. . . . The depiction of task forces and committees as an inappropriate usurpation of the faculty senate's function is baseless. Board policy expressly permits the president to establish advisory groups to study and make recommendations on a particular issue. It is also inaccurate to suggest that all task-force appointments are made by the administration. The members of [the Institutional Governance Working Group] were jointly selected by the provost and the faculty senate chair."

ballot.<sup>16</sup> In one senate resolution after another and in three votes by the full faculty, they registered their concerns and made their views known—but to little avail. The reorganization plan went to the board and was adopted, and the much-protested IGAC report also came to the board virtually unaltered. After the breakdown of proposed mediation talks, the faculty voted again, this time to convey a lack of confidence in the president. When faculty leaders, acting in accordance with their responsibilities, brought the results of that vote to the board of education, that body reacted by suspending the senate and depriving its members of their elected positions, in one blow stripping the faculty of its legitimate remaining means of making its voice heard.

Despite the recent election of a provisional senate, what currently passes for shared governance on campus is a conglomeration of administratively appointed and administratively dominated task forces, committees, and ad hoc groups accountable not to the faculty but to the administration. As Interim Provost Adamcik wrote in a May 10 letter to members of the faculty, “Until such time as a constitution and bylaws have been approved, the Graduate Council, Research Council, and Curriculum Council will continue to function as planned—reporting to the Graduate Dean, V.P. for Research, and Provost, respectively. Minutes and action items from these councils will be forwarded . . . to the provisional faculty senate . . . as . . . informational item[s].” The standing councils of the faculty senate “will likely not meet regularly.” Faculty grievances will be handled by chairs and deans, and, “if a satisfactory resolution cannot be achieved, I will appoint a senior faculty member . . . to assist me in reviewing and addressing the grievance.”

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16. President Vailas comments, “Based on the number of times votes were engineered by the faculty senate, it is apparent the ballot was the preferred way of communicating by the faculty senate and certain faculty members. Over the past two years there has been a vote of some type—no confidence, referendum, resolution, etc.—as a standing agenda item of the faculty senate. These votes were used, not as a ‘democratic ballot,’ but as a very real stick wielded from what had become a very public pulpit. A principal irony in the draft report is the fact that, while the faculty senate clamors for ‘substantive participation in academic decision making,’ [its] legitimate avenue for participation has been repeatedly neglected. Over the past three years, the senate has conducted little of its business and made few of the governance reforms to which it had committed.”

While some may find it difficult to conceive of a legitimate basis for suspending a duly constituted faculty senate, one such basis is implied in the AAUP staff’s March 3 letter to President Vailas. The letter states that the response offered by President Vailas failed to identify any cause for the action “so extraordinary as to compel the suspension of the faculty’s official governing body in order to preserve the university’s teaching and research mission.” The available evidence carries no suggestion that the ISU faculty senate’s activities were destructive of the ends for which the university exists. On the contrary, though the conduct of the faculty and senate leaders cannot be said to have been flawless, the activities of the senate and its leaders seem to have served these ends by attempting to uphold professional standards against heavy opposition. Ironically, it seems much more likely that the actions of the administration and state board, rather than those of the faculty senate, may have damaged the teaching and research mission of Idaho State University.

More relevant to the purpose of this report, these actions directly contravened the understanding of academic governance outlined in the beginning of this section. As this report demonstrates, in severely restricting the faculty’s decision-making role in academic governance over the last several years, in suppressing faculty dissent, and, finally, in abolishing the faculty senate and with it the last vestiges of shared governance on the ISU campus, the administration of Idaho State University and the Idaho State Board of Education acted in direct violation of widely accepted principles and standards of shared governance, as set forth in the *Statement on Government of Colleges and Universities*. While the election of a provisional senate has apparently raised expectations for a successful resolution, such an outcome will not be accomplished without substantial changes both in the Vailas administration’s treatment of the faculty and in its approach to academic governance.<sup>17</sup> ■

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17. In his concluding remarks on the draft report, President Vailas offered the following view of future prospects for shared governance at ISU:

I believe ISU is set to move forward with a progressive, innovative, and sound approach to faculty governance. Elections for a provisional ISU faculty senate have been concluded. These elections were open to any eligible faculty, including those who previously served. The charge of the provisional faculty senate will be to establish a constitution and bylaws in

The Committee on College and University Governance has by vote authorized publication of this report.

Chair: LARRY G. GERBER (History), Auburn University

Members: LENORE A. BEAKY (English), LaGuardia Community College, City University of New York; JEFFREY A. BUTTS (Biology), Appalachian State University; IRENE T. MULVEY (Mathematics), Fairfield University; DIANE C. ZANNONI (Economics), Trinity College; CARY R. NELSON (English), University of Illinois at Urbana-Champaign, ex officio; GARY D. RHOADES (Higher Education), AAUP Washington Office, ex officio; MARY A. BURGAN (English), Washington, DC, consultant; PURIFICACIÓN MARTÍNEZ (Hispanic Studies), East Carolina University, liaison from the Assembly of State Conferences; DAVID T. WITT (Family and Consumer Services), University of Akron, liaison from the Collective Bargaining Congress.

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accordance with board policy. I believe your own Association is involved in constitutional reform and is quite familiar with the importance of a viable constitution that provides the framework for an organization and bylaws that reflect current operations. While some have argued the faculty senate's former bylaws could somehow also serve as a "constitution," this is simply not the case. Neither a constitution nor current bylaws have been presented to me or to the board in accordance with board policy. For whatever reasons that may have existed, the former faculty senate appeared unable or unwilling to complete these important tasks. It is hoped that the provisional senate will succeed.

The provisional system will provide a significantly greater, albeit more defined, role for faculty in various critical areas. It also envisions a much stronger role for faculty in local, college-level governance. You have acknowledged there is no single model for institutional governance. . . . It is my hope that the provisional senate and your Association's members will be receptive to a model we believe provides for a more direct role for faculty to advise on many key components of the University's operations and allows the faculty senate to concentrate on issues common to the faculty-at-large.

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I believe all four "standards" set forth in the draft report will be met or enhanced via the current process: (1) Agencies for faculty participation at each level where faculty responsibility is present will exist, including faculty senate, councils, and local government. (2) An agency for the presentation of views of the whole faculty, i.e., a faculty senate, will exist. (3) The structure and procedures for faculty participation will be designed, approved, and established by the joint action of the components of the institution. This will include a constitution and bylaws jointly developed by the faculty senate with faculty input that are acceptable to me, as chief executive officer of the institution, and to the board. (4) The permanent faculty senate and other faculty representatives will ultimately be selected by procedures determined by the faculty. Hopefully, these procedures will include an election process. It is my hope that all aspects of these important standards can be accomplished as we work together.

Responding by letter of May 6, 2011, the AAUP's staff wrote, "We were pleased to read in the conclusion of your letter that 'ISU is set to move forward with a . . . sound approach to faculty governance' that accords with the standards set forth in the draft report (derived from the *Statement on Government of Colleges and Universities*). If developments do indeed lead to such an outcome, the issues that are the subject of our report should be resolved."