

## 2015-16 MEETING #3 OF THE FACULTY OF THE UNIVERSITY OF IDAHO

Tuesday, May 3 - 3:00-4:30 p.m. (PT), Bruce M. Pitman Center Vandal Ballroom  
Boise – IWC 448A; Coeur d'Alene – 128; Idaho Falls – TAB 350A; Twin Falls – B-66

President Chuck Staben Presiding

(The Provost and Executive Vice President will be standing in for President Staben per FSH 1420 A-2 a.)

- **Call to Order.**
- **In Memoriam.**
- **Minutes.** Meeting #2, February 9, 2016
- **Announcements.**
- **Special Orders.**

### Report of the Faculty Senate

[Below items are available:

[http://www.webpages.uidaho.edu/facultycouncil/General\\_Faculty\\_Meetings/univ\\_faculty\\_meetings.htm](http://www.webpages.uidaho.edu/facultycouncil/General_Faculty_Meetings/univ_faculty_meetings.htm) ]

### I. Proposed Changes/Additions to *Faculty-Staff Handbook (FSH)/Administrative Procedures Manual (APM)*

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#### Faculty Evaluation/Position Description:

- FS-16-027: FSH 3320 - Faculty Evaluation (pilot\* form)
  - FS-16-059: FSH 3050 - Faculty Position Description (pilot\* form)
- \*Pilot form to be available for optional use by all faculty.*

#### Leave Policy:

- FS-16-018: FSH 3710 - Leave Policy - parenting leave
- FS-16-063: FSH 3710 - Leave Policy - compliance/clean-up

#### Student Code of Conduct:

- FS-16-056: FSH 2400 - University Disciplinary Process for Violations of Student Code of Conduct
- FS-16-058: FSH 1640.93 - Student Disciplinary Review Board
- FS-16-006: FSH 1640.83 - Student Appeals Committee

#### Miscellaneous:

- FS-16-028: FSH 2700 - Student Evaluation of Teaching
- FS-16-055: FSH 1800 - Staff Council Bylaws
- FS-16-057: FSH 1640.20 - University Budget & Finance Committee
- FS-16-064: FSH 2800 - Student Fees

### II. Proposed Changes to the University of Idaho Catalog

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- **FS-16-061** (UCC-16-044): Regulation J
- **FS-16-062** (UCC-16-043): Law Expansion in Boise

- **President's Remarks.**
- **Adjournment.** Refreshments will be available.

**Don Crowley, Secretary of the Faculty, (885-6151)**

**NOTE:** 101 faculty members (all campuses state-wide) constitute a quorum. Quorum and voting regulations can be viewed at [FSH 1520 Article III](#) with the goal to actively include off-campus faculty participation in faculty meeting. To determine your voting right as a faculty member please see [FSH 1520 Article II Section I](#). Those who are recognized by the President for the purpose of speaking should identify themselves by name and discipline or position.

**NOTICE:** Off campus faculty will be receiving a separate email with a URL to access the meeting live. Also available at this site will be a streaming video link that can be viewed after the meeting for those unable to attend.

University of Idaho  
University Faculty Meeting Minutes  
2015-16 Meeting #2, Tuesday, February 9, 2016

**President Chuck Staben, presiding**

**Call to Order:** President Staben called the meeting to order at 3:05.

**Quorum count:** Moscow: 58; Boise, 7; Twin Falls 4; Idaho Falls – 4; CDA – 3. With 76 voting faculty present we did not achieve the 97 faculty necessary for a quorum. Thus, we could not vote on any of the agenda items. In such cases, all items passed by the Faculty Senate are deemed to have been passed.

President Staben introduced Randall Teal Chair of the Faculty Senate. Chair Teal briefly summarized the agenda items listed below. There were no questions asked and given the lack of a quorum all policies passed without a vote.

- FS-16-008: FSH 3720 - Sabbatical Leave
- FS-16-009: FSH 1640.74 - Sabbatical Leave Committee/1640.90 - General Education Assessment Committee
- FS-16-013: FSH 5300 - Copyrights, Protectable Discoveries and Other Intellectual Property Rights
- FS-16-016: FSH 3320 - Faculty Evaluation
- FS-16-017: FSH 3710 - Leave Policy (update)
- FS-16-001: APM 40.31 - Tree Memorial & Recognition Program
- FS-16-002: APM 45.23 - Dual Use Research of Concern (DURC)
- FS-16-011: APM 35.60 - Hazard Communication Program
- FS-16-014a (UCC-16-019): CNR - Minor name change Conservation Social Sciences to Natural Resource Cons.
- FS-16-014b (UCC-16-019): CNR - Discontinue Certificate Fire, Ecology, Management
- FS-16-015 (UCC-16-018): CLASS - Martin School Reorganization
- FS-16-019 (UCC-16-022a): CLASS - General Studies – distance
- FS-16-021 (UCC-16-022c): CLASS - History – distance
- FS-16-022 (UCC-16-022d): CLASS - Organizational Sciences – distance
- FS-16-023 (UCC-16-022e): CLASS - Psychology – distance
- FS-16-029 (UCC-16-002): Prior Learning Assessment
- FS-16-030 (UCC-16-026a): CNR - Fire Ecology, Management, and Technology
- FS-16-031 (UCC-16-026b): CNR - Remote Sensing
- FS-16-032 (UCC-16-026c): CNR - Forest Resources to Forestry

President Staben was invited back to conduct the rest of the meeting.

**President's Comments:** President Staben made some introductory comments regarding the new Strategic Plan for the University. He asked those in attendance to recall the vision document discussed in the fall meeting. That document asked the University community to consider three important concepts.

- Ideas that Matter—We should strive to develop ideas that matter to us, to our students, and to society. We have sought to stimulate more interdisciplinary projects and the flow of ideas on campus.
- Transformative Education—Idaho has a real challenge in not having enough college educated people. How can we provide a quality education that transforms lives and society?
- Building Our Team—We are a great team, but want to be a better team. A key to doing that is by enhancing compensation.

These are concepts that should guide us as we develop our Strategic Plan. Provost Wiencek has been leading the development of the strategic planning process, and was invited to the podium to provide an update.

Provost Wiencek expressed his gratitude to all those who have been part of the strategic planning process. The Provost emphasized the importance of understanding that our strategic plan is a process and needs to be about aligning the organization with strategic thinking. To guide our thinking about this process, a [video](#) was shown which outlined the basic elements of developing a strategic plan.

The Provost expressed approval that around 80% of those at the meeting had downloaded a copy of the strategic plan. He reviewed some of the basic elements as follows:

- Our mission is stated by SBOE
- The President has articulated the vision and the charge to the committee
- The goals reflect our accreditation themes
- The Committee has tried to put the goals into specific action oriented words
- The key goals are: Innovate-Engage-Transform-Cultivate
- We need to develop the key measures for our goals
- We will need to be tactical, if we are going to be successful
- Units will develop their own cascading plans showing what they plan to focus on
- Planning will be broken up into three segments (Waypoints) of three years

Provost Wiencek noted that the process is roughly on schedule and will be presented to the Board of Regents in April. The committee is taking feedback through town hall meetings, Yellow-Dig, polling emails and surveys. The Provost briefly commented that our stated aim in Goal I (Innovate) was to obtain Carnegie Research Very High. He stated that the University of Idaho (UI) is within striking distance of reaching this goal. We hope to make progress towards this by helping programs that offer terminal degrees.

The Provost stressed that the strategic planning process was part of and connected to other processes like fundraising, enrollment, budget, prioritization, and accreditation. We need to integrate and coordinate all these processes. There will be an implementation committee, which will begin to create the framework for the cascading plans.

A faculty member asked, if in seeking to provide a transformative education, were there particular measures departments should be focused on? Provost Wiencek commented that units should focus on measures that are important to their student body. A college can put forward multiple cascading plans. He suggested that for the University as a whole, the first measure should be whether we are increasing enrollment and whether we are offering a quality education to all students.

President Staben noted that he felt that the strategic planning process had been an inclusive process and it was important for this to be our plan. Moving away from a focus on the Strategic Plan, the President then addressed some other points of interest.

- The UI's research expenditures are up 2% this year. We now rank 150<sup>th</sup> in the nation in research expenditures, which is consistent with achieving the higher Carnegie Research status.
- We have taken statewide leadership on increasing enrollment. The Direct Admit Program is in its first year and has been adopted across the State. It has some rough spots—one of which is students who believe they have been automatically admitted, thus don't apply.
- The President referred to a study from the McClure Center, which suggested that Idaho high school students don't see the value of going on to college. Idaho has the lowest

percentage of high school students going to college. There are many studies that show the economic value of going to college and we need to get that message out.

- A study by EMSI demonstrated that the UI has a 1.1 million dollar annual economic impact to Idaho. Such information helps demonstrate that a great research university is a necessity, not a luxury.
- Dean Lynn Baird is leading an Open Stacks Initiative. Most students do not purchase books for their introductory courses. The Open Stacks Initiative will help students obtain the materials necessary for succeeding in a course. We should try to facilitate student participation in this initiative.
- The President has given presentations to various legislative committees. He has stressed the statewide role of the UI, and that education is an investment, not an expense.
- Governor Otter has proposed a 3% CEC in this year's budget. Another proposal was for a tuition lock program. This program would lock in an entering freshman's tuition for their full four years. He also advocated increasing state funds for scholarships.
- The UI has asked for funds for a "Complete Idaho Program." This will aid our retention efforts, and help move students towards graduation. We have also requested a five-seat increase in the WWAMI program, occupancy funds, Agricultural Research Experimental Station funding, Forest Utilization Research, and the Idaho Geological Survey.
- President Staben noted that if we receive a 3% CEC from the State, the funds will only cover about half of a 3% increase for all University employees. Thus, the University will have to find the funds to finance the rest. We will be proposing a tuition increase to help offset this need. He hopes we can make some progress towards the goal of getting faculty up to market.

President Staben was asked if there were any funds available for "catch-up" raises for faculty. The President noted that we didn't have any special funds for this purpose, but he was aware of the need to address this problem. In response to a related question, President Staben commented that the only way we can make progress towards bringing up faculty salaries to our peer institutions, will be through our own resources. Our main resources are tuition and fees. The only choices we have are to increase tuition and/or increase enrollment. He stated that his strong preference is to increase enrollment growth at similar net tuition revenue.

A faculty member asked about our distance education strategy, and how we can develop the faculty resources to ensure that our distant degrees are as good as on-campus degrees? The President noted a recent Babson Report suggested that distance courses were less of a concern with regard to learning outcomes, than on-campus courses. He agreed that we want to be sure of the value of these courses, and we needed to recruit heavily to fill those courses.

A question was asked based on a recent survey of UI freshman. This survey suggested that students were frequently bored in their classes. Students also showed a fairly poor understanding of academic success skills such as reading before one goes to class or rewriting papers before submitting. How might we go about improving these skills and habits of mind in our students? The President suggested that departments might include such issues in the cascading plans. Ultimately, it is up to the faculty to determine how they might go about achieving such improvement in their students.

A faculty member asked how we might go about achieving the goal of obtaining the higher Carnegie Research status? He suggested that there were certain barriers like; maintaining core facilities, keeping faculty from leaving, and higher stipends for graduate students. How might we achieve this goal? The President acknowledged that faculty turnover was an issue. We need to improve salaries, as well as increase the number of endowed chairs. We will approach this problem on multiple fronts. He also voiced support for streamlining the curriculum to free up time for research.

A new member of the faculty wondered if we had sufficient access to data in making decisions? The President suggested that there was a lot of data available that wasn't sufficiently accessed. He stated that they were happy to make meaningful data available. The Provost added that Dale Pietzrak was our institutional research director. Through reallocations they would be expanding the staff of this unit. He realized that with units seeking to develop their cascading plans, there was a need for data access to help inform decision-making.

A faculty member involved with recruitment asked about the Western Undergraduate Exchange (WUE) program. The President responded that we were constantly evaluating our out-of-state scholarship programs. He also suggested that in the past, the WUE program had been too generous. It is possible that we have now become too restrictive, but it is a careful dance. We are trying to optimize college access and affordability, with investment in the organization.

The last question of the day asked about the Strategic Plan and expressed concern that by emphasizing individual college plans, we might not be paying enough attention to the common good. The President and Provost both suggested that there was no intent to "silo" the University and there would be conversations to ensure that the Strategic Plan was comprehensive and holistic.

**Adjournment:** Inadvertently, no doubt, the video screen displayed an interesting pyramid of cascading frames, which seemed to provide an appropriate opportunity for the meeting to come to a close at 4:25.

Respectfully submitted,  
Don Crowley, Faculty Secretary

# University of Idaho

## POLICY COVER SHEET

(See *Faculty Staff Handbook* 1460 for instructions at UI policy website: [www.webs.uidaho.edu/uipolicy](http://www.webs.uidaho.edu/uipolicy))  
[3/09]

**Faculty/Staff Handbook [FSH]**  Addition  Revision\*  Deletion\*  Emergency  
 Minor Amendment   
**Chapter & Title: FSH 3320 – Faculty Annual Evaluation – Form only**

**Administrative Procedures Manual [APM]** Addition  Revision\*  Deletion\*  Emergency  
 Minor Amendment   
**Chapter & Title: \_\_\_\_\_**

All policies must be reviewed, approved and returned by a policy sponsor, with a cover sheet attached to [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu) respectively.

\*Note: If revision/deletion request original document from [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu), all changes must be made using “track changes.”

**Originator(s):** Randall Teal 4/11/16  
 (Please see FSH 1460 C) Name Date  
**Telephone & Email:** rteal@uidaho.edu; 5-6149

**Policy Sponsor:** (If different than originator.) \_\_\_\_\_  
 Name Date  
**Telephone & Email:** \_\_\_\_\_

**Reviewed by General Counsel**  Yes  No Name & Date: Debra Ellers 12/2/15

**I. Policy/Procedure Statement:** Briefly explain the purpose/reason of proposed addition, revision, and/or deletion to the Faculty/Staff Handbook or the Administrative Procedures Manual.

This form is meant to facilitate more formative practices of faculty evaluation by shifting from a quantitative to a narrative process, and decoupling the evaluation process from the compensation process.

**II. Fiscal Impact:** What fiscal impact, if any, will this addition, revision, or deletion have?  
 none.

**III. Related Policies/Procedures:** Describe other policies or procedures existing that are related or similar to this proposed change.  
 A new position description form is connected to the process, as is a new “request for additional compensation” form.

**IV. Effective Date:** This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.

**July 1, 2016**

If not a minor amendment forward to: \_\_\_\_\_

Policy Coordinator  
 Appr. & Date:  
 \_\_\_\_\_  
 [Office Use Only]

**APM**

F&A Appr.: \_\_\_\_\_  
 [Office Use Only]

**FSH**

Appr. \_\_\_\_\_  
 FC \_\_\_\_\_  
 GFM \_\_\_\_\_  
 Pres./Prov. \_\_\_\_\_  
 [Office Use Only]

Track # \_\_\_\_\_  
 Date Rec.: \_\_\_\_\_  
 Posted: t-sheet \_\_\_\_\_  
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           web \_\_\_\_\_  
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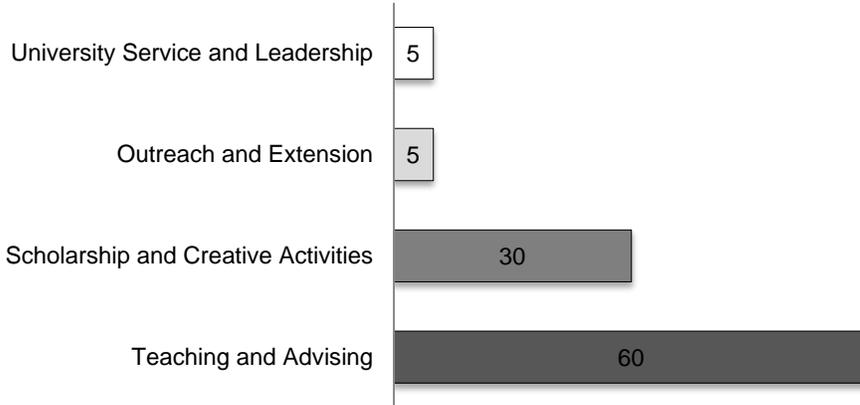


# FACULTY POSITION DESCRIPTION<sup>1</sup>

ENTER CALENDAR YEAR for review period: \_\_\_\_\_

Faculty Name:  
Title/Rank:  
Unit(s):

V Number:  
Administrative Title:  
(if applicable)



**Overall description of responsibilities and goals by category<sup>2</sup>:**

**Faculty Member:** I agree that this is a reasonable description of my responsibilities to the University of Idaho for the forthcoming calendar year.

\_\_\_\_\_  
Signature of Faculty Member Date

Interdisciplinary/Center Activities: Attach narrative.<sup>3</sup>

**Unit Administrator(s):** I agree that this position description is a reasonable reflection of the stated expectations for progress towards tenure, promotion and/or continued satisfactory performance.

\_\_\_\_\_  
Signature of Unit Administrator Date

\_\_\_\_\_  
Signature of Additional Unit Administrator Date  
(e.g. joint appointments [if applicable])

**College Dean:** I agree that this position description is a reasonable reflection of the stated expectations for progress towards tenure, promotion and/or continued satisfactory performance.

\_\_\_\_\_  
Signature of Dean Date

<sup>1</sup> FSH 3050

<sup>2</sup> Instructors will provide syllabi to their unit offices at the beginning of each term for courses for which they are responsible. Each syllabus should include expected learning outcomes for the course and should describe an example of how at least one learning outcome is assessed.

<sup>3</sup> If the above box is checked, the unit administrator is responsible to solicit comments from, and discuss with, the interdisciplinary/center administrators listed whether the interdisciplinary/center activities as stated are accurate. All solicited comments are to be attached to this form. (FSH 3050 B-2, 3520 E-1, G-3, G-4 c, 3560 C, and E-2d, and 3320 A-1 d).



## POLICY COVER SHEET

(See *Faculty Staff Handbook 1460* for instructions at UI policy website: [www.webs.uidaho.edu/uipolicy](http://www.webs.uidaho.edu/uipolicy))  
[3/09]

**Faculty/Staff Handbook [FSH]**  Addition  Revision\*  Deletion\*  Emergency  
**Minor Amendment**   
**Chapter & Title:** Leave Policies for All Employees 3710

All policies must be reviewed, approved and returned by a policy sponsor, with a cover sheet attached to [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu) respectively.  
 \*Note: If revision/deletion request original document from [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu), all changes must be made using "track changes."

**Originator(s):** Don Crowley, Faculty Secretary 7/7/15  
 (Please see FSH 1460 C) Name \_\_\_\_\_ Date \_\_\_\_\_  
**Telephone & Email:** 885-6151 [crowley@uidaho.edu](mailto:crowley@uidaho.edu)

**Policy Sponsor:** (If different than originator.) Senate Leadership/Faculty Affairs 1/22/16  
 Name \_\_\_\_\_ Date \_\_\_\_\_  
**Telephone & Email:** Randy Teal and Marty Ytreberg

**Reviewed by General Counsel**  Yes  No Name & Date: Kent Nelson reviewing with Cabinet 1/6/16;  
Compromise-substituted with Admin. Version on 4/19/16

**I. Policy/Procedure Statement:** Briefly explain the purpose/reason of proposed addition, revision, and/or deletion to the Faculty/Staff Handbook or the Administrative Procedures Manual.

Clarifications/edits necessary to address changes presented at UFM 5/5/15 and presidential action on same. Main points to address include:

- Allow employees to use accrued sick leave for items listed in C. Sick Leave and ensure it is clear childbirth, parenting/bonding are reasons for sick leave use.
- Parental leave will be available to one parent (if both parents are UI employees) 180 days following hire.
- Clarify current policy that states for FMLA an employee must first use all sick leave before going on LWOP; but, they may choose whether to use other accrued paid leave (if they have any - reduce to 80 hours) or choose unpaid (LWOP) w/benefits for the 12 weeks.

**II. Fiscal Impact:** What fiscal impact, if any, will this addition, revision, or deletion have?

**III. Related Policies/Procedures:** Describe other policies or procedures existing that are related or similar to this proposed change.

**IV. Effective Date:** This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.

If not a minor amendment forward to: \_\_\_\_\_

Policy Coordinator  
 Appr. & Date: \_\_\_\_\_  
 [Office Use Only]

**APM**

F&A Appr.: \_\_\_\_\_  
 [Office Use Only]

**FSH**

Appr. \_\_\_\_\_  
 FC \_\_\_\_\_  
 GFM \_\_\_\_\_  
 Pres./Prov. \_\_\_\_\_  
 [Office Use Only]

Track # \_\_\_\_\_  
 Date Rec.: \_\_\_\_\_  
 Posted: t-sheet \_\_\_\_\_  
           h/c \_\_\_\_\_  
           web \_\_\_\_\_  
 Register: \_\_\_\_\_  
 (Office Use Only)

Administration Proposed Edits 4-11-16

UI FACULTY-STAFF HANDBOOK  
 CHAPTER THREE:  
 EMPLOYMENT INFORMATION CONCERNING FACULTY AND STAFF

July 2011

3710

## LEAVE POLICIES FOR ALL EMPLOYEES

*PREAMBLE: This section describes the various kinds of leaves that are available for all UI employees. (See section 3720 for Sabbatical Leaves limited to faculty members.) This section and the following one were original parts of the 1979 Handbook. The most substantive changes since that time have been the addition (under Governor Andrus) and subsequent deletion (under Governor Batt) of service leave for children at school and changes to subsection L that reflect changes in federal regulations. In 2002 extensive changes were made to subsection K that reflected Regent policy and current practice. In 2008 extensive changes to this policy were approved following many years of committee work involving Faculty and Staff Affairs, General Counsel, and Human Resources and a new section M was added on servicemember family leave due to a federal law change. In July 2010 a section R was added to address the Fiscal Year 2010 Furlough and in July 2011 section R was removed and a new policy, FSH 3450, was created to address employment actions such as temporary furloughs. Unless explicitly noted, the text is as of July 1996. Further information is available from Human Resources (208-885-3609). [ed. 7-97, 7-05, rev. 7-98, 7-02, 2-08, 7-10, 7-11]*

## CONTENTS:

- A. General
- B. Annual Leave
- C. Sick Leave
- D. Holidays
- E. Parenting Leave
- F. Military Leave
- G. Leave for Court Required Service and Voting
- H. Leave for Campaigning for or Service in Public Office
- I. Administrative Leave
- J. Academic Transitional Leave
- k. Terminal Leave
- L. Shared Leave
- M. Family Medical Leave
- N. Servicemember Family and Medical Leave [add. 2-08]
- O. Personal Leave
- P. Extended Family Medical Leave
- Q. Leave for Professional Improvement
- R. Exceptions

**A. GENERAL.**

**A-1.** The university (hereinafter referred to as university) strives to offer leave programs that are both comprehensive and flexible to meet employee needs. Leave with or without pay is extended to employees under a variety of circumstances described below. Exceptions may be granted in special circumstances [R; APM 55.09, 55.07, 55.38; FSH 3120, 3720 and 6230] [ed. 2-08, 7-10]

**A-2.** The term "leave" refers to an employee's absence from duty. Each leave type as contained in this policy discusses circumstances in which such an absence may be continued with pay when leave accruals are available or when leave is approved without pay. Certain types of leave may require or provide options to take one leave concurrent with another. For example, sick and annual leave may be taken or may be required to be taken concurrently with other types of leave. All leaves are subject to approval.

**A-3.** Unless otherwise noted, for purposes of this policy, "immediate family member" includes: your spouse, your child, parent, brother, sister, grandparent, and these same relationships of a spouse, by marriage, adoption, or foster arrangement. An immediate family member may also include an individual who has assumed a similar relationship to

those above, other than the relationship of spouse\*, and for whom the employee or the individual has had financial responsibility for the other. An immediate family member also may include any individual who is a qualified dependent under IRS regulations. The university reserves the right to request documentation establishing financial responsibility or qualifying status as an IRS dependent.

\*Due to the 2006 "marriage amendment" to the Idaho Constitution the university, despite the wishes of the Faculty Senate, is unable to include domestic partnerships. *[ed. 1-10]*

**A-4.** Separation from employment or the term terminating employee refers to an employee's separation from all employment.

**A-5.** A break in State of Idaho service is defined as job termination that is separated by at least three (3) business days prior to re-employment with the university or any other State of Idaho employer.

**A-6.** Full and part-time employees are eligible for some or all leaves discussed in this policy.

- a. Benefit-eligible employees are those who hold a board-appointed position [FSH 3080] and are employed at least half time or greater.
- b. Individuals who are employed at least half time or greater as temporary help (TH) and who are expected to complete five (5) months or more of continuous university service and are eligible to participate in the Public Employers Retirement Plan for Idaho (PERSI) are eligible for limited benefits, including annual leave, sick leave and pay for holidays on which they do not work [FSH 3090].

**A-7.** Leave may not be taken in advance of accrual and may not be taken in excess of 80 hours in a pay period. *[rev. 7-15]*

**A-8.** Leave may not be taken on an employee's first day of employment. If an employee is unable to report for work on their specified first day of employment; employment will not begin until the first day that the employee reports for active duty.

**A-9.** All employees, including faculty and exempt employees, are responsible for recording all leave taken on bi-weekly time reports and complying with the terms of leave policies, including, but not limited to:

- a. completing application for leave and providing medical evidence and other requested information;
- b. abiding by any and all return-to-work restrictions; and
- c. returning to work following expiration of approved leave.

Failure to uphold these responsibilities may result in absence without approved leave. Eligibility to preserve employment may be affected and/or the employee may be subject to disciplinary action, up to and including termination from employment as provided in appropriate university policies [FSH 3910, 3920 and 3930].

**A-10.** Employees who are exempt from overtime accrual or payments may be absent from work for approved periods of less than ½ work day without charge to sick or annual leave. Sick, annual or other paid time off must be charged in ½-day increments when ½ day of work or more is not performed, except when alternative work has been performed in conjunction with an approved flexible schedule.

Employees who are not exempt from earning overtime accrual or payments shall record all approved absences in 1/4-hour increments, except when time loss has been made up through an approved flexible schedule.

**A-11.** Absent written agreement to the contrary, an eligible employee typically earns credit toward retirement plan vesting (see your PERSI, IORP or federal retirement plan document for details) and earns annual and sick leave accruals during the portion of any leave that is paid, except that sick and annual leave do not accrue

during terminal leave [J], or in some circumstances during administrative leave [H-5]. An employee typically will not be given such credit for any periods of unpaid leave.

**A-12.** No break in service will occur during any approved paid or unpaid leave for the purposes of determining eligibility for retiree health benefits.

**A-13.** Departmental administrators are responsible for approving and ensuring the reporting of leave, via Banner, taken by the employees in their respective units. For procedures regarding reporting and monitoring leave see APM 55.08. The Banner system and Human Resources records are the official university leave records. *[ed. 7-10]*

**A-14.** Human Resources is responsible for coordinating requests and reviewing compliance with all types of leave other than sick, annual and medical appointment leave discussed in this section. [APM 55.09] *[ed. 7-10]*

## **B. ANNUAL LEAVE.**

**B-1.** Employees receive annual leave based on their classification of employment. [FSH 3080]

**a.** Classified Employees on full-time fiscal-year appointments accrue annual leave based on hours worked at the rate of approximately 3.7 hours bi-weekly for the first five full years of service, with a maximum accumulation of 192 hours; 4.6 hours bi-weekly up to 10 years of service, with a maximum accumulation of 240 hours; 5.5 hours bi-weekly up to 15 years of service with a maximum accumulation of 288 hours; and 6.5 hours bi-weekly for more than 15 years of service with a maximum accumulation of 336 hours. [RGPP ILE.3; FSH 3080; APM 55.08 and 55.09] *[ed. 7-10]*

**b.** Faculty on full-time fiscal-year appointments and exempt employees, including postdoctoral fellows, accrue annual leave at the rate of 7.4 hours bi-weekly and may accumulate a maximum of 240 hours. [RGPP ILF.3, FSH 3080, APM 55.09] *[ed. 7-10]*

**c.** Faculty who hold academic-year appointments do not accrue annual leave. Their periods of obligation and leave are governed primarily by the academic calendar, subject to stipulation by the employee's dean. [FSH 3120]

**B-2.** Annual leave for classified and exempt appointment of less than 100% full-time, but equal to or greater than half-time, is accrued based on hours worked and at a rate based on the employee's classification [B-1]. No annual leave is accrued for less than half-time service.

**B-3.** Temporary employees who are eligible for PERSI accrue annual leave beginning on the first day of employment in an eligible position at a rate of .0462 times hours worked within each bi-week, however leave is not earned until the benefit qualification period has been satisfied.

Annual leave for qualified temporary employees accrues, but is not earned until the employee has worked at least 20 hours per week and for a period of at least five (5) months (the benefit qualification period). Approval to use accrued, but unearned annual leave may be approved by the employee's supervisor under special circumstances. However, in the event that accrued annual leave is taken before it is earned and the employee also voluntarily separates or is terminated for cause before annual leave is earned, the value of unearned annual leave taken will be withheld from pay, other earning or payments or must otherwise be repaid to university.

### Leave Accrual Example:

Annual leave accrues based only on hours worked.

62 hours worked times .0462 results in 2.90 hours of accrual and may accumulate to a maximum of 192 hours.

**B-4.** Annual leave accrual is temporarily suspended when the accumulation reaches the maximum allowance. Once the leave accumulation drops below the allowed maximum, accruals resume.

**B-5.** Employees eligible for overtime earn overtime based on only hours worked. There is no overtime accrual based on annual leave, sick leave, compensatory time, holidays or any other paid time off.

**B-6.** Annual leave continues to accrue while on any paid leave, except that annual leave does not accrue on hours of compensatory time used; during terminal leave [K]; during academic transitional leave [J] or for temporary employees who accrue annual leave based only on hours worked.

**B-7.** At the employee's option, accrued annual leave may be used during any approved leave that could otherwise be taken as sick leave. [RGPP II.I.2.b.]

**B-8.** Annual leave must be scheduled in advance and requested in writing by the employee. Annual leave may not be taken without the supervisor's written approval. Both the employee's vacation preference and business needs of the unit must be considered in establishing mutually agreed periods of leave [APM 55.09]. *[ed. 7-10]*

a. Supervisors are responsible for coordinating and approving requests for annual leave of all employees in their respective units.

b. An employee on approved annual leave, who becomes eligible to use sick leave through unforeseen events, may use sick leave in lieu of annual leave with approval from his/her supervisor. Documentation to support the use of sick leave may be required.

**B-9.** Leave balances are paid to employees upon separation (i.e. resignation, retirement layoff, non-renewal, termination) from all State of Idaho employment [IC 67-5334]. Leave balances are transferred from the university to other State of Idaho employers when the university employment ends and a new position is accepted with any State of Idaho employer when there is no break in state service [A-5]. However, the university reserves the right to require an employee to exhaust some or all annual leave prior to any job or employment separation.

Employees separating upon the expiration or termination of a grant will be required to use annual leave before the last day of employment.

In the event of an employee's death, payment is made to his or her estate.

The effective date of the employee's separation is the last day on which he or she reports to work for the university, unless the Assistant Vice President (AVP) for Human Resources or designee has approved a written request for alternative termination arrangements that are in the best interests of the university.

A termination extended through the use of accrued annual leave must be approved in advance, in writing, by the AVP for Human Resources or designee and unit administrator and shall be treated as terminal leave. [J and APM 50.20]

In the event that an academic administrator transitions from a position eligible for annual leave to a faculty position in which annual leave does not accrue, balances should be exhausted prior to the start of the new appointment. Leave balances that cannot be used will be carried forward. If not used, the balance of unused annual leave will be paid at the time of separation of all State of Idaho service. Carry forward of annual leave balances exceeding eighty (80) hours must be approved in advance by the AVP for Human Resources, or designee.

**B-10.** Any individual, regardless of type of appointment, with an annual leave balance who transfers or who is reassigned to another unit within the university may be required to exhaust all existing annual leave prior to starting the new assignment.

**B-11.** Payment in lieu of annual leave taken for any reason other than separation from employment is granted only by exception or under other special circumstances within the business needs of the university.

**B-12.** Eligibility requirements for annual leave for temporary help (TH) can be found in FSH 3090.

**C. SICK LEAVE.**

**C-1.** Employees that work at least 40 hours in a bi-weekly pay period for at least five (5) consecutive months accrue sick leave. Accrual is approximately 3.7 hours bi-weekly for full-time service. [FSH 3090 C]

**C-2.** Sick leave accumulation for half-time but less than full-time service is accrued proportionately based on hours worked and earned at the rate of .0462 for each hour worked.

**C-3.** Sick-leave may be accumulated without limit.

**C-4.** Sick leave cannot be taken in advance of accrual. If, at the end of a bi-weekly pay cycle, absences exceed sick leave accumulation, the hours will be charged to compensatory time first, if available, and then to annual leave. If there is no leave accumulation, time will be unpaid. ~~If sick leave or other types of paid leave are available for an approved absence of any duration, time off must be taken using available paid leave and may not be taken as unpaid leave, unless such absence has been approved as a personal leave [N] without pay in accordance with the guidelines of this policy[ed. 2-08]~~

**C-5.** Sick leave continues to accrue while on any paid leave, except for hours of compensatory time used; during terminal leave; and/or during academic transitional leave [I].

**C-6.** Sick leave may not be used in lieu of annual leave, except when the conditions of B-8. b. above have been met.

**C-7.** Sick leave may be taken only as follows:

**a. Illness of Employee.** An employee's own illness or injury, or ~~parenting child birth by an employee (see FSH 3710-E)~~ that prevents the employee from performing his or her assigned duties; or in the event of exposure to contagious disease if, in the opinion of responsible authority, the health of others would be jeopardized in the work place.

**b. Illness of an Immediate Family Member.** When the illness or injury of an immediately family member as defined in [A-3] of this policy requires the attendance of another, the employee may use his or her own available sick leave.

**c. Death of an Immediate Family Member.** In the event of a death of an immediate family member as defined in [A-3] of this policy; up to fifteen (15) days of sick leave may be used immediately following the event, but can be extended if there are special circumstances. The unit administrator and the AVP for Human Resources or designee may approve an extension of leave for up to a total of thirty (30) days of sick leave.

**d. Death of a Family Member.** Sick leave usage for the death of a family member other than a member of the immediate family as defined in [A-3] of this policy is limited to a maximum of five (5) days of sick leave immediately following the event.

**e. Medical Appointments.** Personal or family appointments for medical, dental, optical treatment or examination, or meeting with an Employee Assistance Program professional, including time for travel to and from such appointments. An employee is allowed up to two hours of time off per month for such appointments without charge to sick leave provided satisfactory arrangements have been made with the employee's supervisor. If the employee has absences totaling more than two hours in a month, such absences must be reported and charged to sick leave. There is no carryover balance from month-to-month.

**f. Parenting/Adoption.** All eligible employees are entitled to use sick leave for parenting/adoption as provided in E. Parenting Leave.

**Commented [TA(1)]:** FAC 11/18/15: Remove - creates confusion, see L-2 & N-2.

**Commented [TA(2)]:** FAC: Returned to "childbirth" for clarification purposes to clarify that a birth mother can use sick leave. Senate 3/1/16: Cleaned up language.

**Commented [TA(3)]:** FAC inserted for clarification purposes allowing use of sick leave.

**fg. Organ Donation.** Full- and part-time benefit eligible employees may use up to five (5) days of sick leave for bone marrow donation and may use up to thirty (30) days of sick leave to serve as a human ~~donation~~ organ donor during an approved family medical [L] or personal leave [N]. [ed. 2-08]

Commented [TA4]: Senate rev. 2/2/16

**C-8.** Attendance at work is a job requirement for all positions at the university. Excessive absenteeism can affect job performance. Supervisors have the right to set attendance standards and require medical evidence to support absences that exceed these standards. Absences that occur during an approved family medical leave [L] are exempt from these requirements.

**C-9.** The federal Family Medical Leave Act of 1993 (FMLA) was adopted as law to protect the best interest and job security of employees. The university may initiate family medical leave (FML) and will apply FML concurrently with sick leave when the employee's own illness, work-related injuries, or an illness of a family member is covered by FML. In these circumstances, sick leave must be used before unpaid FML is taken [L-2].

**C-10.** An employee may be eligible for FML after three (3) consecutive days of sick leave, unpaid or other absence [L-4] and may initiate a request for FML at any time prior to an absence which they suspect may qualify. However, the university may also initiate FML and will typically take steps to determine if an absence qualifies as FML when an employee has missed five (5) consecutive workdays or longer by providing the employee with an absence questionnaire and FML application. A failure to comply with a request to complete the absence questionnaire and/or the FML application (if applicable) may result in absence without pay and/or disciplinary action, up to and including dismissal from employment as provided in relevant university policies [FSH 3910, 3920 and 3930].

**C-11.** Employees transferring without a break in service from a qualified Idaho state agency or from the university to another state agency will be credited with their accrued sick leave by the receiving agency. All unused sick leave is forfeited when an employee is separated from state service. No compensation is made for such unused leave, except as provided in C-12 in the case of employees who are retiring from the university. If an employee returns to state service or to the university within three (3) years after separation, sick leave forfeited at the time of separation will be reinstated.

**C-12.** Employees who retire and then return to work at the university may not be entitled to reinstatement of sick leave balances. In this instance, only the *unused* portion of sick leave that was converted at the time of retirement [C-13 and FSH 3730 C] to pay for retiree health benefits may be reinstated for employees who separate for retirement purposes and later return to work at the university.

**C-13.** An employee who retires under the eligibility conditions for retirement or disability retirement as stated in FSH 3730 may apply a pre-determined amount of unused sick leave accrued since July 1, 1976, as payment for continued coverage under the university retiree health program. [FSH 3730, APM 55.39] [ed. 7-10]

#### D. HOLIDAYS.

**D-1.** The university is closed at least eleven (11) holidays each fiscal year. [3460 F-2]

**D-2.** Board-appointed employees [FSH 3080] and temporary help employees participating in PERSI [FSH 3090] are eligible to receive holiday pay. [ed. 2-08]

**D-3.** Benefit-eligible employees [A-6.a.] who are employed full time (87.5 percent or greater) receive holiday pay based on eight (8) hours for each holiday. An employee who works a compressed work schedule to include more than eight (8) hours each day, such as four (4) ten-hour workdays in one week, will still receive only eight (8) hours of holiday pay. With supervisor approval, the employee may make up the difference between their regular hours of work and the holiday pay for that day (two [2] hours in this example) through a flexible work schedule within the same work week [FSH 3460], or may use accrued compensatory time or annual leave, or take the time as unpaid.

**D-4.** Benefit-eligible employees [A-6.a.] who are employed at least half time but less than full-time, are entitled to receive holiday pay, pro-rated based on the average number of hours scheduled each week. The number of

hours scheduled on a routine basis (not the hours worked in the week in which the holiday falls) is divided by five (5) days. For example:

- 20 hours per week / 5 = 4 hours of holiday pay
- 25 hours per week / 5 = 5 hours of holiday pay
- 30 hours per week / 5 = 6 hours of holiday pay

**D-5.** The university embraces diversity and recognizes that our workforce is derived from many diverse cultures to include many different religious preferences. An individual may be absent from work to observe a religious holiday consistent with his or her own religious beliefs and practices when the day is not consistent with the university's official holidays, provided advance notice is given. Pay for these absences are as follows:

- a. Benefit-eligible employees may use their accrued compensatory time or annual leave to receive pay for an observed religious holiday that is not an official university holiday.
- b. Employees who are not benefit-eligible, or who do not have compensatory or annual leave available, may observe the holiday without pay; or, with advance supervisory approval, employees may make up the hours in the same work week [FSH 3460].

**D-6.** Benefit-eligible employees are entitled to holiday pay while they are on other approved paid leave, or during any portion of paid or unpaid family medical leave.

**E. PARENTING LEAVE.** [add. 7-15]

**E-1.** Employees are eligible for Parenting Leave on or after (i) 180 days from their date of hire; or (ii) the date of successful completion of their initial probationary period, whichever is later. Eligible employees who meet FMLA eligibility requirements (see FSH 3710 M-3) are entitled to 16-12 weeks of job protected leave with continuation of group health insurance coverage within 12 months of the birth, adoption, or foster placement of a son or daughter. All Parenting Leave allowed under this Section E is considered Family Medical Leave.

Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable" of self-care because of a mental or "physical disability" at the time of the FMLA leave request.

**E-2.** If both parents are employees of the university and eligible for FMLA leave under Section M, each is entitled to take the same amount of parenting leave as allowed for a single employee. Only one employee is entitled to parenting leave if both parents, as employees, have not met FMLA eligibility requirements as stated in M-3.

**E-3.** Employees can choose to use a combination of accrued paid leave or unpaid leave. However, Employees must first use accrued sick leave (see FSH 3710 M-2) and any accrued annual leave or compensatory time they have in excess of 80 hours before going on leave without pay. The remainder of the job-protected leave will be unpaid, unless the employee chooses to use a combination of accrued annual leave, or compensatory time.

**E-45.** Parenting Leave should be applied for through Benefit Services. When the need for Parenting Leave is foreseeable, an employee must request an application at least thirty (30) days in advance of the need for leave. When events are not foreseeable, employees must provide as much notice as is possible. Employees are encouraged to familiarize themselves with FMLA guidelines before requesting or granting Parenting Leave. "Fact Sheets" that explain FMLA (numbers 28 through 28M) may be found on the United States Department of Labor Wage and Hour Division website. If an employee is eligible for FMLA leave under Section M, (The Parenting Leave described in this section E. is intended to encompass the University's obligation to provide Family Medical Leave under the federal Family Medical Leave Act for the birth or placement of a son or daughter for foster care or adoption as described in sub-sections M-1.a and M-1.b of this policy. Parenting Leave under this Section E. may exceed the requirements and benefits for the Family Medical Leave described under sub-sections M-1.a and M-1.b of this policy, but Parenting Leave must, at a minimum, comply with the requirements of the Family Medical Leave Act as set out in Section M of this policy.

**Commented [TA5]:** FAC: Unnecessary see E-4 below and necessary to remove for the new "C-7 f" to work, per FMLA eligibility rule.

**Commented [TA6]:** FAC: Unnecessary see E-4 below.

**Commented [TA7]:** Ensure only one employee is eligible upon hire.

**Commented [TA8]:** Added to seek a compromise to address Administration's concern about employee's accumulating leave and UI managing unfunded risks such as leave payout.

**Commented [TA9]:** FAC: Unnecessary, first sentence states employee can choose to use a combination of leave.

**Commented [TA10]:** FAC feels this is unnecessary to state in the FSH and is not done for other federal regulations.

**Commented [TA11]:** FAC unnecessary, stated in next sentence.

**Commented [ED(12)]:** This sentence seemed confusing and unnecessary in light of the other revisions to the pertinent sections

E-5. Health benefits continue during Parenting Leave on the same basis as for any similarly-situated employee who is actively at work, regardless of whether the employee is using other forms of accrued leave or taking leave unpaid. The employee's share of cost for health coverage is the amount that is typically payroll-deducted for the employee's own coverage and/or coverage for his/her dependents. The employee is responsible for payment of these amounts during leave. Payroll deductions will be continued for any portion of the leave that is paid. During any portion of leave when no pay is received, the employee must make arrangements to self-pay these amounts. Retirement plan contributions, accruals for sick and annual leave and credit toward vesting are suspended during unpaid portions of Parenting Leave.

E-6. Upon return from Parenting Leave, employees will be assigned to their same or similar position with equivalent pay and status.

E-765. Leave may not be used for both foster care and adoption consecutively if foster placement leads to that adoption of the son or daughter.

E-876. Alternate or reduced work schedules are addressed in FSH 3710 M-13 b.

E-987. See FSH 3710 R-1 for exceptions to University leave policies.

#### **F. MILITARY LEAVE.** [ren. 7-15]

**F-1.** Faculty and staff, regardless of whether or not they hold a fiscal-year or academic-year appointment are eligible for leave of up to fifteen (15) working days in a twelve (12) month period for active duty or military training. Leave for State of Idaho military duty or training is limited to fifteen (15) days within a calendar year. Employees who are in board-appointed positions [FSH 3080] are eligible for paid military leave. When called to active duty or training, the university will pay the difference between military pay received from the U.S. or State government, but cannot duplicate pay. This is accomplished by full pay during an approved military leave. The employee must provide documentation of military pay received during leave, within ninety (90) days of return from leave or upon earlier job separation. The employee is required to repay to the university any amount which exceeds their regular base pay for the same period. Unpaid military leave may be requested if the employee knows their military pay will exceed their university pay. Annual and sick leave credit towards length of service for retirement plan, and other vesting will continue to accrue during the fifteen (15) working days of military leave and eligibility for employee health benefits will continue whether military leave is requested with or without pay. An employee at their own option may instead request annual leave on the same basis as any other vacation or other time off and if approved, may use annual leave and retain full military pay. [APM 55.09 and 55.38] [ed. 7-10]

**F-2.** Any employee who is called to active duty and/or is required to serve more than fifteen (15) working days is eligible for up to five (5) years of military leave. Eligibility for employee health coverage will continue at a minimum through the first thirty (30) calendar days of service while on an approved military leave. The employee will be required to pay the employee share of the health care costs, as well as the costs for his/her dependents.

**F-3.** An employee may use annual leave and/or accrued compensatory time for military service and continue to receive pay and benefits before commencement of military leave.

**F-4.** Military leave beyond the first fifteen (15) working days is generally granted without pay and benefits. Health care coverage will end for the individual who is called to active duty after the first thirty (30) days of service. However, coverage for his/her dependents may continue for up to an additional six (6) months, provided that the employee has made arrangements with Benefit Services to pay the full cost of coverage, on at least a monthly basis. In this instance, any other coverage provided by U.S. military programs will be primary.

**F-5.** When on military leave or when his/her dependents are not eligible for coverage elsewhere, the employee or his/her dependents, individually or as a family, may be eligible to continue health care coverage through COBRA.

**F-6.** An employee may elect to continue group life insurance benefits in effect for the employee or his/her dependents on the date the employee is called to active duty for a maximum period of thirty (30) days. However, the employee must self-pay the full cost, based on rates and eligibility rules afforded to others who are actively at work. Benefits from these programs generally exclude losses resulting from participation in a military organization or from an act of war. An employee may also have the right to life insurance portability or conversion to an individual life insurance policy following termination of benefits in the group plan.

**F-7.** Upon reinstatement, the employee's health plan will resume as if their employment had not been interrupted.

**F-8.** In accordance with state and federal law, an employee upon return will be reinstated to his/her former position or a comparable position without loss of seniority, status or pay rate provided the employee returns with an honorable discharge and within five (5) years from departure date from the university.

**a.** In some situations, re-employment may not be possible, such as when there has been a significant change in circumstances, if re-employment would impose an undue hardship on the university or department, or if the person's employment was temporary in nature, such as positions that are grant-funded for a specific duration and/or temporary help (TH) positions.

1. If the returning employee's skills need upgrading to meet the requirements for a prior or promoted position, the university will make reasonable efforts to refresh or update these skills unless such efforts would create undue hardship for the university.

2. When an employee with a service-related disability is not qualified to perform the essential functions of his/her job after the university has made reasonable efforts to accommodate the disability, the employee may be placed in another position of comparable pay, rank, and seniority.

**b.** Employees returning from military leave must provide the university with written timely notification of intent to return to their position. The university may require documentation that the person's application for reemployment is timely and that the person's discharge from uniformed services was under honorable conditions. University procedures will follow the applicable state and federal law, including but not limited to the Uniformed Services Employment & Reemployment Rights Act (USERRA), 38 U.S.C. 4301-4333, enforced by Department of Labor's Veterans' Employment & Training Services (VETS) ([www.dol.gov/vets](http://www.dol.gov/vets)).

**F-9.** Retirement benefit contributions are suspended while the employee is on unpaid military leave. Upon reinstatement after military leave, reenrollment in the retirement plan will be immediate.

**a.** Credited state service continues during military leave as though no break in employment has occurred.

**b.** The employee may elect to make up any employee contributions missed during an approved military leave. Such contributions must be paid into the plan within a period not to exceed three (3) times the length of the military leave, up to a maximum of five (5) years.

**c.** The university will contribute the regularly scheduled match contributions for any employee make-up payments made in connection with an approved military leave.

**d.** For purposes of determining eligibility for retiree health coverage, military leave will not count as a break in service provided that re-employment occurs within the parameters of this policy. Further, an employee will receive university service credit for purposes of determining eligibility under the Retiree Health Program [FSH 3730] during the fifteen (15) days of approved paid military leave; however, the employee will not receive service credit for purposes of determining eligibility under the Retiree Health Program [FSH 3730] for any unpaid military leave.

**F-10.** The university will not discharge an employee without cause, as that term is defined by federal USERRA regulations, who is reinstated under the provisions of the USERRA and has served thirty-one (31) to one hundred and eighty (180) days without cause for six (6) months following reinstatement. If the length of military service was more

than one hundred and eighty (180) days, but less than five (5) years, the employee will not be discharged without cause for one (1) year following reinstatement.

**E-11.** This policy is intended to comply with applicable state and federal laws, including the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994. To the extent that any provision of this policy is ambiguous and/or contradicts the Act or any other law, the applicable law or Act will prevail.

**G. LEAVE FOR COURT REQUIRED SERVICE AND VOTING.** *[ren. 7-15]*

**G-1.** Any employee who is summoned for jury duty or subpoenaed as a witness before a court of competent jurisdiction or as a witness in a proceeding before any federal or state administrative agency will be granted leave. Benefit-eligible employees will be granted leave with pay, except as provided below in F-2. Travel expenses in connection with this duty are not subject to reimbursement by the university. [RGPP II.I.5.a.2; APM 55.09] *[ed. 7-10]*

**G-2.** An employee must request annual leave or personal leave without pay for the following:

- a. appearing as a party in a non-job-related proceeding involving the employee;
- b. appearing as an expert witness when the employee is compensated for such appearance; or
- c. appearing as a plaintiff or complainant, or as counsel for a plaintiff or complainant, in a proceeding in which the Board of Regents or any of its institutions, agencies, school or office is a defendant or respondent. [RGPP II.I.5.a.]

**G-3.** Polling places are typically open extended hours and absentee voting is widely available. However, employees who are unable to vote outside of scheduled hours will be allowed time off to vote. If available, an employee may use accrued annual leave, compensatory time or, if approved in advance, may be able to make up time lost to vote within the same work week [FSH 3460] through a flexible work schedule. Otherwise, time off will be approved, but unpaid.

**H. LEAVE FOR CAMPAIGNING FOR OR SERVING IN PUBLIC OFFICE.** *[ren. 7-15]*

**H-1.** The president approves requests for leaves of absence for the purpose of campaigning for or serving in public office [RGPP II. I.5.c.]. See FSH 6230 E for provisions concerning leave for campaigning and serving in public office.

**H-2.** It is the Board of Regent's intent that state salary not be duplicated to an employee serving as a member of the Idaho Legislature. Any leave for serving as a member of the Idaho State Legislature will be unpaid when the Legislature is in session [RGPP II.I.5.c.2.]. Certain benefits may continue during the unpaid leave; however, the employee must pay the full cost of coverage.

**I. ADMINISTRATIVE LEAVE.** *[ren. 7-15]*

**I-1.** Administrative Leave is leave with pay and benefits. An employee will continue to receive pay and leave accruals in accordance with their regular rate and maintain eligibility for other benefit programs. (Terminal leave (J) and academic transitional leave (I) are not considered administrative leave.)

**I-2.** At the discretion of the president or his/her designee, an employee may be granted administrative leave when the state or the university will benefit as a result of such leave. [RGPP II.I.5.d; 3470 B] *[ed. 7-10]*

**I-3.** Examples of circumstances that may qualify an employee for administrative leave are volunteer fire fighters attending class off campus, official delegates to the annual general convention of Idaho Public Employees' Association, and members of state or local committees, such as the Human Rights Commission, attending official meetings.

**I-4.** With the approval of the president or designee, an administrator may also use administrative leave to remove an employee from the workplace (for example during an investigation or to mediate an employee relations issue), if approved in advance by Human Resources. The President's Office or Provost's Office, as appropriate must be notified.

**I-5.** In all cases involving administrative leave with a duration that is more than one bi-week, an electronic personnel action form (EPAF) must be processed. When leave is less than one full bi-week, hours attributed to administrative leave shall be coded as "ADL" on the time/leave record and in the payroll system.

**I-6.** In the absence of a written agreement to the contrary, an employee on administrative leave must be available for recall to work during regular university business hours in the event that the employee's services are required or he/she is otherwise requested to return to work.

**I-7.** Under certain circumstances, the university may require the use of accrued annual leave and/or compensatory time.

**J. ACADEMIC TRANSITIONAL LEAVE.** *[ren. 7-15]*

**J-1.** Academic transitional leave may apply when an academic administrator steps down from his/her administrative appointment and assumes a faculty appointment. The purpose of academic transitional leave is to prepare the employee for a new faculty appointment. Transition leave is not available in the event of transition from academic faculty to an administrative appointment. Academic transitional leave is granted at the discretion of the university, must be approved by the provost, and approved by the president or designee.

**J-2.** There is no accrual of annual leave during the period of academic transitional leave. All other benefits and leave accruals are provided on the same basis as afforded to similarly situated employees in a faculty job classification. Annual leave balances should be exhausted prior to a new academic faculty appointment. Leave balances that cannot be used will be carried forward. If not used, the balance of unused annual leave will be paid at the time of separation of all State of Idaho service. Carry forward of annual leave balances exceeding eighty (80) hours must be approved in advance by the AVP for Human Resources or designee.

**K. TERMINAL LEAVE.** *[ren. 7-15]*

**K-1.** Terminal leave is paid leave received by a terminating employee in lieu of wages at the employer's discretion. An example of terminal leave is leave paid to an employee who is not completing the term of his/her contract at the request of the employer. Sick and annual leave is not accrued during the terminal leave period. Time toward length of service for retirement vesting and eligibility for university retiree health benefits [FSH 3730] will continue. The duration of terminal leave is determined at the discretion of the university.

**K-2.** During terminal leave, health benefits continue for an employee and his/her covered family members on the same basis as employees of the same classification who are actively at work. The employee's share of all health care contributions, including employee and dependent medical/dental, supplemental life, and/or any other costs of coverage, will be withheld from the employee's pay. Upon separation from employment, the employee and/or his/her covered family members, as a family or individually, may have rights to medical/dental coverage through COBRA.

**K-3.** The university may require the use of accrued annual leave and/or compensatory time during the terminal leave period or may pay out some or all accrued, but unused balances at the time of termination.

**L. SHARED LEAVE.** *[ren. 7-15]*

**L-1.** University employees who earn annual leave may donate annual leave hours to shared leave. Shared leave may be donated to a shared leave pool or to the benefit of a specific eligible recipient. See FSH 3710 L-5 below and APM 55.07 C-3 for conversion of donated leave to shared leave. *[ed. 7-10, rev. 7-15]*

**L-2. Eligibility.** Benefit eligible employees, including academic year faculty who do not accrue annual leave, are eligible to receive shared leave. *[rev. 7-15]*

**a. Qualifying Events.** If any benefit-eligible employee [A-6. a.] who has a health condition [L-2.a.1] or whose immediate family member [A-3] has such a condition and the employee is required to take time away from work, and has exhausted all leave, the employee may apply for shared leave when time away from work is a qualified absence as described below (L-2.a.1) but will not be compensated by paid leave or wage replacement programs such as disability and workers' compensation benefits.

1. The health condition of the affected individual must be certified by a competent health care provider to be considered as acceptable evidence by the university, and qualify as a serious health condition as defined by family medical leave [M] to include a need resulting from human organ or bone marrow donation. This provision applies only to the acceptable medical conditions of family medical leave. An employee need not meet the service and other requirements of family medical leave to be considered as an absence eligible for shared leave.

2. An applicant for shared leave who has used his or her own annual leave for purposes other than attending to a medical condition that is known to create potential for an extraordinary need for leave typically is not eligible for leave from the shared leave pool. Under extraordinary circumstances, such an applicant may request an exception to receive shared leave from directed donations. *[ren. 7-15]*

3. Shared leave that is donated from the shared leave pool is intended for use by employees who intend to return to work. An applicant who wishes to receive shared leave and otherwise meets the criteria of the program and does not intend to return to work may apply for shared leave; however, shared leave in this instance is available only from donations directed specifically to that one recipient. *[ren. 7-15]*

**b. Prerequisites.** An employee must have used all other available leave such as sick leave, annual leave, and compensatory time to qualify as a recipient of shared leave.

**c. Disability Income.** To be eligible for shared leave for the employee's own medical condition, employees must first apply for wage replacement benefits that may be available through workers' compensation or disability coverage. Once such benefits begin eligibility for shared leave benefits end. However, an otherwise eligible employee may use shared leave while satisfying the waiting period or after exceeding maximum disability periods for income replacement programs.

**L-3. Donating Shared Leave.**

**a.** Employees who have an accrued annual leave balance may donate to shared leave regardless of their funding salary source. Donations may be made to the shared leave pool and accessed by any eligible recipient or donated directly to a specific shared leave recipient. *[rev. 7-15]*

**b.** Shared leave donations are restricted to direct donation when the donor's annual leave balance is less than forty (40) hours from the maximum leave accumulation limit. In this instance only, the amount of leave actually used by the recipient will be deducted from the donor's account before any balance is taken from the shared leave pool. Donated leave not used by the recipient will be returned to the donor's account or forfeited if the maximum accrual has been reached. Donors can choose to designate any unused direct donations to be added to the general shared leave pool. *[ed. 7-11]*

**c.** Leave donations made for a specific individual will be drawn from donors' accounts based on a first-received basis. The first donation request received by Benefit Services will be processed before a second donation from other recipients or before hours are withdrawn from the shared leave pool. Donations will be drawn from the donor's annual leave account as the time is transferred and used by the recipient. No leave donation in excess of the recipient's shared leave needs will be taken, unless contributions to the shared leave pool also have been authorized, except as noted above in section b., when donations to the shared pool are restricted.

d. Leave donations may be made in any amount of not less than ½-hour (.50) increments.

e. Shared leave donations may not cause the donor's annual leave balance to fall below forty (40) hours at the time the donation is processed, unless the donor is terminating active employment from the University. Donors should be aware that any shared leave not used by the intended recipient will be returned to the Shared Leave Pool, not returned to the donor(s). *[rev. 7-15]*

**L-4. Shared Leave Benefits.**

a. Maximum Benefit. The maximum shared leave benefit is limited to four (4) working weeks of leave within a rolling twelve (12) month period. Shared leave hours that are granted will be reflective of the employee's regular percentage of appointment.

b. Shared leave requests are reviewed and granted by the Director of Benefit Services or designee in accordance with this policy. Applicants awarded shared leave will be notified in writing; if the request is denied, the reason(s) for denial shall also be stated in writing. The requestor may appeal a denied request for shared leave. Appeals must be made in writing to the AVP for Human Resources within thirty (30) days from the date of denial and must reference the applicable sections of policy and reasons why there is disagreement. The AVP for Human Resources will respond to appeals within thirty (30) days.

**L-5. Funding and Conversion.**

a. Donation Conversion. Hours of donated shared leave are multiplied by the hourly rate of the donor; that amount is recorded as a deposit to the shared leave pool or the directed recipient's account and subtracted as hours from the donor's annual leave balance.

b. Recipients Conversion. The recipient's hours of shared leave need is multiplied by the recipient's hourly rate and subtracted from the shared leave pool.

Sick leave is a liability that is funded only through base salary. Funding for a full year of base salary is provided for most positions. If an employee is absent without pay the department typically has received funding for the duration of the employee's full appointment and would achieve salary savings as a result. The only exceptions would apply to those working from certain special funding sources or who hire a temporary replacement during the period of unpaid leave. Consequently, the department of the employee who will receive shared leave is responsible for funding the pay its employee will receive during leave from shared leave donations.

c. Donors may donate annual leave regardless of their salary-funding source. The department or sponsored research project gains the hours the employee would have taken for annual leave when their employee makes a donation.

**M. FAMILY MEDICAL LEAVE. *[ren. 7-15]***

**M-1.** Family medical leave may be requested by an eligible employee for the following reasons:

a. the birth of a son or daughter of the employee and/or in order to care for such son or daughter; *[rev. 7-15]*

b. the placement of a son or daughter with the employee for adoption or foster care; *[rev. 7-15]*

c. to care for an immediate family member as defined in [A-3] of this policy with a serious health condition as defined in [M-5] of this policy;

d. because of the employee's own serious health condition [M-5]; or

e. to serve as a human organ or bone marrow donor.

The entitlement to leave under subparagraphs (a) and (b) of this section M-1 for a birth or placement of a son or daughter is encompassed in the Parenting Leave described in Section E, of this policy. Parenting Leave taken under Section E. by an employee who is also eligible for Family Medical Leave shall be counted as Family Medical Leave to the full extent of the employee's eligibility for Family Medical Leave at the time the leave is taken. Parenting Leave that falls outside of the requirements of the Family Medical Leave Act does not count against an employee's Family Medical Leave entitlement. All leave taken under Section E. Parenting Leave shall be considered Family Medical Leave. [add. 7-15]

**M-2.** Family medical leave and/or servicemember family medical leave is leave without pay. However, when the absence also qualifies for the use of sick leave, if available, sick leave must be used first in conjunction with family medical leave before any period of unpaid absence. Once sick leave has been exhausted or when the type of absence does not qualify for the use of sick leave, the entire absence or remainder of the approved family medical leave will be unpaid. However, if an employee has more than 80 hours of accumulated annual leave or compensatory time, they must use these hours first before going on leave without pay., unless the Employees may chooses to use any combination of compensatory time or; annual leave, or shared leave (if eligible; L) before going on leave without pay to reduce their total balance to 80 hours. [rev. 2-08]

**M-3.** Eligibility. If the employee has been employed by the university for a minimum of twelve (12) months and has worked at least 1250 hours during the previous twelve (12) month period prior to the requested leave, the employee is eligible for family medical leave. This eligibility requirement does not apply to eligibility for Parenting Leave under Section E. [rev. 7-15]

**M-4.** Length of Leave. A maximum of up to twelve (12) weeks or a total of 480 hours of family medical leave may be granted to eligible full-time employees during a rolling twelve (12) month period. Eligible part-time employees may be granted up to twelve (12) working weeks of leave or a total number of hours consistent with their regular work schedule within a twelve (12) week period. (i.e. 20 hours per week x 12 weeks = 240 hours). The period is measured from the date the employee last used/exhausted family medical leave or became employed by the university to the date leave is to begin. Family medical leave may be taken on a continuous, intermittent, or reduced-hour basis. [rev. 7-15]

**M-5.** Definitions. [rev. 7-15]

a. "Serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves any period of incapacity or treatment connected with in-patient care (i.e. overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such in-patient care; continuing treatment by a health care provider, which includes any period of incapacity (i.e. inability to work, attend school, or perform other regular daily activities) due to a health condition (including treatment for or recovery from) lasting more than three (3) consecutive days; and any subsequent treatment or period of incapacity relating to the same condition, that also includes:

1. treatment two (2) or more times by or under the supervision of a health care provider; or one treatment by a health care provider with a continuing regimen of treatment; or
2. pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or
3. chronic serious health condition, which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g. asthma, diabetes). A visit to a health care provider is not necessary for each absence; or
4. permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or
5. absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g. chemotherapy or radiation treatments for cancer).

**M-6.** Health benefits continue during family medical leave on the same basis as for any similarly situated employee who is actively at work, regardless of whether the employee is using other forms of accrued leave or taking leave

unpaid. The employee's share of cost for health coverage is the amount that is typically payroll-deducted for the employee's own coverage and/or coverage for his/her dependents. The employee is responsible for payment of these amounts during leave. Payroll deductions will be continued for any portion of the leave that is paid. During any portion of leave when no pay is received, the employee must make arrangements to self-pay these amounts. Retirement plan contributions, accruals for sick and annual leave and credit toward vesting are suspended during unpaid portions of family medical leave.

**M-7.** All qualified absences, including those due to a work-related injury, will be considered as family medical leave.

**M-8.** If there are reasonable circumstances to support that an employee's absence qualifies as family medical leave, the university has the right to classify such absence as family medical leave.

**M-9.** When the need for family medical leave is foreseeable, an employee must request an application for family medical leave at least thirty (30) days in advance of the need for leave. Application assistance is available from Benefit Services. When events are not foreseeable, employees must provide as much notice as is possible. Application for family medical leave after a return from absence is not recommended; rights to preserved employment and benefits may be adversely affected. In any event, absent extraordinary circumstances, an employee may not claim an absence as a qualified family medical leave event unless done so within the first two (2) days of return from an absence.

**M-10.** When leave is taken for personal illness or to care for an immediate family member with a serious health condition, leave may be continuous or intermittent and may include a reduction in hours worked. For intermittent leave, the employee must provide certification from the health care provider caring for the employee and/or family member stating the leave must be taken intermittently. Employees needing intermittent leave must attempt to schedule their leave so as not to disrupt university operations. The university reserves the right to assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule.

**M-11.** Employees on family medical leave are required to provide documentation to Benefit Services as requested, including intent to return to work. During leave, the university may require an employee to re-certify the medical condition that caused him/her to take leave. A return-to-work release from the health care provider is required before an employee absent due to his or her own serious health condition may return to work.

**M-12.** Family medical leave requests for medical treatment or care giving requires certification from the health care provider documenting medical necessity.

**M-13.** Family medical leave requests for parenting must be approved in advance and completed within twelve (12) months of the birth, adoption, or foster care placement of a child.

a. Shared leave (if granted) may be used for the disability period related to childbirth. *[rev. 7-15]*

b. Intermittent leave or reduced work schedule requests for parenting may not be granted, or may be cancelled by the university with thirty (30) days written notice, based on business needs of the university.

**M-14.** Family medical leave taken by two (2) university employees to care for a family member who has a serious health condition consists of a maximum twelve (12) weeks of leave for each employee. Family medical leave for parenting is addressed in FSH 3710 E. *[rev. 7-15]*

**M-15.** If the university obtains information from a credible source, such as the workers' compensation authority, disability carrier, or a medical practitioner, that alters, changes, casts doubt, or fails to support continued leave or the leave application, the university has the right to:

a. revoke leave;

b. not grant leave;

c. require new evidence to support the leave request;

d. require the employee to return to work if the leave is not substantiated; and/or

e. when appropriate under applicable employee discipline policies [FSH 3910, 3920, and 3930], take disciplinary action, up to and including dismissal.

**M-16.** Upon return from family medical leave, employees will be assigned to their same or similar position with equivalent pay and status with or without reasonable accommodation, as appropriate, in accordance with the Americans with Disabilities Act. Job reassignment must be coordinated with Employment Services and approved by the AVP for Human Resources or designee. The university has no obligation to restore employment to temporary hourly (TH) or other employees if the employment term or project is over and the university would not otherwise have continued employment.

**M-17.** Family medical leave is not intended for individuals who do not plan to return to work. An employee who applies for and is granted family medical leave and fails to return to work for at least thirty (30) days upon the expiration of their family medical leave period may be obligated to repay the costs of health coverage provided by the university during any portion of family medical leave. If the university is notified that the employee does not intend to return to work, the family medical leave period will terminate immediately and the employee will be separated from employment on that date. Medical, dental and under some circumstances Health Care Spending Accounts may be continued through the Consolidated Omnibus Budget Reconciliation Act (COBRA). Options for life insurance portability or conversion may also be available. Job separation under these circumstances will result in a lump sum payment of annual leave and/or compensatory balances. In addition, the employee will no longer have a right to restoration to the same or equivalent position. The employee is responsible for contacting Employment Services to arrange for an exit interview.

**N. SERVICEMEMBER FAMILY AND MEDICAL LEAVE.** The federal Family and Medical Leave Act (FMLA) now entitles eligible employees to take leave for covered family member's service in the Armed Forces (Servicemember Family and Medical Leave) in two instances. This section of the policy supplements the above family medical leave policy and provides general notice of employee rights to such leave. Except as stated below, an employee's rights and obligations to servicemember family and medical leave are governed by the general family medical leave policy. *[add. 2-08, ren. 7-15]*

**N-1. Definitions:** The following definitions are applicable to this section of the policy.

a. "Eligible employee" is a spouse, son, daughter, parent, or for purposes of caring for a family member, the next of kin of a covered family member.

b. "Next of kin" is the nearest blood relative of a family member who is in the Armed Forces.

c. "Covered family member" means any family member who is a member of the Armed Forces, including a member of the National Guard or Reserves, regardless of where stationed and regardless of combative activities.

**N-2. Leave Entitlement:** Eligible employees are entitled to take servicemember family and medical leave for any one, or for a combination of the following reasons:

a. Any "qualifying exigency" (as defined by the Secretary of Labor) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a "contingency operation," and/or

b. To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the covered family member medically unfit to perform duties of the family member's office, grade, rank or rating.

**N-3. Duration of servicemember family and medical leave:**

- a. When leave is due to a qualifying exigency: an eligible employee may take up to 12 work weeks of leave during any 12-month period.
- b. When leave is to care for a covered family member: an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the covered family member. Leave to care for a covered family member, when combined with other qualifying family medical leave may not exceed 26 weeks in a single 12-month period.
- c. Concurrent leave: servicemember family and medical leave runs concurrent with other leave entitlements provided under federal, state and local law.

**O. PERSONAL LEAVE.** [ren. 2-08, 7-15]

**O-1.** Any employee not covered by another university leave type within this policy may request a personal leave of absence.

**O-2.** Personal leave is leave without pay and without benefits. However, the supervisor may require the use of sick, annual or any other type of accrued leave if the absence qualifies and leave is available. Personal leave may be taken with pay and benefits when other paid leave such as annual leave is taken concurrently. In rare circumstances, leave may be approved without pay, with continued benefits, but only when approved as an exception and only when doing so meets the business needs of the university. Hiring units are responsible for funding the benefits under these circumstances. [APM 55.38] [ed. 7-10]

**O-3.** Reasons for requesting a personal leave may include, but are not limited to, religious, personal, and educational matters or for extension of any leave when all other leaves have been exhausted.

**O-4.** All requests for personal leave must be made to the supervisor in writing. A leave of three (3) working days or less can be approved by the supervisor and are recorded by the timekeeper on the employee's time record as LWB. The president or his/her designee (i.e., provost) must approve a personal leave which exceeds three (3) working days. Personal leave is not guaranteed and is granted on a case-by-case basis, with the approval of the supervisor and the unit administrator, based on the business needs of the university.

**O-5.** The president or designee (i.e. provost) may grant personal leave without pay with or without benefits for a period of up to one (1) calendar year, with extensions not to exceed a total of three (3) successive calendar years [RGPP ILL.5.c.1]. Consideration is given to such requests on an individual basis in the light of the reason for which it is requested, whether it is leave with or without paid benefits and the effect that granting it will have on the employee's unit or program.

**O-6.** When a personal leave of absence is granted, the university assures reinstatement of the individual to a position of similar status and pay, but only to the extent that such position continues to exist and would have continued to exist had no leave been taken. Return to work in the same job within the same department is not promised.

**O-7.** During personal leave without pay an employee is not eligible for holiday pay, the accrual of sick or annual leave, or the use of medical appointment leave, and may not be granted any other type of leave of absence such as family medical or military leave until the employee has first returned to work under active status and otherwise qualifies for such leave.

**O-8.** An employee who has received approval from the president or his/her designee for a personal leave without pay without paid benefits *may* continue to contribute toward and receive the benefits of the institution's insurance and retirement programs, if the laws, rules, regulations, policies and procedures governing the administration of such insurance and retirement programs permit. [RGPP ILL.5.c.3]. Employees should consult Benefits Services for more detailed information on how personal leave without pay will impact their benefits and their rights to continue coverage through COBRA and life insurance conversion or portability. [APM 55.09 and 55.38] [ed. 7-10]

**O-9.** Employees who are granted a personal leave of absence without pay are responsible for making arrangements with Benefit Services, before the leave begins, for the continuation or discontinuation of benefits. Also, they should

call Benefit Services on their return to active status to make sure that any benefits that had been discontinued are reinstated or to adjust for changes that occurred while they were on leave. [APM 55.38] *[ed. 7-10]*

**O-10.** Personal leave is not intended as a vehicle to continue benefits for periods when employees are not working due to academic or seasonal work schedules or for a reduction in hours.

**P. EXTENDED FAMILY MEDICAL LEAVE.** *[ren. 2-08, 7-15]*

**P-1.** Extended family medical leave (EFML) extends job protection and health benefits beyond the expiration of family medical leave. EFML is intended for the following:

- a.** Individuals who plan to return to work and have a prognosis to support return to work with assumption of full duties and responsibilities of their position, with or without reasonable accommodation, within a total absence period of no more than twelve (12) consecutive months; or
- b.** Individuals who do not have an acceptable prognosis to return to work, but whose absence qualifies for the use of sick leave and who have an unused sick leave balance upon the expiration of family medical leave.

**P-2.** EFML and other options for an employee's return to work following an approved family medical leave must be coordinated through Benefit Services, approved by the supervisor, and are granted at the discretion of the university, but are not guaranteed. EFML may not exceed nine (9) consecutive months. *[ed. 2-08]*

**P-3.** Acceptable medical certification and/or other documentation to support a prognosis for return to work must accompany all requests for EFML. If acceptable medical certification and/or other documentation are not provided, notice of contemplated job action to separate the employee from employment at the expiration of family medical leave may be served upon the employee if all sick leave has been exhausted.

**P-4.** If there is not a prognosis to return to work as defined above [O-1], notice of contemplated action for job separation will be issued. However, if the employee has a remaining sick leave balance and his/her condition qualifies for the use of sick leave, employment and EFML leave will be extended through the earlier of: *[ed. 2-08]*

- a.** the date in which all sick leave will be exhausted; or
- b.** expiration of six (6) months of accumulated leave, measured from the date in which leave was first granted for the same condition.

All sick leave is forfeited upon separation from employment, except as provided in O-6, or as provided in (Idaho State Code 53-4001) rights to reinstate sick leave upon return to work for any State of Idaho agency. *[ed. 2-08]*

**P-5.** Sick and all other available paid leave must be used concurrently with and taken first before any period on unpaid leave during EFML. EFML is leave with benefits but without pay, unless accrued sick or annual leave or compensatory time is used.

**P-6.** An employee with a sick leave balance who separates from employment upon the expiration of EFML and qualifies as a disabled retiree, or as a retiree eligible for any tier of university retiree medical coverage that requires retiree cost sharing, may convert a predetermined amount of the unused sick leave to pay for the retiree's share of the cost for their own university medical coverage. [FSH 3730]

**P-7.** Health benefits will continue during an approved EFML in the same manner afforded to any employee of the same classification who is actively at work.

- a.** The employee must make arrangements to self-pay his/her share of employee and dependent benefit costs during any portion of EFML that is unpaid.

**b.** Sick leave, annual leave, holiday pay and credited service hours toward vesting of annual leave accruals and retirement are not continued during any portion of leave that is unpaid.

**c.** Short and/or long-term disability wage replacement payments and/or actively at work provisions for death and other benefits provisions within PERSI and similar contracts refers to an employee being actively at work (employed and not on leave) on the date in which the disability has first begun. An employee whose condition began before taking a leave of absence and who has qualified or met the conditions in accordance with provisions set by the carrier will continue to receive benefits and/or remain eligible for such benefits during Extended Family Medical Leave, and/or upon separation from employment if unable to return to work. [Refer to Disability and Retirement Plan Handbooks [www.hr.uidaho.edu/benefits](http://www.hr.uidaho.edu/benefits)]

**P-8.** Employees who have been granted EFML are required to provide documentation to support progressive medical improvement. Medical certification and other documentation may include temporary restrictions of duties and/or periods of part-time work. However, restrictions of job duties and/or part-time work restrictions must be approved by Human Resources and the hiring authority, and must intend and attempt to phase an employee back to work to a level of full assumption of job duties, with or without reasonable accommodation.

**P-9.** During EFML, the university may require reasonable periodic re-certification and updates regarding the employee's medical condition, prognosis for improvement, and fitness for duty. A release to return-to-work from the health care provider is required before an employee may return to work. The university, at its own expense, may require medical pre-screening for return to work in a position that includes pre-employment medical pre-screening to ensure the safety and fitness for prescribed job duties before an employee is allowed to return to work with or without restriction of job duty.

**P-10.** When an employee's own medical condition or restriction is expected to be chronic, or when the condition fails to progressively improve, notice of contemplated action and job separation or accommodation of disability under ADA should be explored.

**P-11.** If at the expiration of the EFML period the employee is still unable to perform the essential duties of his/her position with or without reasonable accommodation, the university has the right to separate any employee from employment and/or to end EFML and begin job separation when the medical prognosis ceases to support a return to work within EFML limits. [FSH 3910, 3920 and 3930]

**Q. LEAVE FOR PROFESSIONAL IMPROVEMENT.** [*ren. 2-08, 7-15*]

**Q-1.** Leave for professional improvement is paid leave with benefits for the purpose of participating in professional development programs or experiences for an extended period of more than two (2) weeks to attain or enhance a skill set that will result in a mutual benefit to the both the university and the employee.

**Q-2.** Members of the faculty who hold the rank of instructor or above, exempt employees, and classified staff are encouraged to participate in programs of professional improvement. (Tenured faculty may also be eligible for sabbatical leave and should refer to FSH 3720.) Generally, on the recommendation of an applicant's administrative supervisor, and with the approval of the dean/director and the provost/vice president, professional improvement leave may be granted under the following conditions (individual departments may have additional requirements and restrictions):

**a.** To participate in this plan, the faculty or staff member must have completed four (4) years of service before the time the leave is to begin.

**b.** Generally, at least two (2) years of service must intervene between a sabbatical leave and a leave for professional improvement or at least five (5) years of service must intervene between a leave for professional improvement and a subsequent request for the same type of leave.

**Q-3.** The employee requests professional improvement leave with pay by submitting a letter of application to the supervisor at least three (3) months before the leave is to begin. The letter should address the professional development to be derived from the leave, what activities (i.e. research, writing, experience, etc.) will be involved to

achieve the professional goals, the duration of the leave, the level of support requested, and the source of funds, if known.

**Q-4.** Persons granted leave under this policy are expected either to return to the active service of the university for at least one academic or other full work year after completion of the leave, or are required to repay the money received from the university for the period of professional improvement leave granted.

**Q-5.** The employee must submit a report to the supervisor, the dean/director, and the provost/president regarding his or her developmental experience upon return to active work status.

**Q-6.** The employee may request approval to use accrued annual leave and to have an equal amount of administrative leave with pay granted to permit his or her participation in a program of professional improvement.

**R. EXCEPTIONS.** *[ren. 2-08, 7-15]*

**R-1.** Exceptions to these policies may be considered to the extent that such an exception is not contrary to state and federal laws, the Board of Regent policies and procedures, and are considered in the best interest of the university. The respective unit administrator, the AVP for Human Resources or designee, and the president or designee as required, can grant exceptions. A request for exception must be submitted and approved by the supervisor and forwarded to the AVP for Human Resources for further consideration of all approvals.

# University of Idaho

## POLICY COVER SHEET

(See *Faculty Staff Handbook 1460* for instructions at UI policy website: [www.webs.uidaho.edu/uipolicy](http://www.webs.uidaho.edu/uipolicy))  
[3/09]

**Faculty/Staff Handbook [FSH]**  Addition  Revision\*  Deletion\*  Emergency  
 Minor Amendment   
**Chapter & Title:** Leave Policies for All Employees 3710

**Administrative Procedures Manual [APM]**  Addition  Revision\*  Deletion\*  Emergency  
 Minor Amendment   
**Chapter & Title:** \_\_\_\_\_

All policies must be reviewed, approved and returned by a policy sponsor, with a cover sheet attached to [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu) respectively.

\*Note: If revision/deletion request original document from [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu), all changes must be made using "track changes."

**Originator(s):** Brandi Terwilliger 2-27-2014 – updated 4/18/16  
 (Please see FSH 1460 C) Name Date  
**Telephone & Email:** 885-3008 brandit@uidaho.edu

**Policy Sponsor:** (If different than originator.) \_\_\_\_\_  
 Name Date  
**Telephone & Email:** \_\_\_\_\_

**Reviewed by General Counsel**  Yes  No Name & Date: Ellers/HR/FAC 4/18/16

- I. Policy/Procedure Statement:** Briefly explain the purpose/reason of proposed addition, revision, and/or deletion to the Faculty/Staff Handbook or the Administrative Procedures Manual.  
 Updates were needed to comply with federal regulations for FMLA. Other changes were needed to create best practice, fairness, clarification and consistency.
- II. Fiscal Impact:** What fiscal impact, if any, will this addition, revision, or deletion have?  
 No negative fiscal impact on the University.
- III. Related Policies/Procedures:** Describe other policies or procedures existing that are related or similar to this proposed change.  
 Employee Leave Benefits 55.09/Shared Leave Appl./Donation 55.07
- IV. Effective Date:** This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.

If not a minor amendment forward to: \_\_\_\_\_

Policy Coordinator  
 Appr. & Date:  
 \_\_\_\_\_  
*[Office Use Only]*

**APM**

F&A Appr.: \_\_\_\_\_  
*[Office Use Only]*

**FSH**

Appr. \_\_\_\_\_  
 FC \_\_\_\_\_  
 GFM \_\_\_\_\_  
 Pres./Prov. \_\_\_\_\_  
  
*[Office Use Only]*

Track # \_\_\_\_\_  
 Date Rec.: \_\_\_\_\_  
 Posted: t-sheet \_\_\_\_\_  
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                   web \_\_\_\_\_  
 Register: \_\_\_\_\_  
*(Office Use Only)*

3710

## LEAVE POLICIES FOR ALL EMPLOYEES

*PREAMBLE: This section describes the various kinds of leaves that are available for all UI employees. (See section 3720 for Sabbatical Leaves limited to faculty members.) This section and the following one were original parts of the 1979 Handbook. The most substantive changes since that time have been the addition (under Governor Andrus) and subsequent deletion (under Governor Batt) of service leave for children at school and changes to subsection L that reflect changes in federal regulations. In 2002 extensive changes were made to subsection K that reflected Regent policy and current practice. In 2008 extensive changes to this policy were approved following many years of committee work involving Faculty and Staff Affairs, General Counsel, and Human Resources and a new section M was added on ~~servicemember~~-service member family leave due to a federal law change. In July 2010 a section R was added to address the Fiscal Year 2010 Furlough and in July 2011 section R was removed and a new policy, FSH 3450, was created to address employment actions such as temporary furloughs. Unless explicitly noted, the text is as of July 1996. Further information is available from Human Resources (208-885-~~3609~~3638). [ed. 7-97, 7-05, rev. 7-98, 7-02, 2-08, 7-10, 7-11]*

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- M. Service member Family and Medical Leave [add. 2-08]
- N. Personal Leave
- O. Extended Family Medical Leave
- P. Leave for Professional Improvement
- Q. Exceptions

**A. GENERAL.**

**A-1.** The University of Idaho (hereinafter referred to as uUniversity) strives to offer leave programs that are both comprehensive and flexible to meet employee needs. Leave with or without pay is extended to employees under a variety of circumstances described below. Exceptions may be granted in special circumstances [Q; APM 55.09, 55.07, 55.38; FSH 3120, 3720 and 6230] [ed. 2-08, 7-10]

**A-2.** The term "leave" refers to an employee's absence from duty. Each leave type as contained in this policy discusses circumstances in which such an absence may be continued with pay when leave accruals are available or when leave is approved without pay. Certain types of leave may require or provide options to take one leave concurrent with another. For example, sick and annual leave may be taken or may be required to be taken concurrently with other types of leave. All leaves are subject to approval.

**A-3.** Unless otherwise noted, for purposes of this policy, "immediate family member" includes: spouse, child (biological, adoption or foster arrangement), parent, brother, sister, grandparent, and these same relationships of a spouse. An immediate family member may also include an individual who has assumed a similar relationship to those above and for whom the employee or the individual has had financial responsibility for the other. An immediate family member also may include any individual who is a qualified dependent under IRS regulations. The University

reserves the right to request documentation establishing financial responsibility or qualifying status as an IRS dependent.

**A-4.** Separation from employment or the term terminating employee refers to an employee's separation from all employment.

**A-5.** A break in State of Idaho service is defined as job termination that is separated by at least three (3) business days prior to re-employment with the uUniversity or any other State of Idaho employer.

**A-6.** Full and part-time employees are eligible for some or all leaves discussed in this policy.

- a. Benefit-eligible employees are those who hold a board-appointed position [FSH 3080] and are employed at least half time or greater.
- b. Individuals who are employed at least half time or greater as temporary help (TH) and who are expected to complete five (5) months or more of continuous uuniversity service and are eligible to participate in the Public Employers Retirement Plan for Idaho (PERSI) are eligible for limited benefits, including annual leave, sick leave and pay for holidays on which they do not work [FSH 3090].

**A-7.** Leave may not be taken in advance of accrual and may not be taken in excess of 80 hours in a pay period. *[rev. 7-15]*

**A-8.** Leave may not be taken on an employee's first day of employment. If an employee is unable to report for work on their specified first day of employment; employment will not begin until the first day that the employee reports for active duty.

**A-9.** All employees, including faculty and exempt employees, are responsible for recording all leave taken on bi-weekly time reports and complying with the terms of leave policies, including, but not limited to:

- a. completing application for leave and providing medical evidence and other requested information;
- b. abiding by any and all return-to-work restrictions; and
- c. returning to work following expiration of approved leave.

Failure to uphold these responsibilities may result in absence without approved leave. Eligibility to preserve employment may be affected and/or the employee may be subject to disciplinary action, up to and including termination from employment as provided in appropriate uUniversity policies [FSH 3910, 3920 and 3930].

~~**A-10.** Employees who are exempt from overtime accrual or payments may be absent from work for approved periods of less than ½ work day without charge to sick or annual leave. Sick, annual or other paid time off must be charged in ½ day increments when ½ day of work or more is not performed, except when alternative work has been performed in conjunction with an approved flexible schedule. Exempt employees (full-time FLSA) who work at least four (4) hours in a day will be paid regular pay for the full day. If they work fewer than four (4) hours, the difference will be charged to the appropriate accrued leave category unless alternative work has been performed in conjunction with an approved flexible schedule. With respect to full-time FLSA exempt employees who accrue annual or sick leave, an employee working a minimum of four (4) hours in a day will be paid regular pay for the full day. If the employee is on approved intermittent Family and Medical Leave (FML) whereby they must report each hour missed for FML reasons. If the employee works fewer than 4 hours, the difference should be charged to the appropriate accrued leave category.~~

Employees who are not exempt from earning overtime accrual or payments shall record all approved absences in 1/4-hour increments, except when time loss has been made up through an approved flexible schedule.

**A-11.** Absent written agreement to the contrary, an eligible employee typically earns credit toward retirement plan vesting (see your PERSI, IORP or federal retirement plan document for details) and earns annual and sick

leave accruals during the portion of any leave that is paid, except that sick and annual leave do not accrue during terminal leave [J], or in some circumstances during administrative leave [H-5]. An employee typically will not be given such credit for any periods of unpaid leave.

**A-12.** No break in service will occur during any approved paid or unpaid leave for the purposes of determining eligibility for retiree health benefits.

**A-13.** Departmental administrators are responsible for approving and ensuring the reporting of leave, via Banner, taken by the employees in their respective units. For procedures regarding reporting and monitoring leave see [APM 55.08](#). The Banner system and Human Resources records are the official [University](#) leave records. *[ed. 7-10]*

**A-14.** Human Resources is responsible for coordinating requests and reviewing compliance with all types of leave other than sick, annual and medical appointment leave discussed in this section. *[APM 55.09] [ed. 7-10]*

## **B. ANNUAL LEAVE.**

**B-1.** Employees receive annual leave based on their classification of employment. *[FSH 3080]*

**a.** Classified Employees on full-time fiscal-year appointments accrue annual leave based on hours worked at the rate of approximately 3.7 hours bi-weekly for the first five full years of service, with a maximum accumulation of 192 hours; 4.6 hours bi-weekly up to 10 years of service, with a maximum accumulation of 240 hours; 5.5 hours bi-weekly up to 15 years of service with a maximum accumulation of 288 hours; and 6.5 hours bi-weekly for more than 15 years of service with a maximum accumulation of 336 hours. *[RGPP ILE.3; FSH 3080; APM 55.08 and 55.09] [ed. 7-10]*

**b.** Faculty on full-time fiscal-year appointments and exempt employees, including postdoctoral fellows, accrue annual leave at the rate of 7.4 hours bi-weekly and may accumulate a maximum of 240 hours. *[RGPP ILF.3, FSH 3080, APM 55.09] [ed. 7-10]*

**c.** Faculty who hold academic-year appointments do not accrue annual leave. Their periods of obligation and leave are governed primarily by the academic calendar, subject to stipulation by the employee's dean. *[FSH 3120]*

**B-2.** Annual leave for classified and exempt appointment of less than 100% full-time, but equal to or greater than half-time, is accrued based on hours worked and at a rate based on the employee's classification [B-1]. No annual leave is accrued for less than half-time service.

**B-3.** Temporary employees who are eligible for PERSI accrue annual leave beginning on the first day of employment in an eligible position at a rate of .04625 times hours worked within each bi-week, however leave is not earned until the benefit qualification period has been satisfied.

Annual leave for qualified temporary employees accrues, but is not earned until the employee has worked at least 20 hours per week and for a period of at least five (5) months (the benefit qualification period). Approval to use accrued, but unearned annual leave may be approved by the employee's supervisor under special circumstances. However, in the event that accrued annual leave is taken before it is earned and the employee also voluntarily separates or is terminated for cause before annual leave is earned, the value of unearned annual leave taken will be withheld from pay, other earning or payments or must otherwise be repaid to [University](#).

Leave Accrual Example:

Annual leave accrues based only on hours worked.

62 hours worked times ~~.0462~~.04625 results in 2.90 hours of accrual and may accumulate to a maximum of 192 hours.

**B-4.** Annual leave accrual is temporarily suspended when the accumulation reaches the maximum allowance. Once the leave accumulation drops below the allowed maximum, accruals resume.

**B-5.** Employees eligible for overtime earn overtime based on only hours worked. There is no overtime accrual based on annual leave, sick leave, compensatory time, holidays or any other paid time off.

**B-6.** Annual leave continues to accrue while on any paid leave, except that annual leave does not accrue on hours of compensatory time used; during terminal leave [K]; during academic transitional leave [J] or for temporary employees who accrue annual leave based only on hours worked.

**B-7.** At the employee's option, accrued annual leave may be used during any approved leave that could otherwise be taken as sick leave. See ~~E-3 Parenting Leave for the requirement to use sick leave prior to use of annual leave, with the exception of parenting/adoption C7 (f).~~ [RGPP II.I.2.b.]

**B-8.** Annual leave must be scheduled in advance and requested in writing by the employee. Annual leave may not be taken without the supervisor's written approval. Both the employee's vacation preference and business needs of the unit must be considered in establishing mutually agreed periods of leave [APM 55.09]. [ed. 7-10]

a. Supervisors are responsible for coordinating and approving requests for annual leave of all employees in their respective units.

b. An employee on approved annual leave, who becomes eligible to use sick leave through unforeseen events, may use sick leave in lieu of annual leave ~~with approval from his/her supervisor.~~ Documentation to support the use of sick leave may be required.

**B-9.** Leave balances are paid to employees upon separation (i.e. resignation, retirement layoff, non-renewal, termination) from all State of Idaho employment [IC 67-5334]. Leave balances are transferred from the uUniversity to other State of Idaho employers when the uUniversity employment ends and a new position is accepted with any State of Idaho employer when there is no break in state service [A-5]. However, the uUniversity reserves the right to require an employee to exhaust some or all annual leave prior to any job or employment separation.

~~Employees separating upon the expiration or termination of a grant will be required to use annual leave before the last day of employment. Employees whose salaries are funded by grants or contracts are expected to use all annual leave earned while paid from the grant or contract before the expiration of the grant or contract or termination of employment (see APM 55-09 C1).~~

~~Employees funded on grants or contracts are expected to use all earned annual leave during the appointment before expiration of the grant(s) or contract(s). Employees separating employment upon the expiration or termination of a grant or contract, will be required to use annual leave before their last day of employment. The unit will be responsible for the payout of funds for any earned annual leave the employee fails to take before the expiration of the grant/contract (see APM 55.09 C 4).~~

In the event of an employee's death, payment is made to his or her estate.

The effective date of the employee's separation is the last day on which he or she reports to work for the uUniversity, unless ~~the Assistant Vice President (AVP) for Human Resources or designee Executive Director for Human Resources or designee~~ has approved a written request for alternative termination arrangements that are in the best interests of the uUniversity.

A termination extended through the use of accrued annual leave must be approved in advance, in writing, by ~~the AVP for Human Resource Human Resources Director, s or designee~~ and unit administrator and shall be treated as terminal leave. [J and APM 50.20]

In the event that an academic administrator transitions from a position eligible for annual leave to a faculty position in which annual leave does not accrue, balances should be exhausted prior to the start of the new appointment. Leave balances that cannot be used will be carried forward. If not used, the balance of unused annual leave will be paid at the time of separation of all State of Idaho service. Carry forward of annual leave balances exceeding eighty (80) hours must be approved in advance by ~~the AVP for Human Resources, Human Resources Director, or designee.~~

**Commented [TA1]:** From recently passed Parental Policy: E-3. Employees can choose to use a combination of accrued paid leave or unpaid leave. However, employees must first use accrued sick leave (see FSH 3710 M-2) and any accrued annual leave or compensatory time they have in excess of 80 hours before going on leave without pay. The remainder of the job protected leave will be unpaid, unless the employee chooses to use a combination of accrued annual leave, or compensatory time.

**Commented [TA2]:** Last sentence is unnecessary given new consolidated fringe.

**Commented [TA(3)]:** 10/9/15 The title for the AVP has changed many times. FAC suggests using Human Resources and let HR determine who makes the decision to avoid constant updates to policy.

**B-10.** Any individual, regardless of type of appointment, with an annual leave balance who transfers or who is reassigned to another unit within the uUniversity may be required to exhaust all existing annual leave prior to starting the new assignment.

**B-11.** Payment in lieu of annual leave taken for any reason other than separation from employment is granted only by exception or under other special circumstances within the business needs of the uUniversity.

**B-12.** Eligibility requirements for annual leave for temporary help (TH) can be found in FSH 3090.

### C. SICK LEAVE.

**C-1.** Employees that work at least 40 hours in a bi-weekly pay period for at least five (5) consecutive months accrue sick leave. Accrual is approximately 3.7 hours bi-weekly for full-time service. [FSH 3090 C]

**C-2.** Sick leave accumulation for half-time but less than full-time service is accrued proportionately based on hours worked and earned at the rate of ~~.0462~~.04625 for each hour worked.

**C-3.** Sick-leave may be accumulated without limit.

**C-4.** Sick leave cannot be taken in advance of accrual. If, at the end of a bi-weekly pay cycle, absences exceed sick leave accumulation, the hours will be charged to compensatory time first, if available, and then to annual leave. If there is no leave accumulation, time will be unpaid. If sick leave or other types of paid leave are available for an approved absence of any duration, time-off must be taken using available paid leave and may not be taken as unpaid leave, unless such absence has been approved as a personal leave [N] without pay in accordance with the guidelines of this policy. *[ed. 2-08]*

**C-5.** Sick leave continues to accrue while on any paid leave, except for hours of compensatory time used; during terminal leave; and/or during academic transitional leave [I].

**C-6.** Sick leave may not be used in lieu of annual leave, except when the conditions of B-8. b. above have been met

**C-7.** Sick leave may be taken only as follows:

**a. Illness of Employee.** An employee's own illness, injury, or childbirth that prevents the employee from performing his or her assigned duties; or in the event of exposure to contagious disease if, in the opinion of responsible authority, the health of others would be jeopardized in the work place.

**b. Illness of an Immediate Family Member.** When the illness or injury of an immediately family member as defined in [A-3] of this policy requires the attendance of another, the employee may use his or her own available sick leave.

**c. Death of an Immediate Family Member.** In the event of a death of an immediate family member as defined in [A-3] of this policy; up to fifteen (15) days of sick leave may be used immediately following the event, but can be extended if there are special circumstances. The unit administrator and ~~the AVP Director for~~ Human Resources ~~or designee~~ may approve an extension of leave for up to a total of thirty (30) days of sick leave.

**d. Death of a Family Member.** Sick leave usage for the death of a family member other than a member of the immediate family as defined in [A-3] of this policy is limited to a maximum of five (5) days of sick leave immediately following the event.

**e. Medical Appointments.** Personal or family appointments for medical, dental, optical treatment or examination, or meeting with an Employee Assistance Program professional, including time for travel to and from such appointments. An employee is allowed up to two hours of time off per month for such appointments without charge to sick leave provided satisfactory arrangements have been made with the employee's supervisor.

If the employee has absences totaling more than two hours in a month, such absences must be reported and charged to sick leave. There is no carryover balance from month to month.

**f. Parenting/Adoption.** Up to ten (10) days of sick leave may be used during an approved family medical leave for either parent for parenting as defined in L-5 of this policy. In the case of adoption, the child must be younger than 18 years of age and may not be a stepchild.

**g. Organ Donation.** Full- and part-time benefit eligible employees may use up to five (5) days of sick leave for bone marrow donation and may use up to thirty (30) days of sick leave to serve as a human donation organ donor during an approved family medical [L] or personal leave [N]. *[ed. 2-08]*

**C-8.** Attendance at work is a job requirement for all positions at the uUniversity. Excessive absenteeism can affect job performance. Supervisors ~~have the right to may~~ set ~~reasonable~~ attendance standards ~~(see also FSH 3250 flextime/flexplace). Documentation may be and required medical evidence to be submitted to HR to support absences that exceed these standards.~~ Absences that occur during an approved family medical leave [L] are exempt from these requirements.

Commented [TA4]: Senate reinserted 4/19/16

Commented [TA5]: Debra (Counsel) and HR requested this reference to flextime be removed.

**C-9.** The federal Family Medical Leave Act of 1993 (FMLA) was adopted as law to protect the best interest and job security of employees. The uUniversity may initiate family medical leave (FML) and will apply FML concurrently with sick leave when the employee's own illness, work-related injuries, or an illness of a family member is covered by FML. In these circumstances, sick leave must be used before unpaid FML is taken [L-2].

**C-10.** An employee may be eligible for FML after three (3) consecutive days of sick leave, unpaid or other absence [L-4] and may initiate a request for FML at any time prior to an absence which they suspect may qualify. However, the uUniversity may also initiate FML and will typically take steps to determine if an absence qualifies as FML when an employee has missed five (5) consecutive workdays or longer by providing the employee with ~~an absence questionnaires a medical certification form~~ and FML application. A failure to comply with a request to complete ~~and return the absence questionnaire medical certification form~~ and/or the FML application (if applicable), ~~within a reasonable period of time,~~ may result in absence without pay and/or disciplinary action, up to and including dismissal from employment ~~(-as provided in relevant uUniversity policies [see FSH 3910, 3920 and 3930]).~~

Commented [TA6]: Senate reinserted 4/19/16

**C-11.** Employees transferring without a break in service from a qualified Idaho state agency or from the uUniversity to another state agency will be credited with their accrued sick leave by the receiving agency. All unused sick leave is forfeited when an employee is separated from state service. No compensation is made for such unused leave, except as provided in C-12 in the case of employees who are retiring from the uUniversity. If an employee returns to state service or to the uUniversity within three (3) years after separation, sick leave forfeited at the time of separation will be reinstated.

**C-12.** Employees who retire and then return to work at the uUniversity may not be entitled to reinstatement of sick leave balances. In this instance, only the *unused* portion of sick leave that was converted at the time of retirement [C-13 and FSH 3730 C] to pay for retiree health benefits may be reinstated for employees who separate for retirement purposes and later return to work at the uUniversity.

**C-13.** An employee who retires under the eligibility conditions for retirement or disability retirement as stated in FSH 3730 may apply a pre-determined amount of unused sick leave accrued since July 1, 1976, as payment for continued coverage under the uUniversity retiree health program. [FSH 3730, APM 55.39] *[ed. 7-10]*

**D. HOLIDAYS.**

**D-1.** The uUniversity is closed at least eleven (11) holidays each fiscal year. [3460 F-2]

**D-2.** Board-appointed employees [FSH 3080] and temporary help employees participating in PERSI [FSH 3090] are eligible to receive holiday pay. *[ed. 2-08]*

**D-3.** Benefit-eligible employees [A-6.a.] who are employed full time (87.5 percent or greater) receive holiday pay based on eight (8) hours for each holiday. An employee who works a compressed work schedule to include more than eight (8) hours each day, such as four (4) ten-hour workdays in one week, will still receive only eight (8) hours of holiday pay. With supervisor approval, the employee may make up the difference between their regular hours of work and the holiday pay for that day (two [2] hours in this example) through a flexible work schedule within the same work week [FSH 3460], or may use accrued compensatory time or annual leave, or take the time as unpaid.

**D-4.** Benefit-eligible employees [A-6.a.] who are employed at least half time but less than full-time, are entitled to receive holiday pay, pro-rated based on the average number of hours scheduled each week. The number of hours scheduled on a routine basis (not the hours worked in the week in which the holiday falls) is divided by five (5) days. For example:

20 hours per week / 5 = 4 hours of holiday pay  
 25 hours per week / 5 = 5 hours of holiday pay  
 30 hours per week / 5 = 6 hours of holiday pay

**D-5.** The ~~u~~University embraces diversity and recognizes that our workforce is derived from many diverse cultures to include many different religious preferences. An individual may be absent from work to observe a religious holiday consistent with his or her own religious beliefs and practices when the day is not consistent with the ~~u~~University's official holidays, provided advance notice is given. Pay for these absences are as follows:

**a.** Benefit-eligible employees may use their accrued compensatory time or annual leave to receive pay for an observed religious holiday that is not an official ~~u~~University holiday.

**b.** Employees who are not benefit-eligible, or who do not have compensatory or annual leave available, may observe the holiday without pay; or, with advance supervisory approval, employees may make up the hours in the same work week [FSH 3460].

**D-6.** Benefit-eligible employees are entitled to holiday pay while they are on other approved paid leave, or during any portion of paid or unpaid family medical leave.

**E. MILITARY LEAVE.** When an employee goes on military leave it is not considered a break in service.

**E-1.** Faculty and staff, regardless of whether or not they hold a fiscal-year or academic-year appointment are eligible for leave of up to one hundred twenty (120) hours fifteen (15) working days per calendar year in a twelve (12) month period for active duty or military training. Leave for State of Idaho military duty or training is limited to one hundred twenty fifteen (12015) hoursdays within a calendar year. Employees who are in board-appointed positions [FSH 3080] are eligible for full-pay while on paid military leave. When called to active duty or training, the ~~u~~University will pay the difference between military pay received from the U.S. or State government, but cannot duplicate pay. This is accomplished by full pay during an approved military leave. The employee must provide documentation of military pay received during leave, within ninety (90) days of return from leave or upon earlier job separation. The employee is required to repay to the ~~u~~University any amount which exceeds their regular base pay for the same period. Unpaid military leave may be requested if the employee knows their military pay will exceed their ~~u~~University pay. Annual and sick leave credit towards length of service for retirement plan, and other vesting will continue to accrue during-according to the applicable plan documents, the fifteen (15) working days the one hundred twenty (120) hours of military leave and eligibility for employee health benefits will continue whether military leave is requested with or without pay. Instead of taking military leave, an employee may request annual leave. An employee at their own option may instead request annual leave on the same basis as any other vacation or other time off and if approved; may use annual leave and retain full military pay. [APM 55.09 and 55.38] [ed. 7-10]

**E-2.** Any employee who is called to active duty and/or is required to serve more than fifteen-one hundred twenty (15120) hoursworking days is eligible for up to five (5) years of military leave. Eligibility for employee health coverage will continue at a minimum through the first thirty (30) calendar days of service while on an

**Commented [TA7]:** FAC: 4/18/16 – delete this sentence, intent is to meet federal regulation, not both state and federal.

**Commented [TA8]:** FAC: Can this be extended to other benefits, e.g. Retirement – see E-9 below, or is this only for health benefits?  
 HR: Yes, depends on plan.

FAC: 4/18/16 – remove sentence that refers to health benefits and refer to applicable plan documents so as not to limit employees ability to continue to accrue or vest if able to do so given the specific plan.

approved military leave. The employee will be required to pay the employee share of the health care costs, as well as the costs for his/her dependents.

~~E-3. An employee may use annual leave and/or accrued compensatory time for military service and continue to receive pay and benefits before commencement of military leave. An employee may choose to use annual leave and/or accrued compensatory time for military service and continue to receive pay and benefits at any time.~~

**Commented [TA9]:** FAC 11/13/15 reworded, feels employees should have a choice when to use their accrued leave.

~~E-4. Military leave beyond the first one hundred twenty five (15120) hours working days is generally granted without pay and benefits. Health care coverage will end for the individual who is called to active duty after the first thirty (30) days of service. However, coverage for his/her dependents may continue and are subject to the applicable benefits based on the University's current Summary Plan Document at the time of reinstatement. Contact Benefit Services at (208) 885-3638 for specific information or view the Summary Plan Document (SPD) on the benefits website at www.uidaho.edu/benefits for up to an additional six (6) months, provided that the employee has made arrangements with Benefit Services to pay the full cost of coverage, on at least a monthly basis. In this instance, any other coverage provided by U.S. military programs will be primary.~~

**Commented [TB10]:** The SPD's govern the plans and can change when contracts change. To keep this section current, it would be best to reference these governing documents for accuracy.

**Commented [TA11]:** FAC would like to know who has control, makes decisions, over the SPD?  
HR response: SPD is required by federal law, plans are reviewed by HR, BAG and various others.

~~E-5. When on military leave or when his/her dependents are not eligible for coverage elsewhere, the employee or his/her dependents, individually or as a family, may be eligible to continue health care coverage through COBRA.~~

~~E-6. An employee may elect to continue group life insurance benefits in effect for the employee or his/her dependents on the date the employee is called to active duty for a maximum period of thirty (30) days. However, the employee must self-pay the full cost, based on rates and eligibility rules afforded to others who are actively at work. Benefits from these programs generally exclude losses resulting from participation in a military organization or from an act of war. E-5. An employee may also have the right to life insurance portability or conversion to an individual life insurance policy following termination of benefits in the group plan.~~

~~E-7. Upon reinstatement to active UI employment, the employee's health plan will resume as if their employment had not been interrupted.~~

~~E-8. In accordance with state and federal law, an employee upon return will be reinstated to his/her former position or a comparable position without loss of seniority, status or pay rate provided the employee returns with an honorable discharge and within five (5) years from departure date from the uUniversity.~~

a. In some situations, re-employment may not be possible, such as when there has been a significant change in circumstances, if re-employment would impose an undue hardship on the uUniversity or department, or if the person's employment was temporary in nature, such as positions that are grant-funded for a specific duration and/or temporary help (TH) positions.

1. If the returning employee's skills need upgrading to meet the requirements for a prior or promoted position, the uUniversity will make reasonable efforts to refresh or update these skills unless such efforts would create undue hardship for the uUniversity.

2. When an employee with a service-related disability is not qualified to perform the essential functions of his/her job after the uUniversity has made reasonable efforts to accommodate the disability, the employee may be placed in another position of comparable pay, rank, and seniority.

b. Employees returning from military leave must provide the uUniversity with written timely notification of intent to return to their position. The uUniversity may require documentation that the person's application for reemployment is timely and that the person's discharge from uniformed services was under honorable conditions. University procedures will follow the applicable state and federal law, including but not limited to the Uniformed Services Employment & Reemployment Rights Act (USERRA), 38 U.S.C. 4301-4333, enforced by Department of Labor's Veterans' Employment & Training Services (VETS) (www.dol.gov/vets.)

**E-98.** Retirement benefit contributions are suspended while the employee is on unpaid military leave when the 120 hours per E-1 have been exceeded. Upon reinstatement to active UI employment after military leave, reenrollment in the retirement plan will be accomplished in accordance with the plan documents~~immediate~~.

- a. Credited state service continues during military leave as though no break in employment has occurred.
- b. The employee may elect to make up any employee contributions missed during an approved military leave. Such contributions must be paid into the plan within a period not to exceed three (3) times the length of the military leave, up to a maximum of five (5) years.
- c. The uUniversity will contribute the regularly scheduled match contributions for any employee make-up payments made in connection with an approved military leave.
- d. For purposes of determining eligibility for retiree health coverage, military leave will not count as a break in service provided that re-employment occurs within the parameters of this policy. Further, an employee will receive uUniversity service credit for purposes of determining eligibility under the Retiree Health Program [FSH 3730] during the fifteen (15) days of approved paid military leave; however, the employee will not receive service credit for purposes of determining eligibility under the Retiree Health Program [FSH 3730] for any unpaid military leave.

~~**E-10.** The uUniversity will not discharge an employee without cause, as that term is defined by federal USERRA regulations, who is reinstated under the provisions of the USERRA and has served thirty-one (31) to one hundred and eighty (180) days without cause for six (6) months following reinstatement. If the length of military service was more than one hundred and eighty (180) days, but less than five (5) years, the employee will not be discharged without cause for one (1) year following reinstatement.~~

**E-119.** This policy is intended to comply with applicable state and federal laws, including the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994. To the extent that any provision of this policy is ambiguous and/or contradicts the Act or any other law, the applicable law or Act will prevail.

#### **F. LEAVE FOR COURT REQUIRED SERVICE AND VOTING.**

**F-1.** Any employee who is summoned for jury duty or subpoenaed as a witness before a court of competent jurisdiction or as a witness in a proceeding before any federal or state administrative agency will be granted leave. Benefit-eligible employees will be granted leave with pay, except as provided below in F-2. Travel expenses in connection with this duty are not subject to reimbursement by the uUniversity. [RGPP II.1.5.a.2; APM 55.09] *[ed. 7-10]*

**F-2.** An employee must request annual leave or personal leave without pay for the following:

- a. appearing as a party in a non-job-related proceeding involving the employee;
- b. appearing as an expert witness when the employee is compensated for such appearance; or
- c. appearing as a plaintiff or complainant, or as counsel for a plaintiff or complainant, in a proceeding in which the Board of Regents or any of its institutions, agencies, school or office is a defendant or respondent. [RGPP II.1.5.a.]

**F-3.** Polling places are typically open extended hours and absentee voting is widely available. However, employees who are unable to vote outside of scheduled hours will be allowed time off to vote. If available, an employee may use accrued annual leave, compensatory time or, if approved in advance, may be able to make up time lost to vote within the same work week [FSH 3460] through a flexible work schedule. Otherwise, time off will be approved, but unpaid.

#### **G. LEAVE FOR CAMPAIGNING FOR OR SERVING IN PUBLIC OFFICE.**

**G-1.** The president approves requests for leaves of absence for the purpose of campaigning for or serving in public office [RGPP II. I.5.c.]. -See FSH 6230 E for provisions concerning leave for campaigning and serving in public office.

**G-2.** It is the Board of Regent's intent that state salary not be duplicated to an employee serving as a member of the Idaho Legislature. Any leave for serving as a member of the Idaho State Legislature will be unpaid when the Legislature is in session [RGPP II.I.5.c.2.]. Certain benefits may continue during the unpaid leave; however, the employee must pay the full cost of coverage.

**H. ADMINISTRATIVE LEAVE.**

**H-1.** Administrative Leave is leave with pay and benefits. An employee will continue to receive pay and leave accruals in accordance with their regular rate and maintain eligibility for other benefit programs. (Terminal leave (J) and academic transitional leave (I) are not considered administrative leave.)

**H-2.** At the discretion of the president or his/her designee, an employee may be granted administrative leave when the state or the uUniversity will benefit as a result of such leave. [RGPP II.I.5.d; 3470 B] *[ed. 7-10]*

**H-3.** Examples of circumstances that may qualify an employee for administrative leave are volunteer fire fighters attending class off campus, official delegates to the annual general convention of Idaho Public Employees' Association, and members of state or local committees, such as the Human Rights Commission, attending official meetings.

**H-4.** With the approval of the president or designee, an administrator may also use administrative leave to remove an employee from the workplace (for example during an investigation or to mediate an employee relations issue), if approved in advance by Human Resources. The President's Office or Provost's Office, as appropriate must be notified.

**H-5.** In all cases involving administrative leave with a duration that is more than one bi-week, an electronic personnel action form (EPAF) must be processed. When leave is less than one full bi-week, hours attributed to administrative leave shall be coded as "ADL" on the time/leave record and in the payroll system.

**H-6.** In the absence of a written agreement to the contrary, an employee on administrative leave must be available for recall to work during regular uUniversity business hours in the event that the employee's services are required or he/she is otherwise requested to return to work.

**H-7.** Under certain circumstances, the uUniversity may require the use of accrued annual leave and/or compensatory time.

**H-8.** Administrative Leave with Pay. When the president or designee makes a decision to close, cancel classes, or postpone the opening the University, employees will be authorized Administrative Leave with pay. When approved, employees will enter hours as follows for emergency closure days:

Commented [TA(12)]: Comes from APM 95.21

Classified and PERSI eligible TH will enter the hours they would have worked. Exempt and faculty enter leave if leave taken is more than 4 hours and will record leave only if they were out more than 4 hours.

(i) (TH) Temporary Help (PERSI Eligible only) – enter hours regularly scheduled but not worked due to the closure under the Administrative Leave code, up to 8 hours

(ii) Classified – enter hours not worked due to closure under the Administrative Leave code, up to 8 hours

(iii) Exempt & Faculty – enter hours not worked, if over 4, due to closure under the Administrative Leave code, up to 8 hours.

**I. ACADEMIC TRANSITIONAL LEAVE.**

**I-1.** Academic transitional leave may apply when an academic administrator steps down from his/her administrative appointment and assumes a faculty appointment. The purpose of academic transitional leave is to prepare the employee for a new faculty appointment. Transition leave is not available in the event of transition from academic faculty to an administrative appointment. Academic transitional leave is granted at the discretion of the uUniversity, must be approved by the provost, and approved by the president or designee.

**I-2.** There is no accrual of annual leave during the period of academic transitional leave. All other benefits and leave accruals are provided on the same basis as afforded to similarly situated employees in a faculty job classification. Annual leave balances should be exhausted prior to a new academic faculty appointment. Leave balances that cannot be used will be carried forward. If not used, the balance of unused annual leave will be paid at the time of separation of all State of Idaho service. Carry forward of annual leave balances exceeding eighty (80) hours must be approved in advance by ~~the Executive Director of Human Resources, or designee~~ AVP for Human Resources or designee.

**J. TERMINAL LEAVE.**

**J-1.** Terminal leave is paid leave received by a terminating employee in lieu of wages at the employer's discretion. An example of terminal leave is leave paid to an employee who is not completing the term of his/her contract at the request of the employer. Sick and annual leave is not accrued during the terminal leave period. Time toward length of service for retirement vesting and eligibility for uUniversity retiree health benefits [FSH 3730] will continue. The duration of terminal leave is determined at the discretion of the uUniversity.

**J-2.** During terminal leave, health benefits continue for an employee and his/her covered family members on the same basis as employees of the same classification who are actively at work. The employee's share of all health care contributions, including employee and dependent medical/dental, supplemental life, and/or any other costs of coverage, will be withheld from the employee's pay. Upon separation from employment, the employee and/or his/her covered family members, as a family or individually, may have rights to medical/dental coverage through COBRA.

**J-3.** The uUniversity may require the use of accrued annual leave and/or compensatory time during the terminal leave period or may pay out some or all accrued, but unused balances at the time of termination.

**K. SHARED LEAVE.**

**K-1.** University employees who earn annual leave may donate annual leave hours to shared leave. Shared leave may be donated to a shared leave pool or to the benefit of a specific eligible recipient. [See FSH 3710 L-5 below and APM 55.07 C-3 for conversion of donated leave to shared leave] *[ed. 7-10, 7-15]*

**K-2. Eligibility.** Benefit eligible employees, including academic year faculty who do not accrue annual leave, are eligible to receive shared leave. ~~If an employee is only eligible for benefits under the Patient Protection and Affordable Care Act (PPACA) they do not qualify for shared leave. Employees for benefits under the who fall under the (Does not include those only eligible for benefits under the Patient Protection and Affordable Care Act (PPACA) or otherwise are not ineligible for they do not qualify for shared leave under University policy.)~~

**a. a. Qualifying Events.** If any benefit-eligible employee [A-6. a.] who has a health condition K-2.a.1] or whose immediate family member [A-3] has such a condition and the employee is required to take time away from work, and has exhausted all leave, the employee may apply for shared leave. ~~when time away from work is a qualified absence as described below in (K-2.a.1) but and when time away will not be compensated by paid leave or wage replacement programs such as disability and workers' compensation benefits.~~

**b.**  
1. The health condition of the affected individual must be certified by a competent health care provider to be considered as acceptable evidence by the uUniversity, and qualify as a serious health condition as defined by family medical leave [L] to include a need resulting from human organ or bone marrow donation. This provision applies only to the acceptable medical conditions of family medical leave. An employee need not meet the service and other requirements of family medical leave to be considered as an absence eligible for shared leave.

**Commented [TA13]:** First deleted part is redundant, latter part on disability is moved to below section on disability in c.

2. An applicant for shared leave who has used his or her own annual leave for purposes other than attending to a medical condition that is known to create potential for an extraordinary need for leave typically is not eligible for leave from the shared leave pool. Under extraordinary circumstances, such an applicant may request an exception to receive shared leave from directed donations.

3. Shared leave that is donated from the shared leave pool is intended for use by employees who intend to return to work. An applicant who wishes to receive shared leave and otherwise meets the criteria of the program and does not intend to return to work may apply for shared leave; however, shared leave in this instance is available only from donations directed specifically to that one recipient.

**b. Prerequisites.** An employee must ~~have used~~ all other available leave such as sick leave, annual leave, and compensatory time to qualify ~~as a recipient for~~ of shared leave. ~~If an employee applies for shared leave within the first year of employment, any shared leave approved must be in the form of direct donations, up to the benefit maximum. If an employee receives shared leave during the first year of their employment with UI, and does not return to active service for at least thirty days after completion of their leave, they may be expected to repay the compensation they received, unless this requirement is waived by the president, or his/her designee.~~

**c. Disability Income.** To be eligible for shared leave for the employee's own medical condition ~~that is expected to last longer than 30 days~~, employees must first apply for wage replacement benefits that may be available through ~~workers' compensation or~~ disability coverage. ~~In cases of job related injuries, employees must first apply for wage replacement through workers' compensation.~~ Once such benefits begin, eligibility for shared leave benefits end. However, an otherwise eligible employee may use shared leave while satisfying the waiting period or after exceeding maximum disability periods for income replacement programs. ~~Shared leave cannot be claimed when time away will be paid through wage replacement programs such as disability and workers' compensation benefits.~~

**K-3. Donating Shared Annual Leave to Shared Leave Pool.**

**a.** Employees who have an accrued annual leave balance may donate to shared leave regardless of their funding salary source. Donations may be made to the shared leave pool and accessed by any eligible recipient or donated directly to a specific shared leave recipient.

~~**b.** Shared leave donations are restricted to direct donation when the donor's annual leave balance is less than forty (40) hours from the maximum leave accumulation limit. In this instance only, the amount of leave actually used by the recipient will be deducted from the donor's account before any balance is taken from the shared leave pool. Donated leave not used by the recipient will be returned to the donor's account or forfeited if the maximum accrual has been reached. Donors can choose to designate any unused direct donations to be added to the general shared leave pool. [ed. 7-11]~~

**b.** Leave donations made for a specific individual will be drawn from donors' accounts based on a first-received basis. The first donation request received by Benefit Services will be processed before a second donation from other recipients or before hours are withdrawn from the shared leave pool. Donations will be drawn from the donor's annual leave account as the time is transferred and used by the recipient. No leave donation in excess of the recipient's shared leave needs will be taken, unless contributions to the shared leave pool also have been authorized, except as noted above in section b., when donations to the shared pool are restricted.

**c.** Leave donations may be made in any amount of not less than ½-hour (.50) increments.

**d.** Shared leave donations may not cause the donor's annual leave balance to fall below forty (40) hours at the time the donation is processed unless the donor is terminating active employment from the University. Donors should be aware that any shared leave not used by the intended recipient will be returned to the Shared Leave Pool, not returned to the donor(s). [7-15]

**K-4. Shared Leave Benefits.**

**Commented [TA14]:** 4/18/16: FAC - Allow but rather than direct donations note the UI may request repayment, same as for sabbatical leave, if an employee does not return for at least 30 days, similar to FMLA. This attempts to address HR's concern about depletion of the shared leave pool.

**Commented [TA15]:** HR requested adding this sentence: change in procedures – Does not harm new employees because they are still able to receive SHL, helps prevent misuse of SHL by new employees who do not intend to continue employment with the university. (This has been a problem with the administration of this policy)

**Commented [TA16]:** 4/18/16 HR requests approval by counsel or remove waiver by president.

Senate 4/19/16 retained president waiver, but added "or his/her designee."

**Commented [TA17]:** HR states: These language changes are needed to prevent unnecessary disability filing requirements to apply for SHL if an employee meets the eligibility for SHL but is not out long enough to qualify for disability income. This has been burdensome for employees, HR staff, and vendor management and will improve the efficiency of the process and not harm employees in any way.

**Commented [TA18]:** Moved from above to ensure that if one receives wage replacement, they cannot also receive shared leave -- thus additional pay.

**Commented [TA19]:** HR: It is a roadblock for people wishing to donate leave and serves no real advantage to anyone, causes delays in processing requests and administrative burdens. This is an improvement on the donation procedures.

a. Maximum Benefit. The maximum shared leave benefit is limited to four (4) working weeks of leave within a rolling twelve (12) month period. Shared leave hours ~~that are granted~~ will be ~~reflective of the employee's regular percentage of appointment prorated based on employee's FTE.~~

**Commented [TA20]:** HR: Changes here are requested to clarify the benefit and how hours are given if someone is less than part-time. No real change just clarification.

~~e.b. Recipients of shared leave from the shared leave pool will receive the benefit on a first-come, first-serve basis as the pool balance must not fall below zero dollars. If funds are unavailable from the shared leave pool, then the recipient would be required to solicit direct donations.~~

~~b.c. Shared leave requests are reviewed and granted by the Director of Benefit Services or designee in accordance with this policy. Applicants awarded shared leave will be notified in writing; if the request is denied, the reason(s) for denial shall also be stated in writing. The requestor may appeal a denied request for shared leave. Appeals must be made in writing to the AVP for Human Resources within thirty (30) days from the date of denial and must reference the applicable sections of policy and reasons why there is disagreement. The AVP for Human Resources will respond to appeals within thirty (30) days.~~

**Commented [TA21]:** FAC: Seems odd that appeals are sent to HR Director about an HR decision. In APM 55.07 there is reference to a Shared Leave Committee, two faculty, two staff, and HR Director who is chair. What has happened to this committee?

**K-5. Funding and Conversion.**

~~a. Donation Conversion. Hours of donated shared leave are multiplied by the hourly rate of the donor; that amount is recorded as a deposit to the shared leave pool or the directed recipient's account and subtracted as hours from the donor's annual leave balance.~~

~~b. Recipients Conversion. The recipient's hours of shared leave need is multiplied by the recipient's hourly rate and subtracted from the shared leave pool.~~

~~Sick leave is a liability that is funded only through base salary. a. Funding for a full year of base salary is provided for most positions. If an employee is absent without pay the A department typically has received funding for the duration of the employee's full appointment. If an employee is absent without pay, the department and would achieve salary savings as a result. The only exceptions would apply to those working from certain special funding sources or who hire a temporary replacement during the period of unpaid leave. Consequently, the department of the employee who will receive shared leave is responsible for funding the employee's pay its employee will receive during leave from shared leave donations.~~

~~b. Conversion for donations. Hours donated by an employee are calculated at the donor's hourly rate and converted to dollars that will be distributed to the recipient using the recipient's hourly rate. Direct donations donors should be aware that if the conversion value from donated hours is greater than the intended recipient uses, any unused dollars will go into the Shared Leave Pool.~~

**Commented [TA22]:** Added to ensure donors are aware of the conversion calculation in terms of dollars: donated vs. received/needed/used and extra is not returned to donor but goes into the pool.

~~c. Donors may donate annual leave regardless of their salary funding source. [The department or sponsored research project gains the hours the employee would have taken for annual leave when their employee makes a donation.~~

**Commented [TA23]:** This was moved to K-3 a. above.

**L. FAMILY MEDICAL LEAVE**

L-1. Family medical leave may be requested by an eligible employee for the following reasons:

- a. the birth of a son or daughter of the employee and/or in order to care for such son or daughter;
- b. the placement of a son or daughter with the employee for adoption or foster care; [rev. 7-15]
- c. to care for an immediate family member as defined in [A-3] of this policy with a serious health condition as defined in [M-5] of this policy;
- d. because of the employee's own serious health condition [M-5]; or
- e. to serve as a human organ or bone marrow donor.

**Commented [TA24]:** Ignore this section : The parental leave recently passed at Senate will over-ride/replace this entire section.

The entitlement to leave under subparagraphs (a) and (b) of this section M-1 for a birth or placement of a son or daughter is encompassed in the Parenting Leave described in Section E, of this policy.

**L-2.** Family medical leave and/or servicemember family medical leave is leave without pay. However, when the absence also qualifies for the use of sick leave, if available, sick leave must be used first in conjunction with family medical leave before any period of unpaid absence. Once sick leave has been exhausted or when the type of absence does not qualify for the use of sick leave, the entire absence or remainder of the approved family medical leave will be unpaid, unless the employee chooses to use any combination of compensatory time, annual leave, or shared leave (if eligible; K). [rev. 2-08]

**L-3.** Eligibility. If the employee has been employed by the university for a minimum of twelve (12) months and has worked at least 1250 hours during the previous twelve (12) month period prior to the requested leave, the employee is eligible for family medical leave.

**L-4.** Length of Leave. A maximum of up to twelve (12) weeks or a total of 480 hours of family medical leave may be granted to eligible full-time employees during a rolling twelve (12) month period. Eligible part-time employees may be granted up to twelve (12) working weeks of leave or a total number of hours consistent with their regular work schedule within a twelve (12) week period. (i.e. 20 hours per week x 12 weeks = 240 hours). The period is measured from the date the employee last used/exhausted family medical leave or became employed by the university to the date leave is to begin. Family medical leave may be taken on a continuous, intermittent, or reduced-hour basis.

**L-5.** Definitions.

a. "Serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves any period of incapacity or treatment connected with in-patient care (i.e. overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such in-patient care; continuing treatment by a health care provider, which includes any period of incapacity (i.e. inability to work, attend school, or perform other regular daily activities) due to a health condition (including treatment for or recovery from) lasting more than three (3) consecutive days; and any subsequent treatment or period of incapacity relating to the same condition, that also includes:

1. treatment two (2) or more times by or under the supervision of a health care provider; or one treatment by a health care provider with a continuing regimen of treatment; or
2. pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or
3. chronic serious health condition, which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g. asthma, diabetes). A visit to a health care provider is not necessary for each absence; or
4. permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or
5. absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g. chemotherapy or radiation treatments for cancer).

**L-6.** Health benefits continued during family medical leave on the same basis as for any similarly situated employee who is actively at work, regardless of whether the employee is using other forms of accrued leave or taking leave unpaid. The employee's share of cost for health coverage is the amount that is typically payroll-deducted for the employee's own coverage and/or coverage for his/her dependents. The employee is responsible for payment of these amounts during leave. Payroll deductions will be continued for any portion of the leave that is paid. During any portion of leave when no pay is received, the employee must make arrangements to self-pay these amounts. Retirement plan contributions, accruals for sick and annual leave and credit toward vesting are suspended during unpaid portions of family medical leave.

**L-7.** All qualified absences, including those due to a work-related injury, will be considered as family medical leave.

**L-8.** If there are reasonable circumstances to support that an employee's absence qualifies as family medical leave, the university has the right to classify such absence as family medical leave.

**L-9.** When the need for family medical leave is foreseeable, an employee must request an application for family medical leave at least thirty (30) days in advance of the need for leave. Application assistance is available from Benefit Services. When events are not foreseeable, employees must provide as much notice as is possible. Application for family medical leave after a return from absence is not recommended; rights to preserved employment and benefits may be adversely affected. In any event, absent extraordinary circumstances, an employee may not claim an absence as a qualified family medical leave event unless done so within the first two (2) days of return from an absence.

**L-10.** When leave is taken for personal illness or to care for an immediate family member with a serious health condition, leave may be continuous or intermittent and may include a reduction in hours worked. For intermittent leave, the employee must provide certification from the health care provider caring for the employee and/or family member stating the leave must be taken intermittently. Employees needing intermittent leave must attempt to schedule their leave so as not to disrupt university operations. The university reserves the right to assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule.

**L-11.** Employees on family medical leave are required to provide documentation to Benefit Services as requested, including intent to return to work. During leave, the university may require an employee to re-certify the medical condition that caused him/her to take leave. A return-to-work release from the health care provider is required before an employee absent due to his or her own serious health condition may return to work.

**L-12.** Family medical leave requests for medical treatment or care giving requires certification from the health care provider documenting medical necessity.

**L-13.** Family medical leave requests for parenting must be approved in advance and completed within twelve (12) months of the birth, adoption, or foster care placement of a child.

- a. Shared leave (if granted) may be used for the disability period related to childbirth.
- b. Intermittent leave or reduced work schedule requests for parenting may not be granted, or may be cancelled by the university with thirty (30) days written notice, based on business needs of the university.

**L-14.** Family medical leave taken by two (2) university employees to care for a family member who has a serious health condition consists of a maximum twelve (12) weeks of leave for each employee. Family medical leave for parenting is addressed in FSH 3710 E. [rev. 7-15]

**L-15.** If the university obtains information from a credible source, such as the workers' compensation authority, disability carrier, or a medical practitioner, that alters, changes, casts doubt, or fails to support continued leave or the leave application, the university has the right to:

- a. revoke leave;
- b. not grant leave;
- c. require new evidence to support the leave request;
- d. require the employee to return to work if the leave is not substantiated; and/or
- e. when appropriate under applicable employee discipline policies [FSH 3910, 3920, and 3930], take disciplinary action, up to and including dismissal.

**L-16.** Upon return from family medical leave, employees will be assigned to their same or similar position with equivalent pay and status with or without reasonable accommodation, as appropriate, in accordance with the Americans with Disabilities Act. Job reassignment must be coordinated with Employment Services and approved by the AVP for Human Resources or designee. The university has no obligation to restore employment to temporary hourly (TH) or other employees if the employment term or project is over and the university would not otherwise have continued employment.

**L-17.** Family medical leave is not intended for individuals who do not plan to return to work. An employee who applies for and is granted family medical leave and fails to return to work for at least thirty (30) days upon the expiration of their family medical leave period may be obligated to repay the costs of health coverage provided by the university during any portion of family medical leave. If the university is notified that the employee does not intend to return to work, the family medical leave period will terminate immediately and the employee will be separated from employment on that date. Medical, dental and under some circumstances Health Care Spending Accounts may be continued through the Consolidated Omnibus Budget Reconciliation Act (COBRA). Options for life insurance portability or conversion may also be available. Job separation under these circumstances will result in a lump sum payment of annual leave and/or compensatory balances. In addition, the employee will no longer have a right to restoration to the same or equivalent position. The employee is responsible for contacting Employment Services to arrange for an exit interview.

**M. SERVICE\_MEMBER FAMILY AND MEDICAL LEAVE.** The federal Family and Medical Leave Act (FMLA) now entitles eligible employees to take leave for covered family member's service in the Armed Forces (Service\_member Family and Medical Leave) in two instances. This section of the policy supplements the above family medical leave policy and provides general notice of employee rights to such leave. Except as stated below, an employee's rights and obligations to service member family and medical leave are governed by the general family medical leave policy. [add. 2-08]

**M-1.** Definitions: The following definitions are applicable to this section of the policy.

- a. "Eligible employee" is a spouse, son, daughter, parent, or for purposes of caring for a family member, the next of kin of a covered family member.
- b. "Next of kin" is the nearest blood relative of a family member who is in the Armed Forces.
- c. "Covered family member" means any family member who is a member of the Armed Forces, including a member of the National Guard or Reserves, regardless of where stationed and regardless of combative activities.
- d. A "covered veteran" is an individual who was a member of the armed forces (including a member of the National Guard or reserves) and was discharged or released under conditions other than dishonorable at any time during the 5-year period before the first date the eligible employee takes FMLA leave to care for the covered veteran.
  - (i). An eligible employee must begin leave to care for a covered veteran within 5 years of the veteran's active duty service, but the "single 12-month period" may extend beyond the 5-year period.

**M-2.** Leave Entitlement: Eligible employees are entitled to take service\_member family and medical leave for any one, or for a combination of the following reasons:

- a. Any "qualifying exigency" (as defined by the Secretary of Labor) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a "contingency operation," and/or
- b. To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed forces, provided that such injury or illness may render the covered family member medically unfit to perform duties of the family member's office, grade, rank or rating.
  - c. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the armed forces (or existed before the beginning of the member's active duty and

was aggravated by service in the line of duty on active duty in the armed forces) and manifested itself before or after the member became a veteran and is:

i. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the armed forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or

ii. A physical or mental condition for which the covered veteran has received a U.S Department of Veterans Affairs Service-Related Disability (VASRD) rating of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

iii. A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

iv. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the U.S Department of Veteran's Affairs Program of Comprehensive Assistance for Family Caregivers.

**M-3.** Duration of service member family and medical leave:

a. When leave is due to a qualifying exigency: an eligible employee may take up to 12 work weeks of leave during any 12-month period.

b. When leave is to care for a covered family member: an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the covered family member. Leave to care for a covered family member, when combined with other qualifying family medical leave may not exceed 26 weeks in a single 12-month period.

c. Concurrent leave: service member family and medical leave runs concurrent with other leave entitlements provided under federal, state and local law.

**N. PERSONAL LEAVE.** [ren. 2-08]

**N-1.** Any employee not covered by another uUniversity leave type within this policy may request a personal leave of absence.

**N-2.** Personal leave is leave without pay and without benefits. However, the supervisor may require the use of sick, annual or any other type of accrued leave if the absence qualifies and leave is available. Personal leave may be taken with pay and benefits when other paid leave such as annual leave is taken concurrently. In rare circumstances, leave may be approved without pay, with continued benefits, but only when approved as an exception and only when doing so meets the business needs of the uUniversity. Hiring units are responsible for funding the benefits under these circumstances. [APM 55.38] [ed. 7-10]

**N-3.** Reasons for requesting a personal leave may include, but are not limited to, religious, personal, and educational matters or for extension of any leave when all other leaves have been exhausted.

**N-4.** All requests for personal leave must be made to the supervisor in writing. A leave of three (3) working days or less can be approved by the supervisor and are recorded by the timekeeper on the employee's time record as LWB. The president or his/her designee (i.e., provost) must approve a personal leave which exceeds three (3) working days. Personal leave is not guaranteed and is granted on a case-by-case basis, with the approval of the supervisor and the unit administrator, based on the business needs of the uUniversity.

**N-5.** The president or designee (i.e. provost) may grant personal leave without pay with or without benefits for a period of up to one (1) calendar year, with extensions not to exceed a total of three (3) successive calendar years [RGPP III.5.c.1]. Consideration is given to such requests on an individual basis in the light of the reason for which it is requested, whether it is leave with or without paid benefits and the effect that granting it will have on the employee's unit or program.

**N-6.** When a personal leave of absence is granted, the uUniversity assures reinstatement of the individual to a position of similar status and pay, but only to the extent that such position continues to exist and would have

continued to exist had no leave been taken. Return to work in the same job within the same department is not promised.

**N-7.** During personal leave without pay an employee is not eligible for holiday pay, the accrual of sick or annual leave, or the use of medical appointment leave, and may not be granted any other type of leave of absence such as family medical or military leave until the employee has first returned to work under active status and otherwise qualifies for such leave.

**N-8.** An employee who has received approval from the president or his/her designee for a personal leave without pay without paid benefits *may* continue to contribute toward and receive the benefits of the institution's insurance and retirement programs, if the laws, rules, regulations, policies and procedures governing the administration of such insurance and retirement programs permit. [RGPP II.1.5.c.3]. Employees should consult Benefits Services for more detailed information on how personal leave without pay will impact their benefits and their rights to continue coverage through COBRA and life insurance conversion or portability. [APM 55.09 and 55.38] *[ed. 7-10]*

**N-9.** Employees who are granted a personal leave of absence without pay are responsible for making arrangements with Benefit Services, before the leave begins, for the continuation or discontinuation of benefits. Also, they should call Benefit Services on their return to active status to make sure that any benefits that had been discontinued are reinstated or to adjust for changes that occurred while they were on leave. [APM 55.38] *[ed. 7-10]*

**N-10.** Personal leave is not intended as a vehicle to continue benefits for periods when employees are not working due to academic or seasonal work schedules or for a reduction in hours.

**O. EXTENDED ~~FAMILY~~ MEDICAL LEAVE.** *[ren. 2-08]*

**O-1.** Extended ~~family~~ medical leave (EFML) extends job protection and health benefits beyond the expiration of family medical leave. EFML is intended for the following:

- a. Individuals who plan to return to work and have a prognosis to support return to work with assumption of full duties and responsibilities of their position, with or without reasonable accommodation, within a total absence period of no more than twelve (12) consecutive months; or
- b. Individuals who do not have an acceptable prognosis to return to work, but whose absence qualifies for the use of sick leave and who have an unused sick leave balance upon the expiration of family medical leave.

**O-2.** EFML and other options for an employee's return to work following an approved family medical leave must be coordinated ~~and approved~~ through Benefit Services, ~~approved by in consultation with~~ the supervisor, and are granted at the discretion of the ~~University~~, but are not guaranteed. EFML may not exceed ~~a total absence period of twelve (12) consecutive months. nine (9) consecutive months.~~ *[ed. 2-08]*

**O-3.** Acceptable medical certification and/or other documentation to support a prognosis for return to work must accompany all requests for EFML. If acceptable medical certification and/or other documentation are not provided, notice of contemplated job action to separate the employee from employment at the expiration of family medical leave may be served upon the employee if all sick leave has been exhausted.

**O-4.** If there is not a prognosis to return to work as defined above [O-1], notice of contemplated action for job separation will be issued. However, if the employee has a remaining sick leave balance and his/her condition qualifies for the use of sick leave, employment and EFML leave will be extended through the earlier of: *[ed. 2-08]*

- a. the date in which all sick leave will be exhausted; or
- b. expiration of six (6) months of accumulated leave, measured from the date in which leave was first granted for the same condition.

**Commented [TA25]:** Remove to avoid confusion with Family medical leave.

**Commented [TA26]:** HR: Language changes to correctly reflect the current procedure and clarify the department/supervisor role in the EFML process. Based on current practice and if criteria for EFML is met extensions are granted. If necessary, coordination with general counsel and department are done when denials are necessary leading to further action and/or NCA.

**Commented [TA(27)]:** Faculty Affairs is fine with these changes in O, however they would like to point out that practice does not come before policy.

All sick leave is forfeited upon separation from employment, except as provided in O-6, or as provided in (Idaho State Code 53-4001) rights to reinstate sick leave upon return to work for any State of Idaho agency. [ed. 2-08]

**O-5.** Sick and all other available paid leave must be used concurrently with and taken first before any period on unpaid leave during EFML. EFML is leave with benefits but without pay, unless accrued sick or annual leave or compensatory time is used.

**O-6.** An employee with a sick leave balance who separates from employment upon the expiration of EFML and qualifies as a disabled retiree, or as a retiree eligible for any tier of uUniversity retiree medical coverage that requires retiree cost sharing, may convert a predetermined amount of the unused sick leave to pay for the retiree's share of the cost for their own uUniversity medical coverage. [FSH 3730]

**O-7.** Health benefits will continue during an approved EFML in the same manner afforded to any employee of the same classification who is actively at work.

**a.** The employee must make arrangements to self-pay his/her share of employee and dependent benefit costs during any portion of EFML that is unpaid.

**b.** Sick leave, annual leave, holiday pay and credited service hours toward vesting of annual leave accruals and retirement are not continued during any portion of leave that is unpaid.

**c.** Short and/or long-term disability wage replacement payments and/or actively at work provisions for death and other benefits provisions within PERSI and similar contracts refers to an employee being actively at work (employed and not on leave) on the date in which the disability has first begun. An employee whose condition began before taking a leave of absence and who has qualified or met the conditions in accordance with provisions set by the carrier will continue to receive benefits and/or remain eligible for such benefits during Extended Family Medical Leave, and/or upon separation from employment if unable to return to work. [Refer to Disability and Retirement Plan Handbooks. [www.hr.uidaho.edu/benefits](http://www.hr.uidaho.edu/benefits)]

**O-8.** Employees who have been granted EFML are required to provide documentation to support progressive medical improvement. Medical certification and other documentation may include temporary restrictions of duties and/or periods of part-time work. However, restrictions of job duties and/or part-time work restrictions must be approved by Human Resources and the hiring authority, and must intend and attempt to phase an employee back to work to a level of full assumption of job duties, with or without reasonable accommodation.

**O-9.** During EFML, the uUniversity may require reasonable periodic re-certification and updates regarding the employee's medical condition, prognosis for improvement, and fitness for duty. A release to return-to-work from the health care provider is required before an employee may return to work. The uUniversity, at its own expense, may require medical pre-screening for return to work in a position that includes pre-employment medical pre-screening to ensure the safety and fitness for prescribed job duties before an employee is allowed to return to work with or without restriction of job duty.

**O-10.** When an employee's own medical condition or restriction is expected to be chronic, or when the condition fails to progressively improve, notice of contemplated action and job separation or accommodation of disability under ADA should be explored.

**O-11.** If at the expiration of the EFML period the employee is still unable to perform the essential duties of his/her position with or without reasonable accommodation, the uUniversity has the right to separate any employee from employment and/or to end EFML and begin job separation when the medical prognosis ceases to support a return to work within EFML limits. [FSH 3910, 3920 and 3930]

**P. LEAVE FOR PROFESSIONAL IMPROVEMENT.** [ren. 2-08]

**P-1.** Leave for professional improvement is paid leave with benefits for the purpose of participating in professional development programs or experiences for an extended period of more than two (2) weeks to attain or enhance a skill set that will result in a mutual benefit to the both the uUniversity and the employee.

**P-2.** Members of the faculty who hold the rank of instructor or above, exempt employees, and classified staff are encouraged to participate in programs of professional improvement. (Tenured faculty may also be eligible for sabbatical leave and should refer to FSH 3720.) Generally, on the recommendation of an applicant's administrative supervisor, and with the approval of the dDean/dDirector and the pProvost/Vice pPresident, professional improvement leave may be granted under the following conditions (individual departments may have additional requirements and restrictions):

**a.** To participate in this plan, the faculty or staff member must have completed four (4) years of service before the time the leave is to begin.

**b.** Generally, at least two (2) years of service must intervene between a sabbatical leave and a leave for professional improvement or at least five (5) years of service must intervene between a leave for professional improvement and a subsequent request for the same type of leave.

**P-3.** The employee requests professional improvement leave with pay by submitting a letter of application to the supervisor at least three (3) months before the leave is to begin. The letter should address the professional development to be derived from the leave, what activities (i.e. research, writing, experience, etc.) will be involved to achieve the professional goals, the duration of the leave, the level of support requested, and the source of funds, if known.*[rev. 2-16]*

**P-4.** Persons granted leave under this policy are expected either to return to the active service of the uUniversity for at least one academic or other full work year after completion of the leave, or are required to repay the money received from the uUniversity for the period of professional improvement leave granted.

**P-5.** The employee must submit a report to the supervisor, the dDean/dDirector, and the pProvost/pPresident regarding his or her developmental experience upon return to active work status.

**P-6.** The employee may request approval to use accrued annual leave and to have an equal amount of administrative leave with pay granted to permit his or her participation in a program of professional improvement.

**Q. EXCEPTIONS.** *[ren. 2-08]*

**Q-1.** Exceptions to these policies may be considered to the extent that such an exception is not contrary to state and federal laws, the Board of Regent policies and procedures, and are considered in the best interest of the uUniversity. The respective unit administrator, ~~the AVP for Director of Human Resources or designee~~, and the pPresident or designee as required, can grant exceptions. A request for exception must be submitted and approved by the supervisor and forwarded to ~~the Director AVP for of Human Resources, or designee~~ for further consideration of all approvals.



## POLICY COVER SHEET

(See *Faculty Staff Handbook* 1460 for instructions at UI policy website: [www.webs.uidaho.edu/uipolicy](http://www.webs.uidaho.edu/uipolicy))  
[3/09]

**Faculty/Staff Handbook [FSH]**  Addition  Revision\*  Deletion\*  Emergency  
 Minor Amendment   
**Chapter & Title:** FSH 2400 –University Disciplinary Process for Violations of Student Code of Conduct; FSH 1640.93 SDRB, 1640.83 – Student Appeal Committee

**Administrative Procedures Manual [APM]**  Addition  Revision\*  Deletion\*  Emergency  
 Minor Amendment   
**Chapter & Title:** \_\_\_\_\_

All policies must be reviewed, approved and returned by a policy sponsor, with a cover sheet attached to [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu) respectively.

\*Note: If revision/deletion request original document from [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu), all changes must be made using "track changes."

**Originator(s):** Student Code Task Force – Liz Brandt/Don Crowley Co-Chairs 4/1/16  
 (Please see FSH 1460 C) Name Date  
**Telephone & Email:** [ebrandt@uidaho.edu](mailto:ebrandt@uidaho.edu) [crowley@uidaho.edu](mailto:crowley@uidaho.edu)

**Policy Sponsor:** (If different than originator.) \_\_\_\_\_  
Name Date  
**Telephone & Email:** \_\_\_\_\_

**Reviewed by General Counsel**  Yes  No Name & Date: \_\_\_\_\_ Kent Nelson/Jim Craig on task force\_

**I. Policy/Procedure Statement:** Briefly explain the purpose/reason of proposed addition, revision, and/or deletion to the Faculty/Staff Handbook or the Administrative Procedures Manual.

See attached.

**II. Fiscal Impact:** What fiscal impact, if any, will this addition, revision, or deletion have?

**III. Related Policies/Procedures:** Describe other policies or procedures existing that are related or similar to this proposed change.

**IV. Effective Date:** This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.

If not a minor amendment forward to: \_\_\_\_\_

Policy Coordinator  
 Appr. & Date:  
 \_\_\_\_\_  
 [Office Use Only]

*FSH*

Appr. \_\_\_\_\_  
 FC \_\_\_\_\_  
 GFM \_\_\_\_\_  
 Pres./Prov. \_\_\_\_\_  
 [Office Use Only]

Track # \_\_\_\_\_  
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 Register: \_\_\_\_\_  
 (Office Use Only)

*APM*

F&A Appr.: \_\_\_\_\_  
 [Office Use Only]

Memo

To: Student Disciplinary Task Force  
From: Liz Brandt  
Date: March 28, 2016  
Re: Actions and Roadmap for Moving Forward

1. Immediate Actions.

Draft to implement several actions we agreed to move forward with immediately:

- a. Revisions to FSH 2400:
  - A. Removing Faculty Senate Leadership screening of appeals
  - B. Cleaning up the language for the standard of review
  - C. Clarifying the “preponderance of the evidence” standard
  - D. Implementing the Student Appeal Committee. We have changed the wording here and refer to the three person groups of the Appeal Committee the “subcommittee.”
  - E. Permitting the SDRB to consider cases in panels of three appointed by the chair. We have implemented this change by referring to the small groups of the SDRB as an SDRB Panel.
- b. Revisions to FSH 1640 – University Committees:
  - A. Revising the proposed Student Appeal Committee – FSH 1640.83
  - B. Revising the SDRB – FSH 1640.93

2. Future Actions.

We plan to consider a more substantial revision of the disciplinary procedures. This revision will be prepared by the Office of General Counsel and The Dean of Students Office after participation by key participants in the process in an Institute on Title IX student disciplinary processes. The goal of these revisions will be to bring the UI into compliance with US Dept. of Ed. expectations regarding Title IX cases, to eliminate as many delays and duplicative procedures as possible, to provide due process to students, and to enable both accused students and complaining students to navigate the disciplinary process more easily.

When the revision is prepared, Senate Leadership will reconvene this task force to consider the revision with the plan to present a draft of new procedures to the Senate as early as possible in the Fall Semester 2016. Upon approval by the Senate, we will ask the President to call a special faculty meeting if necessary (depending on the timing of the Senate action) to implement the new code procedures on as expedited a basis as possible.

**UI FACULTY-STAFF HANDBOOK**

## CHAPTER TWO:

## STUDENT AFFAIRS POLICIES

July 2014

2400

## UNIVERSITY DISCIPLINARY PROCESS FOR VIOLATIONS OF STUDENT CODE OF CONDUCT

*PREAMBLE: This section outlines UI's student disciplinary system to inform students of the University process for resolving alleged violations of the Student Code of Conduct. In July 1993 membership and quorum was changed on the University Judicial Council and July 2008 the committee composition was moved into FSH 1640 Committee Directory. This section dates from the 1979 Handbook with relatively minor revisions as noted until 2014. In 2014 the Dean of Students Office, General Counsel, and a sub-committee of University Judicial Council and Faculty Senate, conducted a thorough review of all policies related to the Student Code of Conduct. All disciplinary language from FSH 2200 Statement of Student Rights and FSH 2300 Student Code of Conduct was consolidated into this policy and updated removing redundancies in policy. The objective is to provide a process that allows for fact-finding and decision-making that balances the rights of the individual with the legitimate interests of the University. For further information, contact the Dean of Students (208-885-6757). [rev. 7-08, 7-14]*

- A. Introduction
- B. Judicial and Disciplinary Bodies
- C. Procedures
- D. Sanctions
- E. Interim Suspension

**A. INTRODUCTION.** The purpose of the Student Code of Conduct is to educate students about their civic and social responsibilities as members of the University community. The primary focus of the disciplinary process is on educational and corrective outcomes; however, sanctions such as suspension or expulsion from the University may be necessary to uphold community standards and to protect the campus community. Any and all matters consistent with the Student Code of Conduct ("Code") [2300] and the Statement of Student Rights [2200] are handled by the system under the following rules and regulations.

**A-1. DEFINITIONS:**

**a. Advisor:** the person of the student's choosing who has agreed to advise a student during the University disciplinary process and attend scheduled meetings with the student. Students should choose an advisor who is available to attend any scheduled meetings, because advisor availability is not considered in scheduling meetings.

**b. Days:** days when the university is open for business, not including Saturday, Sunday, and University holidays. Time deadlines may be extended during breaks, University holidays, and for extenuating circumstances (e.g., non-Moscow locations) at the Dean of Students' discretion.

**c. DOS:** the Office of the Dean of Students, which is responsible for the administration of the Student Code of Conduct, and includes the Dean of Students and his/her designees.

**d. "Educational Setting"** refers to all the academic, educational, extracurricular, athletic and other programs of the University of Idaho, whether those programs take place in a University facility, at a University class or training program, or elsewhere.

**e. The Family Educational Rights and Privacy Act of 1974 ("FERPA")** is a federal law that governs the confidentiality of student education records.

**f. Group:** a number of students who are associated with each other, but who have not complied with University requirements for registration as an organization.

**g. Interviews/meetings/hearings:** Students at the Moscow campus will meet in person with DOS or hearing boards. Students at other locations will have the option to connect with DOS or hearing boards via visual

medium (i.e. Lync or Skype). Exceptions may be made for extenuating circumstances.

**h. Notice:**

- (1) Any notice required by the Student Code of Conduct shall be provided in writing via email to the student's official email account (i.e., [\\*@vandals.uidaho.edu](mailto:*@vandals.uidaho.edu)).
- (2) Students who do not have an official email account will receive notice via any email account the student provided the university.
- (3) Notice is deemed received the day after it is sent by email.

**i. Organization:** any number of persons who have complied with the formal requirements for University recognition.

**j. Student:** includes all persons admitted to the University, either full-time or part-time, to pursue undergraduate, graduate, or professional studies, and includes non-degree seeking students. The following persons are also considered "students":

- (1) Persons who withdraw after allegedly violating the Student Code of Conduct;
- (2) Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University;
- (3) Individuals participating in the American Language and Culture Program;
- (4) Individuals participating in Independent Study of Idaho sponsored by the University of Idaho.

**k. Student Code of Conduct:** herein referred to as "Code" (see FSH 2300).

**l. SDRB:** Student Disciplinary Review Board (see FSH 1640.93).

**m. UI's Office of General Counsel:** herein referred to as "General Counsel" and includes any staff members.

**n. University:** University of Idaho, which includes all campus locations, extension programs, and distance education programs.

**B. REVIEWING BODIES.** The disciplinary system consists of the following: SDRB, ~~Faculty Senate~~Student Appeal Committee, President, and Regents.

**B-1. SDRB.** (see FSH 1640.93)

**a. Scope of Responsibility.**

- (1) A review panel of the SDRB adjudicates the following:
  - (a) Any alleged violation of the Code that may not be appropriately handled within the living-group disciplinary body or that is not otherwise resolved by DOS.
  - (b) Any alleged violation of ASUI rules and regulations not specifically designated to be adjudicated elsewhere.
  - (c) Any matter that a living-group disciplinary body declines to adjudicate.
- (2) A review panel of the SDRB adjudicates requests for review of decisions of living-group disciplinary bodies and requests for review of decisions of any ASUI disciplinary bodies.

**b. Range of Sanctions.** The SDRB panel has the full range of sanctions set forth in D below.

**B-2. ~~Faculty Senate~~Student Appeal Committee.** (see FSH 1640.83580) ~~A T~~three members of the ~~person panel of~~ the ~~Faculty Senate Student Appeal Committee~~ reviews adjudicates requests for review of SDRB decisions that include a sanction of suspension, expulsion, or withholding or revoking a degree.

**B-3. President.** The President's office adjudicates requests for review of ~~Faculty Senate~~Student Appeal Committee decisions.

**B-4. Board of Regents.** The Board of Regents adjudicates final decisions made at the institutional level in accordance with Board of Regents policies.

**C. PROCEDURES:** All deadlines provided below are default provisions and are subject to change by written agreement of both parties. Failure to abide by any deadline will not be grounds for dismissal of the allegations.

**C-1. Reporting of Alleged Violations and Initial Investigation by DOS.**

**a. Reporting Alleged Violations.** Any person who has knowledge of an alleged violation of the Code should inform DOS of such alleged violation as soon as possible.

**b. Initial Investigation.** DOS shall receive all reports of alleged violations and investigate to determine whether the allegation is credible.

- (1) Students who are suspected of violations may be interviewed by DOS, but they must be informed by DOS at the beginning of such interview of the right to not speak to DOS and the reason for the interview. No form of coercion or harassment shall be used in the interview.
- (2) When a student is being interviewed by a third party and DOS is observing such interview, the student must be informed of the fact that DOS is observing and informed of the right to not speak to DOS.
- (3) DOS may speak with witnesses of the alleged incident, as well as the persons injured by the alleged violation. Any witness or other person having knowledge of the alleged violation may provide DOS with any relevant information or materials.
- (4) When the allegations in a student's complaint include Sexual Harassment or Gender-Based Harassment, DOS must investigate the incident and take immediate steps to protect the persons who were injured by the alleged violation in the Educational Setting.
- (5) DOS may delay fact-finding while law enforcement authorities are gathering evidence; once notified that law enforcement has completed gathering evidence, DOS must promptly resume fact finding. DOS may not await the ultimate outcome of a law enforcement investigation or the filing of charges before resuming or beginning fact finding.

**c. Notice of Alleged Violation.** If DOS determines that the allegation is credible, DOS shall provide the student accused of violating the Code with written notice of the allegation. Such notice shall include:

- (1) the alleged misconduct,
- (2) the section of the Code alleged to have been violated,
- (3) a time and date that does not conflict with the student's class schedule to meet with DOS to discuss the allegation(s),
- (4) a statement that the student may have an advisor present with him/her at the meeting,
- (5) a statement that the student does not have to speak with DOS about the allegation(s),
- (6) a statement that failure to show up for the meeting or to contact DOS to reschedule the meeting will be presumed to be the student's exercise of his/her right to not speak with DOS, and
- (7) a statement that the investigation and determination regarding the allegation will proceed regardless of whether the student speaks with DOS.

**d. Meeting with DOS.** The student is given an opportunity to meet with DOS regarding the allegations, unless DOS has already interviewed the student (see C-1. b above). Except where the student agrees otherwise, the meeting with DOS may be scheduled no sooner than 2 days after receiving notice by email.

At this meeting, the student is given the opportunity to give his/her account of the incident leading to the allegation(s), and to provide DOS with the names and contact information of individuals who have personal knowledge of the incident or circumstances pertaining to the allegation(s). The student may have an advisor present at this meeting. If the student does not appear for his/her meeting and fails to contact DOS to reschedule before the meeting time, it will be presumed that the student has exercised his/her right to not speak to DOS.

**e. Investigation & Determination.** After the meeting time has passed, DOS shall continue its investigation of the allegations. DOS may speak with witnesses of the alleged incident, as well as the persons injured by the alleged

violation. Any witness or other person having knowledge of the alleged violation may provide DOS with any relevant information or materials. When allegations include sexual harassment or gender based harassment, both parties should receive periodic updates from DOS. Many factors influence the time spent on investigating allegations with most being concluded within 60 days following receipt of the allegation(s).

Once the investigation is concluded, DOS shall make a finding as to whether the alleged violation occurred by a preponderance of the evidence (the "standard"). If DOS finds that the alleged violation occurred by that standard, DOS shall determine the appropriate sanction(s) and provide the student with written notice of the determination, the factual basis for the determination, any sanction(s) and information referencing this policy and timeframe.

- (1) If the student accepts the determination made by DOS and the sanctions imposed, the student will sign an agreement to that effect within 5 days of receiving notice of the determination and sanctions. This agreement will contain language that informs the student of the following:
  - (i) that the determination and sanctions are final;
  - (ii) that the sanctions go into effect immediately; and
  - (iii) that the student waives his/her right to request a review of the determination and sanctions.
- (2) If the student does not accept the determination made by DOS and the sanctions imposed, and does not sign an agreement to that effect within 5 days of receiving notice of the determination and sanctions, then:
  - (i) If the sanctions determined appropriate by DOS does not include suspension, expulsion, or withholding or revoking a degree, then the process continues in accordance with C-2.
  - (ii) If the sanctions determined appropriate by DOS include suspension, expulsion, or withholding or revoking a degree, then the process continues in accordance with C-3.
- (3) At the conclusion of each semester, DOS shall provide a descriptive written report to the SDRB summarizing the accepted determinations entered into during the course of the semester. This report will also be forwarded by DOS to the Faculty Secretary.
- (4) When allegations include sexual harassment or gender based harassment both parties receive a response regarding the outcome of the complaint within 10 business days following the decision.

**C-2. Requests for a SDRB review for sanctions other than suspension, expulsion, or withholding or revoking a degree.**

a. The student must submit a written request for a SDRB review to DOS no later than 5 days after the student receives notice of the determination and sanctions via email. Any student who fails to submit the written request for a SDRB review by the deadline will be informed by DOS of the following in a Failure to Seek Review Letter:

- (1) that the determination and sanction imposed by DOS is the final institutional decision,
- (2) that the sanctions go into effect immediately, and
- (3) that the student may request a review by the Board of Regents pursuant to C-9.

b. The written request for a SDRB review must cite at least one of the following reasons for the review and must provide supporting arguments and documentation as to why a SDRB review should be granted on those grounds:

- (1) DOS failed to properly investigate the allegation and such failure was both substantial and to the student's detriment;
- (2) ~~There is such a clear factual error that DOS' could not possibly find~~ ing of that a violation of the Code ~~is not supported by a preponderance of the evidence occurred;~~
- (3) The sanctions are excessive for the violation given the circumstances. Simple dissatisfaction with a sanction is not grounds for appealing a sanction under this provision;
- (4) New information that could substantially affect the outcome of DOS's investigation and determination has been discovered since the determination was made. The information must have been unavailable at the time of DOS's investigation. Failure to inform DOS of information that was available is not grounds for requesting a SDRB review under this provision;
- (5) DOS committed a substantial procedural error that materially impacted its investigation and

determination to the student's detriment.

c. DOS shall provide the Chair of SDRB with all received requests for a SDRB review and the Chair of the SDRB appoints a three member panel and selects its chair, along with a statement of whether DOS believes each received request meets the requirements above.

d. Upon receiving a request for review a SDRB panel may:

(1) ~~deny shall review each the request for a review~~ within 5 days of receipt because and make an initial determination of whether the request ~~fails to meet meets~~ the requirements above.

(1) ~~For requests that fail to meet the requirements above, SDRB will deny the request~~ and inform both the student and DOS of its decision. The determination made by DOS and the sanctions imposed will become final, this is deemed a final institutional decision, and the student may request a review by the Board of Regents pursuant to C-9, within 5 days of receiving notice of the SDRB denial.

(2) decide ~~For requests that meet the requirements above, SDRB will determine whether~~ to adjudicate the request based on written submissions only, ~~or whether to adjudicate the request through a hearing, and the SDRB panel shall will~~ inform both the student and DOS of its determination. SDRB may request additional information or documentation from the student or DOS, ~~independent of the form of adjudication chosen.~~

(i) ~~For reviews involving written submissions only, SDRB will provide DOS with a reasonable amount of time to present any information or materials (generally no more than 5 days).~~

(3) (ii) ~~decide to hold~~ For reviews that involve a hearing, the Chair of SDRB panel chair will schedule the hearing to occur no later than 10 days after the ~~panel's SDRB~~ decision to adjudicate the request through a hearing, at a time that does not conflict with the student's class schedule. The ~~Chair of SDRB panel chair~~ shall not consider the availability of any advisor in setting the hearing date and time. Both the student and DOS must submit any materials intended to be introduced and considered at the hearing to both SDRB panel chair and the other party by noon pacific time of the day before the hearing. Only materials submitted to both the ~~Chair of SDRB panel chair~~ and the other party by the deadline may be introduced and considered at the hearing. The hearing will be conducted in accordance with C-4.

### C-3. Scheduling a SDRB hearing for a student sanctioned with suspension, expulsion, or withholding or revoking a degree.

a. DOS will notify the Chair of SDRB that a hearing is necessary because the student did not agree to the determination made by DOS and the sanctions included suspension, expulsion, or withholding or revoking a degree.

b. ~~Except in extraordinary circumstances, upon receiving notice from DOS,~~ the Chair of SDRB will appoint an SDRB panel of three members and a panel chair. The Chair of SDRB shall promptly notify DOS and the other parties of the members of the panel and the chair.

c. DOS shall be responsible for maintaining a record of all the panels, their assignment, and shall monitor whether the required notifications under the disciplinary process have taken place.

d. The panel chair will schedule the hearing to occur no later than 10 days after being notified by DOS of the need for a hearing, at a time that does not conflict with the student's class schedule. The 10 days can be extended under compelling circumstances. Both DOS and the student may have an advisor present at the hearing. However, the SDRB panel chair shall not consider the availability of any advisor in setting the hearing date and time.

e. Both the student and DOS must submit any materials intended to be introduced and considered at the hearing to both the SDRB panel chair and the other party by noon pacific time of the day before the hearing. Only materials submitted to both the ~~Chair of SDRB panel chair~~ and the other party by the deadline may be introduced and considered at the hearing. The hearing will be conducted in accordance with C-4.

**C-4. SDRB Disciplinary Hearing Process:** The purpose of a SDRB hearing is to determine whether, by a preponderance of the evidence (the “standard”), it is more likely than not that the student violated the Code.

a. In hearings involving more than one student, the Chair of the SDRB chair has the discretion to permit the hearings concerning each student to be conducted before two separate SDRB panels separately.

b. The ~~chair of~~ SDRB panel chair may issue a notification to any UI student requiring such individual to appear at a SDRB hearing as a witness. Such notification will be delivered in accordance with A-1.f. The notification shall inform the student that it is a violation of the Code to

- (1) fail to appear or to refuse to speak as a witness, unless such act would force the student to speak against him/herself, in which case the student must promptly notify the ~~chair of~~ SDRB panel chair that the student will not appear or speak for this reason;
- (2) disrupt, impede, threaten, or disregard the procedures of the SDRB; and
- (3) provide information to the SDRB that the student knows or should know to be false.

When a student notifies the SDRB panel chair of SDRB pursuant to (1) above, the chair shall promptly notify both parties.

c. A student’s failure to appear at the SDRB hearing or to speak as a witness will have no bearing on the question of whether the student violated the Code and may not be used to conclude that a violation occurred, except as to allegations of failure to appear (see FSH 2300 Article I.A-5.h).

d. ~~SDRB-DOS~~ shall record the audio of the SDRB hearing. The audio record will be the property of the UI, will be maintained by DOS, and will be used in accordance with applicable privacy laws.

e. Relevancy is the only criteria by which information submitted is evaluated. Relevancy is determined by the ~~Chair of~~ SDRB panel chair. All oral or written information statements, records, etc., as well as copies of the same, shall be considered by members of the SDRB panel as long as the ~~Chair of~~ SDRB panel chair determines that such items are relevant.

- (1) Second-hand information is relevant if it is of the type commonly relied upon by prudent persons in the conduct of their affairs.
- (2) Character witnesses who lack knowledge of the incident being heard or circumstances pertaining to the allegation(s) lack relevant information and therefore may not be witnesses at the hearing.
- (3) Any person present at the SDRB hearing may ask the SDRB panel chair of SDRB to determine whether any oral or written information, statement, record, etc. or question or answer is relevant.
- (4) All questions regarding SDRB hearing procedures and determinations of relevancy are subject to the final decision of the ~~Chair of~~ SDRB panel chair.

f. The Chair of SDRB or any SDRB panel chair may request assistance by General Counsel regarding any questions of SDRB hearing procedures and determinations of relevancy.

g. Hearings shall be conducted in private. The following individuals are permitted at a SDRB hearing:

- (1) the student,
- (2) the student’s advisor,
- (3) members of the SDRB panel,
- (4) DOS,
- (5) DOS’s advisor,
- (6) General Counsel,
- (7) persons who reported or were injured by the alleged violation, and their advisor,
- (8) except for the student and the persons who were injured by the alleged violation, witnesses are allowed only during their testimony,
- (9) any person approved by the chair.

**h.** If the student fails to appear at the SDRB hearing despite proper notice, DOS shall present any information, materials, and witnesses to support its determination of a violation of the Code. Based on the DOS presentation, the SDRB panel shall make its determination.

**i.** The ~~Chair of~~ SDRB panel chair shall ensure the smooth operations of the SDRB hearing, and may remove any individual who disrupts the SDRB hearing.

**j.** DOS has the responsibility of providing sufficient information, materials, and witnesses to support its assertion that the student violated the Code. The student has no obligation to provide any information, materials, or witnesses, and is presumed to not have violated the Code.

**k.** Generally, the SDRB hearing shall be conducted in the following order:

- (1) The ~~Chair of~~ SDRB panel chair will ask each individual present at the SDRB hearing to identify him/herself by providing his/her name and role at the SDRB hearing
- (2) The ~~Chair of~~ SDRB panel chair will remind the student of:
  - (i) the right to have an advisor,
  - (ii) the right to refuse to speak as a witness, and
  - (iii) that the refusal to speak as a witness will have no bearing on the question of whether the student violated the Code and may not be used to conclude that a violation occurred
- (3) DOS will have the opportunity to make any opening remarks.
- (4) The student will have the opportunity to make any opening remarks.
- (5) DOS will have the opportunity to present any information, materials, and witnesses.
  - (i) The student and SDRB panel members will have the opportunity to ask questions ~~of any witnesses~~, except as described in (ii) below.
  - (ii) When the allegations involve sexual harassment or gender-based harassment, neither the student nor his/her advisor will be permitted to directly question the persons injured by the alleged violation. Instead, questions from the student or his/her advisor may be submitted in writing to the ~~Chair of~~ SDRB panel chair who will ask any questions determined to be relevant.
- (6) The student will have the opportunity to present any information, materials, and witnesses.
- ~~(7)~~ DOS and SDRB panel members will have the opportunity to ask questions ~~of any witnesses~~.
- ~~(7)~~ DOS will have the opportunity to make any closing remarks.
- ~~(8)~~ The student will have the opportunity to make any closing remarks.
- ~~(9)~~ DOS will have the opportunity to respond to the student's closing remarks.
- ~~(10)~~ The SDRB panel shall meet in a closed session to discuss and make its decision. ~~The chair of the SDRB, or the designee in the event of absence of the chair, is permitted to vote only in the event of a tie vote.~~

### **C-5. Results of SDRB Hearing.**

**a.** Within 3 days of completing its adjudication, whether through written submission only or through a hearing, the SDRB panel will issue a written determination of its findings to the student and DOS.

- (1) The SDRB panel's decision must be based on a majority vote,
- (2) For SDRB review of matters involving sanctions other than suspension, expulsion, withholding or revoking a degree, the SDRB panel decision must
  - (i) identify the stated basis for SDRB review,
  - (ii) state the SDRB's panel's conclusion as to that basis, and
  - (iii) identify the facts, conduct, or circumstances it found to support its conclusion.
- (3) For SDRB panel review of matters involving sanctions of suspension, expulsion, or withholding or revoking a degree, the SDRB panel decision must
  - (i) state whether the DOS conclusion that by a preponderance of the evidence (the "standard") the student ~~more likely than not~~ violated the Code is supported by the information, materials, and witnesses presented at the SDRB hearing, and
  - (ii) identify the facts, conduct, or circumstances it has found to support its conclusion.
- (4) SDRB panel can:

- (i) uphold the decision and sanction(s),
- (ii) uphold the decision but revise the sanction(s),
- (iii) return the matter to DOS for reinvestigation and reconsideration, or
- (iv) dismiss the decision and the sanction(s) ~~after consulting with General Counsel.~~

b. As to students whose sanctions do not include suspension, expulsion, or withholding or revoking a degree, the SDRB panel decision is the final institutional decision and any sanctions go into effect immediately. Such SDRB panel decision may be appealed to the Board of Regents pursuant to C-9.

c. As to students whose sanctions include suspension, expulsion, or withholding or revoking of a degree, the student may request, in writing, a review of the SDRB decision by ~~the~~ the Faculty Senate Student Appeal Committee (see FSH 1640.83) pursuant to C-6.

**C-6. Requests for Student Appeal Committee Review (see FSH 1640.83) ~~by Faculty Senate.~~**

a. Written requests for an appeal review ~~a faculty senate review~~ must be delivered to DOS no later than 3 days after the student is provided notice of the SDRB panel determination via email. Any student who fails to submit the written request for a ~~faculty senate~~ review by the deadline will be informed by DOS of the following in a Failure to Seek Review Letter:

- (1) that the determination and sanction imposed by SDRB panel is the final institutional decision,
- (2) that the sanctions go into effect immediately, and
- (3) that student may request a review by the Board of Regents pursuant to C-9.

b. The written request for an appeal review ~~must~~ cite at least one of the below reasons and must provide supporting arguments and documentation as to why ~~a faculty senate~~ an appeal review should be granted on ~~these~~ grounds:

- (1) ~~SDRB could not reasonably determine that there was no substantial and detrimental failure to properly investigate by DOS~~ There was a substantial and detrimental failure to properly investigate by DOS and, as a result, the SDRB panel could not ~~have reasonably determined the~~ that a violation of the Code occurred;
- (2) There was clear factual error and, as a result, the SDRB panel could not reasonably determine ~~that there was no clear factual error that would prevent concluding that~~ a violation of the Code occurred;
- (3) Sanctions imposed by the SDRB panel are excessive for the violation given the circumstances. Simple dissatisfaction with a sanction is not grounds for appealing a sanction under this provision;
- (4) New information that could substantially affect the outcome of DOS's investigation and determination has been discovered since the SDRB ~~s~~ panel's determination was made. The information must have been unavailable at the time of DOS's investigation. Failure to inform DOS of information that was available is not grounds for requesting additional review under this provision.
- (5) There was substantial procedural error that materially impacted the SDRB panel decision to the student's detriment.

~~e. DOS shall provide the Faculty Senate Leadership with all requests for a senate review, along with a statement of whether DOS believes each request meets the requirements above.~~

d. The chair of the Student Appeal Committee ~~Faculty Senate Leadership~~ shall, within 5 days from receipt of the request, appoint a three member subcommittee of the Student Appeal Committee to consider an appeal (see FSH 1640.83 B-1). The Chair of the Student Appeal Committee shall designate the subcommittee chair from the three members and inform DOS and the parties of the chair and members of the subcommittee. The chair may not be a student. Persons appointed must have no interest in or involvement with the parties to or the subject matter of the situation under review.

e. DOS will provide the subcommittee with the audio recording of the SDRB hearing, all submitted material, and the DOS response to the student's submission within a reasonable amount of time (generally no more than 5 days).

~~review each request within 5 days of receipt and determine whether the request meets the requirements above.~~

- ~~(1) For requests that fail to meet the requirements above, the Faculty Senate Leadership will deny the request and inform the student, the Chair of SDRB, and DOS of its decision. The determination made by the SDRB will become final and the sanctions imposed will become effective immediately as of the original date of the SDRB determination, this is deemed a final institutional decision, and the student may request a review by the Board of Regents in accordance with C-9.~~
- ~~(2) For requests that meet the requirements above, the Faculty Senate Leadership, will, within 10 days from receipt of the request, appoint three of its members to members of the Student Appeal Committee to a review panel. The chair may not be a student. Persons appointed must have no interest in or involvement with the parties to or the subject matter of the situation under review.~~

~~e. The senate review panel is a review of the materials submitted only; there is no hearing, although the panel may request additional materials from the parties.~~

~~f. DOS will provide the senate review panel with the audio recording of the SDRB hearing, along with the DOS response to the student's submission within a reasonable amount of time (generally no more than 5 days). [ed. 1-15]~~

**C-7. Results of ~~Faculty Senate Review Panel~~the Student Appeal Committee Review.** ~~The appeal is a review of the materials submitted only. A subcommittee will determine whether the request meets the requirements above in C-6 b. except in extraordinary circumstances, the subcommittee will review all materials submitted, and provide a written decision to both parties within 10 days of receiving all the materials from DOS.~~

~~a. For requests that fail to meet the requirements above, the subcommittee will deny the request and inform the student, the SDRB chair, the SDRB panel chair, and DOS of its decision. The determination made by the SDRB panel will become final and the sanctions imposed will become effective immediately as of the original date of the SDRB panel determination, this is deemed a final institutional decision, and the student may request a review by the Board of Regents in accordance with C-9.~~

~~b. a. Except in extraordinary circumstances, the review s will review all materials submitted, and provide a written decision to both parties within 10 days of receiving all the materials from DOS. For requests that meets the requirements above in C-6 b.:~~

- ~~(1) The ~~review panel~~subcommittee's decision must
 
  - ~~(i) be based on a majority vote,~~
  - ~~(ii) identify the stated basis for ~~faculty senate~~ the review appeal,~~
  - ~~(iii) state the ~~faculty senate panel~~'s conclusion as to that basis, and~~
  - ~~(iv) identify the facts, conduct, or circumstances it found to support its conclusion.~~~~
- ~~(2) The ~~review panel~~ subcommittee can:
 
  - ~~(i) uphold the SDRB panel decision,~~
  - ~~(ii) uphold the SDRB panel decision but revise the sanction(s),~~
  - ~~(iii) return the matter to DOS for reinvestigation and reconsideration or to SDRB for reconsideration, or~~
  - ~~(iv) dismiss the decision and the sanctions ~~after consulting with General Counsel.~~~~~~

~~bc. If the decision of the ~~senate review panel~~ subcommittee is to uphold the SDRB panel decision the sanctions are effective immediately as of the original date of the SDRB panel determination.~~

**C-8. Request for Review by the President.**

a. Students whose sanctions include suspension, expulsion, or withholding or revoking of a degree may request a review of the ~~faculty senate panel~~ subcommittee's decision by the president.

b. Written requests for review by the president are accepted and must be delivered to both DOS and the President's Ooffice no later than 3 days after the student is provided notice of the ~~faculty senate subcommittee~~ panel's determination via email.

c. The president has complete discretion whether to engage in any review of the faculty\_senate subcommittee panel's decision, including what materials to consider and from whom.

d. The president's decision after a review, or the president's decision to decline to engage in any review, is the final institutional decision.

e. The president will provide a written decision to both parties.

**C-9. Requests for Review by the Board of Regents.** Any student may appeal a final institutional decision to the Board of Regents in accordance with Idaho State Board of Education Governing Policies and Procedures Section III.P.18.

**C-10. Requests for Review by DOS.** DOS may request a review of any decision of the a SDRB panel, faculty Student Appeal Committee senate review subcommittee panel(s), and President in the same fashion as that provided to a student in C-6, C-8, and C-9 asserting any of the following:

a. The decision contained clear factual error;

b. Sanctions imposed by the decision are insufficient for the violation given the circumstances. Simple dissatisfaction with a sanction is not grounds for appealing a sanction under this provision;

c. New information that could substantially affect the outcome of the decision has been discovered since the determination was made;

d. The decision contained substantial procedural error.

**C-11. Disclosure of Outcome Involving Sexual Harassment and Gender Based Harassment.**

a. Both parties will be notified, in writing, of the outcome of an alleged violation and any review. "Outcome" for these purposes means whether the harassment was found to have occurred. The University will only disclose information to the harassed student about the sanctions imposed when they directly relate to the harassed student, such as a sanction of no contact with the complainant.

b. When the allegations include a crime of violence or a non-forcible sex offense (as defined by FERPA), the University will disclose to the alleged victim of such crime or offense the final results of any disciplinary proceeding conducted by the University against a student who is an alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. The University may disclose to anyone, upon written request, the final results of a disciplinary proceeding if the University determines that the student is an alleged perpetrator of a crime of violence or a non-forcible sex offense, and, with respect to the allegation made, the student has committed a violation of the institution's rules or policies. "Final results" for these purposes means the name of the accused student, any violation found to have been committed, and any sanction imposed against the accused student by the University.

c. When the allegations include a sex offense (as defined by FERPA), both parties must be informed of the outcome of any institutional disciplinary proceeding (APM [95.20](#)). "Outcome" for these purposes means the University's final determination with respect to the alleged sex offense and any sanctions imposed.

## **D. SANCTIONS.**

**D-1.** The following sanctions may be imposed upon any student determined to have violated the Code:

a. Warning: a written notice to the student.

b. Probation: a written reprimand accompanied by a probationary period during which the student must not

violate the Code in order to avoid more severe disciplinary sanctions.

**c. Loss of Privileges:** denial of specified privileges for a designated period of time.

**d. Restitution:** compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

**e. Educational Sanctions:** completion of work assignments, essays, service to the University, community service, workshops, or other related educational assignments.

**f. Administrative Fees:** minimum of \$150.

**g. Housing Suspension:** separation of the student from University Housing for a definite period of time, after which the student is eligible to return. Conditions for return may be specified.

**h. Housing Expulsion:** permanent separation of the student from University Housing.

**i. University Suspension:** separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for return may be specified.

**j. University Expulsion:** permanent separation of the student from the University.

**k. Revocation of Admission and/or Degree:** admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

**l. Withholding Degree:** the University may withhold awarding a degree otherwise earned until the completion of all sanctions imposed.

**D-2.** More than one of the sanctions listed above may be imposed for any single violation.

**D-3.** A student who fails to comply with the sanction(s) imposed shall have a disciplinary hold placed on his/her record until the student complies with all sanctions imposed.

**D-4.** Disciplinary sanctions other than suspension, expulsion or revocation or withholding of a degree shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Such sanctions shall be expunged from the student's disciplinary record seven (7) years after final disposition of the case.

**D-5.** The Regents of UI adopted guidelines for enforcing alcohol restrictions which include sanctions for violation of these restrictions. The sanctions below are the minimum sanctions imposed on students who have violated alcohol restrictions as described in the Code.

**D-6.** The University may notify parents of students under the age of 21 when a student has been found to have committed a drug or alcohol-related violation. The student will be responsible for administrative and educational costs of any and all sanctions imposed for alcohol related violations.

**D-7. Sanctions imposed for alcohol related violations:**

First infraction:	Open container or minor in possession violations.
Sanction:	Completion of educational program.
First infraction:	Illegal distribution of alcohol.
Sanction:	Completion of community service, period of probation, and educational programs.

Second Infraction:	Without injury; or without conduct likely to lead to injury.
Sanction:	Completion of a treatment and/or educational program.
Second Infraction:	With injury; or conduct likely to lead to injury.
Sanction:	Notification to the criminal justice system, strict probation, and, a treatment or educational program.
Third Infraction:	Without injury; or without conduct likely to lead to injury.
Sanction:	Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, suspension from school for one semester.
Third Infraction:	With injury; or conduct likely to lead to injury.
Sanction:	Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, referral to the criminal justice system and expulsion from the institution for one year.

**E. INTERIM SUSPENSION.** In certain circumstances, the Dean of Students may impose an interim suspension on a student prior to completing the investigation described in C-1.e. The interim suspension is effective immediately. During the interim suspension, the student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate and as provided in the written notice.

**E-1.** Interim suspension may be imposed only:

- a. To ensure the safety and well-being of members of the University community or preservation of University property;
- b. To ensure the student's own physical or emotional safety and well-being; or
- c. If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

**E-2.** A student placed on interim suspension shall be given written notice of this action, which shall include:

- a. the reasons for the interim suspension, and
- b. information concerning the right to appeal the decision for interim suspension.

**E-3.** Interim Suspension Review Process:

- a. The student must submit a written document to DOS outlining the basis for the review and supporting documentation and/or other information.
- b. The DOS will submit all documents received, as well as DOS response, to the Chair of SDRB within 1 day of receiving the student's documents.
- c. The Chair of SDRB and at least two other SDRB members will review all submitted materials and render a decision within 3 days. This decision is a final institutional decision subject to review by the Board of Regents in accordance with C-9.

**1640.93 - STUDENT DISCIPLINARY REVIEW BOARD (SDRB)**

**A. FUNCTION.** UI's disciplinary review process for alleged violations of the Student Code of Conduct is established and maintained for the handling of disciplinary matters concerning UI students ("student" is defined in FSH 2300 I.A-6 and 2400 A-1.) ~~The SDRB is one of the reviewing bodies involved in the review process set out in FSH 2400 which covers A~~ny and all matters ~~that are related to and~~ consistent with the Student Code of Conduct (FSH 2300) and the Statement of Student Rights (FSH 2200). ~~are handled by the review process set out in FSH 2400.~~ [rev. 7-14]

**B. STRUCTURE AND MEMBERSHIP.** The SDRB is broadly representative of the academic community. The SDRB consists of ~~eleven-thirteen~~ members: five faculty members, ~~two staff~~, five undergraduate students and one graduate student. ~~The chair is responsible for forming a panel (see B-1 below) and designating the chair. Given the nature of responsibility of the Chair of SDRB, Committee on Committees will first consider a tenured faculty member. Faculty members are selected by the Committee on Committees. Undergraduate student members are appointed by the Associated Students University of Idaho (ASUI) President with the advice and consent of the ASUI Senate. The graduate student is appointed by Graduate & Professional Student Association (GPSA). To allow SDRB members to gather a greater history of and confidence in the disciplinary review process, a two-year term is recommended. To assure a quorum, alternates are appointed to the SDRB from a list of those who have previously served on the SDRB.~~ [rev. 7-14]

**B-1. Panel:** ~~The chair of the SDRB shall appoint a three person panel from the committee to hear matters presented to the SDRB pursuant to FSH 2400. Each panel will consist of at least one faculty member and, if possible, at least one student. A student may not chair any panel. Persons appointed must have no interest in or involvement with the parties to or the subject matter of the situation under review.~~ **C. QUORUM.** ~~Five members constitute a quorum (see FSH 2400 C-5 a(1)).~~ [ed. 7-09, rev. 7-14]

**DC. SPECIAL CONSIDERATION.** ~~Each committee member will be required to participate in Title IX training and other training as needed.~~ Members serving on the SDRB should be aware that federal regulations governing the handling of disciplinary matters recommend a specific hearing time schedule. Therefore, SDRB members may need to be available for approximately two to four hours within as little as five days of a student being notified of the alleged violation of the Student Code of Conduct. [add. 1-14, rev. 7-14]



## POLICY COVER SHEET

(See *Faculty Staff Handbook* 1460 for instructions at UI policy website: [www.webs.uidaho.edu/uipolicy](http://www.webs.uidaho.edu/uipolicy))  
[3/09]

**Faculty/Staff Handbook [FSH]** x Addition  Revision\*  Deletion\*  Emergency  
Minor Amendment   
**Chapter & Title:** FSH1640.83 – Student Appeals Committee

**Administrative Procedures Manual [APM]** Addition  Revision\*  Deletion\*  Emergency  
Minor Amendment   
**Chapter & Title:** \_\_\_\_\_

All policies must be reviewed, approved and returned by a policy sponsor, with a cover sheet attached to [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu) respectively.

\*Note: If revision/deletion request original document from [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu), all changes must be made using “track changes.”

**Originator(s):** Liz Brandt, Chair Committee on Committees and Don Crowley, Co-Chairs of Student Disciplinary Task Force

(Please see FSH 1460 C)

**Telephone & Email:**

Name	Date
<u>ebrandt@uidaho.edu or crowley@uidaho.edu</u>	

**Policy Sponsor:** (If different than originator.)

**Telephone & Email:**

Name	Date
_____	

**Reviewed by General Counsel** \_\_\_ Yes \_\_\_ No Name & Date: \_\_\_\_\_

**I. Policy/Procedure Statement:** Briefly explain the purpose/reason of proposed addition, revision, and/or deletion to the Faculty/Staff Handbook or the Administrative Procedures Manual.

Students may appeal the Student Disciplinary Review Board to a three person subcommittee comprised of faculty, including from senate, staff and students. After reviewing a number of these appeals from last year, Senate Leadership has suggested that we consider the formation of a subcommittee that could receive some Title IX training and have the opportunity to become familiar with the appeals process and possibly be composed of a broader group of faculty than those who original comprised the Senate panels for appeals.

**II. Fiscal Impact:** What fiscal impact, if any, will this addition, revision, or deletion have? none

**III. Related Policies/Procedures:** Describe other policies or procedures existing that are related or similar to this proposed change.  
FSH 2400

**IV. Effective Date:** This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.

If not a minor amendment forward to: \_\_\_\_\_

Policy Coordinator  
Appr. & Date:  
\_\_\_\_\_  
*[Office Use Only]*

*FSH*

Appr. \_\_\_\_\_  
FS FS-15-006 appr. 9/29/15  
Rev. 4/5/16  
GFM \_\_\_\_\_  
Pres./Prov. \_\_\_\_\_

Track # \_\_\_UP-16-002\_\_\_  
Date Rec.: \_\_\_9/24/15\_\_\_  
Posted: t-sheet \_\_\_\_\_  
          h/c \_\_\_\_\_  
          web \_\_\_\_\_  
Register: \_\_\_\_\_  
*(Office Use Only)*

*APM*

F&A Appr.: \_\_\_\_\_  
*[Office Use Only]*

### **Student Appeals Committee – FSH 1640.83**

**A. Function.** To conduct a review at the request of a student who wishes to appeal a decision of any Student Disciplinary Review Board panel in matters that include a sanction of suspension, expulsion, or withholding or revoking a degree. A subcommittee (see B-1 below) of the Student Appeals Committee, will make a determination as to whether the student's appeal meets the qualifications as stated in FSH 2400 C-6.

**B. Structure and Membership.** The committee shall be composed of eleven members to include six faculty (at least two will be from the current year's Faculty Senate), two staff, and three students (at least one undergraduate and one graduate student) who will be eligible to serve on a subcommittee as noted in B-1 below. The term of membership is three years, with initial terms staggered to form a rotation pattern.

**B-1. Subcommittee:** For each appeal, the Chair of the Student Appeal Committee shall appoint a three member subcommittee and designate a chair. Each subcommittee will consist of at least one faculty member and, if possible, at least one student. A student may not chair any subcommittee. Persons appointed must have no interest in or involvement with the parties to or the subject matter of the situation under review.

**C. SPECIAL CONSIDERATION.** Each committee member will be required to participate in Title IX training and other training as needed. Members serving on the Student Appeal Committee should be aware that federal regulations governing the handling of disciplinary matters recommend a specific hearing time schedule. Therefore, Student Appeal Committee members may need to be available for approximately two to four hours within as little as five days of a student being notified of a decision of an SDRB panel review.

## **Proposals regarding Student Evaluations of Teaching** Teaching and Advising Committee

1. We propose that we transition the student evaluation form to the proposed “final” form. The transitional form, including a selection of questions from the current form, will be used to validate the new questions against the historical data.
2. We propose that norming data (beyond raw means) be reported. See the attached example of a norming scheme developed by the Office of Institutional Research and Assessment.
3. We advise Senate to amend the FSH so that other materials and/or evidence be required for annual evaluation of faculty performance in teaching and be admitted for consideration for promotion and tenure. The choice of these materials should not be prescribed in the handbook but chosen by the faculty member in consultation with the unit administrator.

### **Some Frequently Asked Questions**

1. *Can we return to a paper form?* It is our understanding that a paper form is too expensive, primarily because of the data entry issues, and is not a possibility at this time.
2. *What about the customizable questions?* We have available a completely customizable survey tool for midterm assessments. <https://www.uidaho.edu/provost/ira/fast-teaching-survey>  
Our research was clear that midterm feedback from students helps improve the course experience for both students and instructors. Committee members also used paper midterm assessments to great effect in their courses through the process of studying and revising our student evaluation forms.
3. *Aren't student evaluations biased?* Yes. In particular, the students themselves carry the inherent biases of their culture, and this is reflected in the survey data. However, the measurements are coarse enough that the bias is within tolerable limits.
4. *What do student evaluations measure?* First, let us note that student evaluations do not measure student learning nor do they measure the effectiveness of the instructor. The former is ostensibly measured by the students' grades, and the latter requires first a definition of effectiveness and usually a combination of data including observations (see the work of Heather Hill on mathematics education, for example). Rather, student evaluations give a measure of instructional atmosphere that takes into account the social and emotional aspects of education in addition to the cognitive.

In addition to the changes in *FSH* Section 2700, the Faculty Council approved changes in the instrument to be used in the evaluation process. That revision was approved in May 2001 and then reviewed and revised by the Faculty Council in the Fall of 2001.

**Proposed Instructor/Course Evaluation Form**

What grade do you expect to receive in this class?	A	B	C	D	F
What grade were you working to attain?	A	B	C	D	F
How often did you attend class?	90%+	80%+	70%+	60%+	<60%
How often were you fully prepared for class?	90%+	80%+	70%+	60%+	<60%
How would you rate the quality of your effort in this class?	A	B	C	D	F

*The items below ask for your evaluation of your experience in [Course Number] this semester. In each case the scale is 0 to 4, with 4 being the highest rating and 0 the lowest rating.*

**1. Instructor**

Rate the instructor of this course relative to each of the qualities listed below. *(highest rating is 4)*

**(Menu questions from the “Instructor” section placed here)** **4 3 2 1 0**

Overall, how would you rate the instructor’s performance in teaching this course? 4 3 2 1 0

**Comment on the instructor’s performance. What was most helpful? What could be improved?**  
[text input]

**2. Course**

*Rate the course itself relative to each of the qualities listed below.* (highest rating is 4)

**(Menu questions from the “Course” section placed here)** **4 3 2 1 0**

Overall, how would you rate the quality of this course? 4 3 2 1 0

**Comment on the quality of this course. What was most helpful? What could be improved?**

**Menu questions can be selected from a list or can be written by the instructor for each course.**



7. What were some positive aspects of the course that supported learning?

Comments:

8. What aspects and/or content of the course could be improved to better support learning?

Comments:



7. What were some positive aspects of the course that supported learning?

Comments:

8. What aspects and/or content of the course could be improved to better support learning?

Comments:

*The items below ask for your evaluation of your experience in [Course Number] this semester. In each case the scale is 0 to 4, with 4 being the highest rating and 0 the lowest rating.*

9. Clarity of instructor's explanations.
10. Likelihood you would recommend this instructor to others.
11. Instructor's ability to stimulate interest in the course topics.
12. Presentation of course material by the instructor.
13. Course's value in gaining an understanding of the subject matter.
14. Appropriateness of level at which course material is covered.
15. Relevance of written assignments to course materials.
16. Overall, how would you rate the quality of this course?
17. Overall, how would you rate the instructor's performance in teaching this course?.



## POLICY COVER SHEET

(See *Faculty Staff Handbook* 1460 for instructions at UI policy website: [www.webs.uidaho.edu/uipolicy](http://www.webs.uidaho.edu/uipolicy))  
[3/09]

**Faculty/Staff Handbook [FSH]**  Addition x Revision\*  Deletion\*  Emergency  
 Minor Amendment   
**Chapter & Title: 1800 Bylaws of the Staff Affairs Committee**

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**Administrative Procedures Manual [APM]**  Addition  Revision\*  Deletion\*  Emergency  
 Minor Amendment   
**Chapter & Title: \_\_\_\_\_**

All policies must be reviewed, approved and returned by a policy sponsor, with a cover sheet attached to [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu) respectively.

\*Note: If revision/deletion request original document from [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu), all changes must be made using "track changes."

**Originator(s):** Lisa Miller 3/20/16  
 (Please see FSH 1460 C) Name Date  
**Telephone & Email:** 885.7004 lisa@uidaho.edu

**Policy Sponsor:** (If different than originator.) \_\_\_\_\_  
 Name Date  
**Telephone & Email:** \_\_\_\_\_

**Reviewed by General Counsel** \_\_\_Yes \_\_\_No Name & Date: \_\_\_\_\_

- I. Policy/Procedure Statement:** Briefly explain the purpose/reason of proposed addition, revision, and/or deletion to the Faculty/Staff Handbook or the Administrative Procedures Manual.  
 This request has 2 purposes.
1. Update Staff Affairs to Staff Council approved by all-staff vote in September 2015. The reason for the update is to have the title better represent what this committee does.
  2. Change Section 2 to align with the current classification system:
- II. Fiscal Impact:** What fiscal impact, if any, will this addition, revision, or deletion have?  
 N/A
- III. Related Policies/Procedures:** Describe other policies or procedures existing that are related or similar to this proposed change.
- IV. Effective Date:** This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.

If not a minor amendment forward to: \_\_\_\_\_

Policy Coordinator  
 Appr. & Date:  
 \_\_\_\_\_  
*[Office Use Only]*

*APM*

F&A Appr.: \_\_\_\_\_  
*[Office Use Only]*

*FSH*

Appr. \_\_\_\_\_  
 FC \_\_\_\_\_  
 GFM \_\_\_\_\_  
 Pres./Prov. \_\_\_\_\_  
 \_\_\_\_\_  
*[Office Use Only]*

Track # \_\_\_\_\_  
 Date Rec.: \_\_\_\_\_  
 Posted: t-sheet \_\_\_\_\_  
           h/c \_\_\_\_\_  
           web \_\_\_\_\_  
 Register: \_\_\_\_\_  
*(Office Use Only)*

**UI FACULTY-STAFF HANDBOOK**

## CHAPTER ONE:

## HISTORY, MISSION, GENERAL ORGANIZATION, AND GOVERNANCE

January 2010

1800

**BYLAWS OF THE STAFF AffairsCouncil COMMITTEE**

*PREAMBLE: The Staff AffairsCouncil Committee was created on the recommendation of the Faculty Senate and the director of personnel services and with the approval of President Ernest Hartung in the summer of 1971. The current version of the Staff AffairsCouncil Committee's bylaws were amended in September 2002, January 2007 and again in July 2008, Staff AffairsCouncil Committee removed the SAC acronym changes were made to reflect current employment classification and off-campus staff were given permanent representation on Staff AffairsCouncil. In January 2010 membership and subcommittees were revised under Articles III and IX. [rev. 9-02, 1-07, 7-08, 1-10].*

**CONTENTS:**

Article I.	Name
Article II.	Purpose
Article III.	Members
Article IV.	Elections
Article V.	Officers
Article VI.	Annual Reports
Article VII.	Staff <u>AffairsCouncil</u> Committee Meetings
Article VIII.	Meetings of the University Staff
Article IX.	Subcommittees
Article X.	Parliamentary Authority
Article XI.	Amendments

**ARTICLE I--NAME.** The organization shall be named the University of Idaho Staff AffairsCouncil Committee. [ed. 7-08]

**ARTICLE II--PURPOSE.**

**Section 1. General.** Staff AffairsCouncil represents the staff of the University of Idaho. The staff is defined as board-appointed employees at the University of Idaho who do not have faculty status.

Staff AffairsCouncil members shall be released from normal work duties for the purpose of attending Staff AffairsCouncil meetings, and performing related Staff AffairsCouncil responsibilities. This release time shall not be charged against their accrued leave.

**Section 2. Specific.** Specific purposes of Staff AffairsCouncil are:

- a. To study issues, problems, welfare, and working conditions of staff;
- b. To call to the attention of the president matters concerning staff affairsCouncil in any division or department that Staff AffairsCouncil believes should receive special attention;
- c. To work with the university administration in the development and/or revision of university policies, employment benefits, and other matters where staff are directly affected;
- d. To cooperate with the Faculty AffairsCouncil Committee and Faculty Senate and participate in the formulation of joint recommendations concerning issues common to the staff and the faculty; [ed. 1-10]
- e. To advise on salary and promotion matters pertaining to staff;
- f. To form subcommittees, as required, to study special or continuing issues;
- g. To serve as a communication link between university administration and staff;
- h. To work with the president's designee, who will serve as a liaison with university administration.

**ARTICLE III--MEMBERS.**

**Section 1. Constituencies.** For the purpose of selecting Staff AffairsCouncil members, the UI staff is divided into the following groups:

- ~~a. Exempt; [ed. 7 08]~~
- ~~b. Maintenance/Services/Skilled Craft — this category includes employees in the skilled crafts and service/maintenance classifications [rev. 1 10]~~
- ~~c. Administrative/Technical/Research — this category includes employees in the secretarial/clerical and technical / paraprofessional classifications and who do not fall in the categories a & b above [rev. 1 10]~~

**Section 2. Structure.**

- 1. Nominations for Council will be solicited from staff community statewide.
- 2. Reflects one member for each 50 full-time, staff within each classification (rounding down).
- 3. Classifications with fewer than 50 full-time staff members will be combined into one group and one member for each 50 full-time staff will be elected (see Article IV Elections below) from the combined group.
- 4. Guarantees fair statewide representation by electing three at-large members from staff located at distant sites to ensure no particular classification, or group, or off-site location is over-represented.
  - a. The Executive Committee, with input from the Council, will determine this representation and solicit nominations accordingly.
  - b. At-large councilors elected to represent a distant site have a unique role which is to provide a voice and vote from the perspective of a distant site. The perspective is not intended to be in relation to their classification, or group.
  - c. Members at distant sites shall have the right to participate and vote in Council meetings through two-way technology.
- 5. The Executive Committee can appoint members on a temporary basis for up to one year to fill any empty seat.

**Section 2. Representation.**

- ~~a. On Campus. Each group listed in Article III, Section 1 is represented on Staff Affairs by one member for every 50 employees or any fraction thereof in the group, provided that each group has at least one representative member on Staff Affairs. [ed. 7 08]~~
- ~~b. Off Campus. Permanent positions will represent the campus sites and surrounding extension sites. The five permanent positions would be for (1) Coeur d'Alene/Post Falls/Sandpoint; (2) Boise; (3) Idaho Falls/Tetonia/Dubois/Aberdeen; (4) Twin Falls/Kimberly/Hagerman; and (5) at large (Parma, Caldwell, Caine Center, McCall/Taylor Ranch, Salmon, etc.). These positions would be permanent members of the On Off Campus Committee, which currently exists as an ad hoc standing subcommittee. Their roles would be: [add. 7 08]~~
  - ~~• Information Distribution. The Staff Affairs representative for each Center would collect information, report, and attend Staff Affairs meetings via teleconference.~~
  - ~~• Staff Appreciation Fair. Each Center (in collaboration with Staff Affairs) would hold a Staff Appreciation Fair at their location during Staff Appreciation month.~~
  - ~~• Information Liaison. For any information items that are needed, the representative would be the contact for his/her location. Examples of responsibilities could include: information gathering and dissemination, Human Resources visit coordination (for benefits related purposes, training, etc.), communication about Staff Affairs activities (Staff Appreciation Fair, War on Hunger, policy issues, etc.), and communication/efforts in other areas.~~
- ~~c. The Assistant Vice President of Human Resources serves on Staff Affairs in an advisory capacity, without vote.~~

**Section 3. Term.** Staff Affairs Council members are elected to serve a term of three years. No member may be elected to more than two consecutive terms.

**Section 4. Eligibility.** All staff, as defined in Article II, Section 1, are eligible for membership on Staff Affairs Council.

**Section 5. Vacancies.**

- a. The Chair of Staff AffairsCouncil must declare a position vacant if a member is absent from four (4) consecutive meetings unless the member has informed the Chair and the absence is considered excused. Excused absences include approval of accrued leave and professional obligations. Staff AffairsCouncil will fill the vacancy in the method described in Article III, Section 5, Paragraph b.
- b. Vacancies are filled as quickly as possible by appointment of the candidate who, at the most recent election for the position vacated, had the next highest number of votes. If the vacancy cannot be filled in this way, the Staff AffairsCouncil media coordinator gives notice of the vacancy as soon as possible in official UI communications and/or publications (i.e., The Register, Today@Idaho, Staff AffairsCouncil website), as well as via Staff AffairsCouncil email listservs, giving staff an opportunity to volunteer for Staff AffairsCouncil service. The chair will appoint a person from the same group to complete the unexpired term from those responding to the vacancy notice; the appointment is subject to Staff AffairsCouncil approval. A person appointed is eligible for election to the succeeding term.

**Section 6. Change of Constituency.** A Staff AffairsCouncil member who changes job classifications, which then results in a change of constituency, may finish the remaining portion of that year of the term of office. Any remaining portion of the term will be filled by election at the next election of Staff AffairsCouncil members; a Staff AffairsCouncil member so elected is eligible for election to the succeeding term.

The member, whose new job classification puts them in a different category, should run for election on the next regular election ballot if a vacancy exists for the new classification. If a vacancy exists after a regular election, this person may be appointed to the new classification term.

#### ARTICLE IV--ELECTIONS.

**Section 1. Continuity.** To provide continuity of membership on Staff AffairsCouncil, approximately one-third of the member positions are filled by election each year. As far as possible, terms of members representing the same group are staggered.

**Section 2. Election Date.** Elections of Staff AffairsCouncil members are held such that the election results are presented at the April regular Staff AffairsCouncil meeting. The election date is announced in official UI communications and/or publications (i.e., The Register, Today@Idaho, Staff AffairsCouncil website), as soon as possible.

**Section 3. Nominations.** Appropriate procedures for nominations and elections are developed by the Elections Subcommittee and approved by Staff AffairsCouncil (see Article IX).

**Section 4. Seating of Members.** Those elected are seated as Staff AffairsCouncil members at the first regular meeting in June.

#### ARTICLE V--OFFICERS.

**Section 1. Election and Appointment of Officers.** At the May regular meeting, Staff AffairsCouncil elects a chair and a vice chair to serve for the year beginning with the first meeting in June. The new chair appoints a secretary, treasurer, off-campus representative, and media coordinator to serve the same term; these appointments are subject to the approval of Staff AffairsCouncil.

Only seated Staff AffairsCouncil members are eligible to vote in the election. Only those persons who have been seated on Staff AffairsCouncil are eligible for the office of chair. *[rev. 1-07]*

Staff AffairsCouncil members who know they are going to be absent from officer and new member elections may cast an absentee vote in writing or email. The member's absentee vote must be received by the Staff AffairsCouncil chair prior to the election. *[add. 1-07]*

**Section 2. Chair.** The chair:

- a. Presides at all meetings of Staff [AffairsCouncil](#);
- b. In consultation with Staff [AffairsCouncil](#), appoints required subcommittee chairs;
- c. Maintains lines of communication between Staff [AffairsCouncil](#) and the president, the Faculty [AffairsCouncil](#) Committee, the Faculty Senate, and staff; *[ed. 1-10]*
- d. Performs all other duties pertaining to the office of chair.

**Section 3. Vice Chair.** The vice chair:

- a. Assumes the duties and responsibilities of the chair in the absence or disability of the chair;
- b. Works closely with, and attends Staff [AffairsCouncil](#) related meetings with the Chair; prepares reports of recommendations on policy actions for presentation to the president
- c. Is Chair of committees, convening meetings of standing and ad hoc committees, assuring procedures are followed and that specific charges of each committee are carried out;
- d. Performs such other duties as may be assigned by the chair or by Staff [AffairsCouncil](#).

**Section 4. Past Chair.** The past chair is:

- a. a valuable resource and is thus considered an ex officio member of Staff [AffairsCouncil](#) (with vote).
- b. thereby also a member of the Officers Committee, whether or not his/her term has expired.

**Section 5. Secretary. The secretary:**

- a. Maintains an accurate record of all meetings of Staff [AffairsCouncil](#);
- b. Submits a summary of the minutes to the media coordinator for publication in official UI communications and/or publications (i.e., The Register, Today@Idaho, Staff [AffairsCouncil](#) website) as soon as possible after each meeting;
- c. Maintains a notebook for the official record for the year. This notebook shall be turned in to the notebook library located in the Staff [AffairsCouncil](#) office each year. The notebook shall include, but is not limited to:
  - 1) Approved minutes of all meetings;
  - 2) All handouts from all meetings;
  - 3) Letters of resignation or requests to serve on the committee;
  - 4) All committee election results;
  - 5) Annual Reports;
- d. Performs such other duties as may be assigned by the chair or by Staff [AffairsCouncil](#).
- e. Shall send all annual reports and minutes of meetings to the UI library for official archiving
- f. Maintains responsibility for the Staff [AffairsCouncil](#) website.

**Section 6. Treasurer.** The treasurer:

- a. Maintains an accurate record of all the budgets and monetary transactions of Staff [AffairsCouncil](#);
- b. Reports to Staff [AffairsCouncil](#) at all regular meetings;
- c. Performs such other duties as may be assigned by the chair or by Staff [AffairsCouncil](#).

**Section 7. Communications On/Off Campus.** The Communications representative:

- a. Helps promote better, consistent, and increased communication with the University of Idaho's on/off-campus staff;
- b. Finds a contact person for each off campus site;
- c. Mails all Staff [AffairsCouncil](#) materials meeting handouts to off-campus locations;
- d. Creates an e-mail distribution list for all off-campus contact people and sends "staff" e-mail to them for distribution;
- e. Addresses issues and concerns that on/off-campus staff may have, including bringing the information to Staff [AffairsCouncil](#) Committee meetings;
- f. Performs such other communications duties as may be assigned by the chair or by Staff [AffairsCouncil](#).

**Section 8. Media Coordinator.** The media coordinator:

- a. Serves as a consistent contact person for information to be published or released to various media sources;
- b. Gathers information from the chair, vice chair, secretary, and subcommittee chairs to be distributed for publication;
- c. Ensures all articles or releases are approved by the chair;
- d. Distributes information to the appropriate media organizations, such as The Register, KUID TV, local newspapers and radio stations, in a timely manner;
- e. Reports to Staff AffairsCouncil at all regular meetings;
- f. Maintains a record of all releases;
- g. Performs such other duties as may be assigned by the chair or by Staff AffairsCouncil.

**Section 9. Filling Officer Vacancies.**

- a. In the case of the position of Staff AffairsCouncil Committee chair being vacant, the vice chair shall become the acting chair until the next regular meeting of Staff AffairsCouncil, at which time any unexpired portion of the term shall be filled by a special election. If the vice chair becomes the chair at the special election, a new vice chair will also be elected at this meeting.
- b. In the case of the position of Staff AffairsCouncil Committee vice chair being vacant, at the next regular meeting of Staff AffairsCouncil a special election will be held to fill any unexpired portion of the term of vice chair.
- c. In the case of the positions of secretary, treasurer, off-campus representative, or media coordinator being vacant, at the next regular meeting of Staff AffairsCouncil the chair will appoint a secretary, treasurer, off-campus representative, or media coordinator to fill any unexpired portion of the term of that office. The appointment will be subject to the approval of Staff AffairsCouncil.

**ARTICLE VI--ANNUAL REPORTS.**

**Section 1. Annual Reports.** Staff AffairsCouncil will compile an annual report. A preliminary report is to be presented at the June meeting of every year. The final copy of the Annual Report shall be submitted to the membership at the September meeting. Copies of the report will be sent to the President's Office, Provost's Office, Faculty Secretary's Office, and UI library archives.

**Section 2. Contributors.** The report will be composed of year-end summaries from each of the following members:

- a. the chair;
- b. the vice chair;
- c. the secretary;
- d. the treasurer;
- e. the on/off-campus communications representative;
- f. the media coordinator;
- g. the chairs of all standing subcommittees;
- h. the chairs of all ad hoc subcommittees;

**Section 3. The Official Record.** The annual report will constitute the official record for the year for Staff AffairsCouncil. The final copy will be kept in the yearly Official Record Notebook maintained by the secretary.

**ARTICLE VII--STAFF AFFAIRSCOUNCIL COMMITTEE MEETINGS.**

**Section 1. Regular Meetings.** Staff AffairsCouncil will hold at least six regular meetings each calendar year. Staff AffairsCouncil designates the time and place for regular meetings.

- a. Quorum. A quorum of Staff AffairsCouncil consists of half of the voting members of Staff AffairsCouncil.

- b. Agenda. The chair is responsible for the preparation of the agenda and distributes it to the members of Staff [AffairsCouncil](#) (and all staff, if electronic mail permits) at least one week before each regular meeting.
- c. Record of Attendance. The minutes of each meeting will show the names of the members present and of those absent.

**Section 2. Executive Committee Meetings.** The function of the Executive Committee meetings is to act for Staff [AffairsCouncil](#) on emergency matters when Staff [AffairsCouncil](#) will not have a regular meeting for a period of two weeks or more, and an issue pertinent to Staff [AffairsCouncil](#) requires an immediate response. The Executive Committee reports to Staff [AffairsCouncil](#), and Staff [AffairsCouncil](#) retains the authority to review actions of the Executive Committee.

- a. Structure and Quorum. The Executive Committee is made of such members of Staff [AffairsCouncil](#) as are present at a meeting called upon 24 hours written, electronic, or oral notice. Five voting members of Staff [AffairsCouncil](#) constitute a quorum for the meetings of the Executive Committee.
- b. Officers. The officers of Staff [AffairsCouncil](#) also serve as the officers of the Executive Committee. In the absence or incapacity of both the chair and the vice chair, the members of the Executive Committee attending the Executive Committee meeting will designate a chair pro tempore. Minutes of Executive Committee meetings will be kept and presented in written form at the next regular meeting of Staff [AffairsCouncil](#).
- c. Call of Meetings. Executive Committee meetings may be called on 24 hours' notice by the chair or vice chair or by the president of the university or the president's designee.

## ARTICLE VIII -- MEETINGS OF THE UNIVERSITY STAFF.

**Section 1. Meetings.** A meeting of the UI staff will be called when requested by four or more members of Staff [AffairsCouncil](#) or upon the written petition of at least 20 staff members. Notice of such a meeting must be given to the staff at large two weeks before the proposed meeting via official UI communications and/or publications (i.e., The Register, Today@Idaho, Staff [AffairsCouncil](#) website). Notice will also be given via the Staff [AffairsCouncil](#) email list serves. The president or the president's designee may call a meeting at any time. The chair of Staff [AffairsCouncil](#) presides at meetings of the staff.

**Section 2. Quorum.** Those staff members present at a meeting properly called in accordance with this article constitute a quorum.

**Section 3. Agenda.** An agenda listing all substantive items to be acted upon must be published in official UI communications and/or publications (i.e., The Register, Today@Idaho, Staff [AffairsCouncil](#) website), and sent via Staff [AffairsCouncil](#) email listservs, at least one week before the meeting.

## ARTICLE IX--SUBCOMMITTEES.

**Section 1. Standing Subcommittees.** The standing subcommittees will be appointed at the first regular meeting of Staff [AffairsCouncil](#) in June. Each subcommittee is responsible for maintaining a list of standing rules, policies and procedures which must be approved by Staff [AffairsCouncil](#). The Staff [AffairsCouncil](#) chair will appoint a chair of each standing subcommittee. The chair shall be an ex officio (with vote) member of all standing subcommittees, except the Officer Nomination Subcommittee. The standing subcommittees of Staff [AffairsCouncil](#) are:

- a. **Election Subcommittee.** The Election Subcommittee manages three tasks: *[rev. 1-10]*
  - 1. The Election Subcommittee manages the nomination and election process for new members of Staff [AffairsCouncil](#) by:
    - (a) Submitting a statement to the Media Coordinator stating which member positions are to be filled by election, for publication in official UI communications and/or publications (i.e., The Register, Today@Idaho, Staff [AffairsCouncil](#) website), during the month of February. Notice will also be

sent via Staff [AffairsCouncil](#) email listservs. Nominations must be in writing and signed by the nominator.

- (b) Confirming the eligibility and availability of each nominee;
  - (c) Preparing and distributing ballots, ensuring that each eligible staff employee has an opportunity to vote;
  - (d) Collecting and counting the ballots;
  - (e) Reporting the election results to Staff [AffairsCouncil](#) at the April regular meeting. The election results are validated and the winning candidates named. The Staff [AffairsCouncil](#) secretary records the order in which all candidates finished in the election. In the event the number of candidates and vacancies are equal in any category – the election shall be considered non-contested. These positions shall be elected by voice vote at the April Staff [AffairsCouncil](#) meeting.
2. The Election Subcommittee monitors the vacancies and filling of staff positions on all UI standing committees.
  3. The Election Subcommittee manages the process for electing new officers for Staff [AffairsCouncil](#) in May. Nominations for new officers may be made from the floor or submitted to the chair of the subcommittee. *[add. & ren. 1-10]*
- b. Staff Awards Subcommittee.** The Staff Awards Subcommittee coordinates the annual Outstanding Employee Award nominations, selection, and award process and plans the annual Staff Awards Reception. The Awards Subcommittee works closely with the President’s office and other administrators to coordinate the awarding of the awards. The Staff Awards Subcommittee also solicits contributions to the Staff Educational Endowment Fund (Endowment Fund), invites nominations for awards, ensures that information is provided to all staff and faculty regarding donations to the scholarship fund, and conducts the selection process. The nomination process is governed by these bylaws and states that a name shall be entered into nomination only once each year. The selection process is governed by the criteria set out in the Endowment Fund Agreement. The chair of the subcommittee must present the final number of awards and award amounts for the year to Staff [AffairsCouncil](#) for approval. The results are presented at the annual Staff Awards Reception. *[rev. & ren. 1-10]*
  - c. Staff Appreciation Fair Subcommittee.** The Staff Appreciation Fair Subcommittee plans and produces the annual Staff Appreciation Fair.
  - d. Policy Review Subcommittee.** The Policy Review Subcommittee addresses issues directly related to benefits and compensation for staff as well as overseeing the bylaws to make sure they are up to date and accurate for the times. They shall review and initiate revisions to the bylaws and facilitate presentation of amendments to Staff [AffairsCouncil](#) and UI Staff for recommendation of approval by vote as required. The chair of the Policy Review Subcommittee will serve as parliamentarian during Staff [AffairsCouncil](#) meetings. The Subcommittee is responsible for reviewing University policies (including amendments thereto and proposed new policies in either the Faculty Staff Handbook or the Administrative Procedures Manual) on behalf of Staff [AffairsCouncil](#) within the process established in Faculty Staff Handbook section 1460. The Subcommittee shall focus on policies that affect staff, and shall make a formal recommendation on policies it has reviewed on behalf of Staff [AffairsCouncil](#). *[rev. 1-07, rev. & ren. 1-10]*
  - e. Communications Subcommittee.** The Communication Subcommittee is responsible for maintaining and updating the Staff [AffairsCouncil](#) website, assisting with the creation of print material for other subcommittees, distribution of a “Welcome to Staff [AffairsCouncil](#) letter” to new members, distributing information to UI staff members via the Staff [AffairsCouncil](#) listserv, and serving as a communication bridge between staff and administration; researching issues/ideas and presenting this information to the committee to include those items that are submitted via the website, at committee meetings or by email inquiries. The Communications Subcommittee will facilitate periodic scheduling of Staff Forum and Staff Meetings to enhance reciprocal communication between UI staff, Leadership and Staff [AffairsCouncil](#). *[add 1-07, rev. & ren. 1-10]*
  - f. Learning and Development Subcommittee.** The Learning and Development Subcommittee oversees the continued improvement and delivery of learning and development programs, such as SkillSoft, an online learning program and works to identify and expand professional development opportunities for UI staff. *[add. 1-10]*
  - g. Officers’ Subcommittee.** The Officer’s Subcommittee is responsible for setting agenda items for the monthly Staff [AffairsCouncil](#) meetings. Members of this committee are the chair, past chair, vice chair,

secretary, treasurer, on-off campus communications representative, media coordinator, chairs of all standing subcommittees, and chairs of all ad hoc subcommittees. *[add 1-07, ren. 1-10]*

**Section 2. Ad Hoc Subcommittees.** Ad Hoc Committees *will be* appointed as needed. The Staff Affairs Council chair will appoint a chair of each ad hoc subcommittee. Staff Affairs Council must approve a motion to form an Ad Hoc committee.

**ARTICLE X--PARLIAMENTARY AUTHORITY.** The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern Staff Affairs Council in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order Staff Affairs Council may adopt.

**ARTICLE XI--AMENDMENTS.** These bylaws may be amended either by a majority vote of the members of the staff voting at a duly called University Staff Meeting or by a majority vote of the members of the staff voting on a mail or electronic ballot. The notice of proposed bylaw amendments must be published at least two weeks prior to the vote in official UI communications and/or publications (i.e., The Register, Today@Idaho, Staff Affairs Council website). These bylaws and amendments thereto are subject to review and approval by the president of the university or the president's designee.



## POLICY COVER SHEET

(See *Faculty Staff Handbook* 1460 for instructions at UI policy website: [www.webs.uidaho.edu/uipolicy](http://www.webs.uidaho.edu/uipolicy))  
[3/09]

**Faculty/Staff Handbook [FSH]** x Addition  Revision\*  Deletion\*  Emergency  
Minor Amendment   
**Chapter & Title:** FSH1640.20 – Univ. Budget & Finance Committee

**Administrative Procedures Manual [APM]** Addition  Revision\*  Deletion\*  Emergency  
Minor Amendment   
**Chapter & Title:** \_\_\_\_\_

All policies must be reviewed, approved and returned by a policy sponsor, with a cover sheet attached to [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu) respectively.

\*Note: If revision/deletion request original document from [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu), all changes must be made using "track changes."

**Originator(s):** Liz Brandt, Chair Committee on Committees & Chair of UBFC  
(Please see FSH 1460 C) Name \_\_\_\_\_ Date \_\_\_\_\_

**Telephone & Email:** ebrandt@uidaho.edu

**Policy Sponsor:** (If different than originator.) \_\_\_\_\_  
Name \_\_\_\_\_ Date \_\_\_\_\_

**Telephone & Email:** \_\_\_\_\_

**Reviewed by General Counsel** \_\_\_Yes \_\_\_X\_\_\_No Name & Date: \_\_\_\_\_

**I. Policy/Procedure Statement:** Briefly explain the purpose/reason of proposed addition, revision, and/or deletion to the Faculty/Staff Handbook or the Administrative Procedures Manual.  
The revision adds two additional members to the University Budget and Finance Committee. More members will aid the committee in reviewing and prioritizing budget requests as part of the UI budget' process

**II. Fiscal Impact:** What fiscal impact, if any, will this addition, revision, or deletion have? none  
None.

**III. Related Policies/Procedures:** Describe other policies or procedures existing that are related or similar to this proposed change.  
None.

**IV. Effective Date:** This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.

If not a minor amendment forward to: \_\_\_\_\_

Policy Coordinator  
Appr. & Date:  
\_\_\_\_\_  
[Office Use Only]

**APM**

F&A Appr.: \_\_\_\_\_  
[Office Use Only]

**FSH**

Appr. \_\_\_\_\_  
FS \_\_\_\_\_  
GFM \_\_\_\_\_  
Pres./Prov. \_\_\_\_\_  
[Office Use Only]

Track # \_\_\_\_\_  
Date Rec.: \_\_\_\_\_  
Posted: t-sheet \_\_\_\_\_  
          h/c \_\_\_\_\_  
          web \_\_\_\_\_  
Register: \_\_\_\_\_  
(Office Use Only)

## 1640.20- UNIVERSITY BUDGET AND FINANCE COMMITTEE

A. FUNCTION. The function of the University Budget and Finance Committee is

A-1. To advise the president, provost and the vice president for finance on matters pertaining to operating and capital budgets. The Committee will periodically review policy matters regarding the use of state appropriated funds, university expenditures (e.g., salaries, benefits, operating costs, capital outlays, etc.), operating and strategic reserves, long and short term capital plans, and deferred maintenance plans. [ed. 7-06, rev. 2-11, 7-15]

A-2. To be involved strategically in the university budget process. The Committee may help define the budget process and goals, and participate in university budget hearings and meetings. [rev. 7-15]

A-3. To initiate and/or respond to the study of budget and financial policies and issues. [rev. & ren. 7-15]

A-4. To provide periodic reports to Faculty Senate and Staff Affairs on matters pertaining to university finances and budgets. [ed. 7-09, ren. 7-15]

B. AGENDA. The agenda of each meeting will be set by the Chair of the committee in collaboration with the vice president for finance and/or the provost. The vice president for finance is the point of contact for the committee and is responsible for notifying the committee of relevant meetings dealing with university finances and budgets. The Senator in the second year, or designee, on the Budget and Finance Committee is responsible for reporting to the senate activities of the committee. [ed. 7-06, rev. 2-11, 7-15]

C. STRUCTURE AND MEMBERSHIP. The committee is composed of ~~11-13~~ voting members plus 54 nonvoting members. The voting members will consist of seven faculty, four selected by Committee on Committees and three Senators elected from the Faculty Senate. Three staff (except students) serving on three year staggered terms, and five nonvoting members as follows: five faculty (two four selected by Committee on Committees, three elected by Faculty Senate from among senators beginning their second year of service on the senate), three staff (not associated with the university financial or budget offices), three students (selected by the Committee on Committees from nominations provided by the Associated Students of the University of Idaho, Graduate & Professional Student Association and the Student Bar Association). Ex Officio (w/o vote) membership includes: Provost and Executive Vice President, Vice President for Finance, Budget Director, Director of Institutional Research and Assessment. [rev. 2-11, 7-15]

The committee's chair will be selected by the Committee on Committees from one of the ~~five~~ seven faculty members. A broad representation of faculty, staff and students across the various colleges of the university is expected. [ed. 7-09, rev. 2-11]

# University of Idaho

## POLICY COVER SHEET

(See *Faculty Staff Handbook 1460* for instructions at UI policy website: [www.webs.uidaho.edu/uipolicy](http://www.webs.uidaho.edu/uipolicy))  
[3/09]

**Faculty/Staff Handbook [FSH]**  Addition  Revision\*  Deletion\*  Emergency  
 Minor Amendment   
**Chapter & Title:** Chapter 2: Student Affairs Policies 2800 Student Fees

**Administrative Procedures Manual [APM]**  Addition  Revision\*  Deletion\*  Emergency  
 Minor Amendment   
**Chapter & Title:** \_\_\_\_\_

All policies must be reviewed, approved and returned by a policy sponsor, with a cover sheet attached to [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu) respectively.

\*Note: If revision/deletion request original document from [apm@uidaho.edu](mailto:apm@uidaho.edu) or [fsh@uidaho.edu](mailto:fsh@uidaho.edu), all changes must be made using "track changes."

**Originator(s):** Trina Mahoney April 14, 2016  
 (Please see FSH 1460 C) Name Date  
**Telephone & Email:** 885-4387 tmahoney@uidaho.edu

**Policy Sponsor:** (If different than originator.) Brian Foisy April 14, 2016  
 Name Date  
**Telephone & Email:** 885-6174 brianfoisy@uidaho.edu

**Reviewed by General Counsel** \_\_\_ Yes \_\_\_ No Name & Date: \_\_\_\_\_

**I. Policy/Procedure Statement:** Briefly explain the purpose/reason of proposed addition, revision, and/or deletion to the Faculty/Staff Handbook or the Administrative Procedures Manual.

All policies related to the approval of student tuition and fees are established by the State Board of Education. Chapter 2 Section 2800 reiterates State Board policy but due to revisions by the Board is currently out of date. All questions regarding appropriate approvals for tuition and fees should be addressed in the context of Board policy. This revision refers readers to the appropriate State Board policy while preserving the internal requirements related to the president's interaction with ASUI and commitment to gathering student feedback.

**II. Fiscal Impact:** What fiscal impact, if any, will this addition, revision, or deletion have?

No direct fiscal impact but potential indirect impact related to fiscal compliance as units will not be relying on outdated policy.

**III. Related Policies/Procedures:** Describe other policies or procedures existing that are related or similar to this proposed change.

N/A

**IV. Effective Date:** This policy shall be effective on July 1, or January 1, whichever arrives first after final approval (see FSH 1460 D) unless otherwise specified in the policy.

If not a minor amendment forward to: \_\_\_\_\_

Policy Coordinator  
 Appr. & Date:  
 \_\_\_\_\_  
 [Office Use Only]

*FSH*

Appr. \_\_\_\_\_  
 FC \_\_\_\_\_  
 GFM \_\_\_\_\_  
 Pres./Prov. \_\_\_\_\_  
 [Office Use Only]

Track # \_\_\_\_\_  
 Date Rec.: \_\_\_\_\_  
 Posted: t-sheet \_\_\_\_\_  
           h/c \_\_\_\_\_  
           web \_\_\_\_\_  
 Register: \_\_\_\_\_  
 (Office Use Only)

*APM*

F&A Appr.: \_\_\_\_\_  
 [Office Use Only]

**UI FACULTY-STAFF HANDBOOK**  
**CHAPTER TWO:**  
**STUDENT AFFAIRS POLICIES**

July 2007 (editorial)

2800

**STUDENT FEES**

*PREAMBLE: This section appeared in the 1979 Handbook and its present form in July, 1987. For further information, contact the Office of the Vice President for Finance and Administration (208-885-6174).*

~~**A. GENERAL.** With the exceptions noted in B, the regents' must approve the establishment or change of any fee that is to be charged to students.~~

**A. GENERAL.** Student tuition and fees will be approved in conformity with Idaho State Board of Education (SBOE) policy V.R. In addition, the university president will consult with ASUI prior to establishing or revising any activity fee. The university president will also provide opportunity for student feedback on proposed tuition and fee changes prior to SBOE approval.

~~**B. EXCEPTIONS.** The requirement of approval by the board does not apply to fees that are established by the legislature or by the terms of a contractual agreement with another state or program. The board has authorized the president to set the following kinds of fees:~~

~~**B-1.** Fees required for specific courses or activities and assessments that are not required of all students enrolled at UI. This category includes penalty assessments, such as library fines, parking fines, and laboratory breakage fees, and fees for video outreach courses and courses offered for such purposes as remedial education that do not count toward meeting degree requirements.~~

~~**B-2.** Student health insurance premiums, charges for room and board in UI dormitories, and rental rates for family housing. Any change in these charges must be approved by the president at least three months before the beginning of the semester in which it is to become effective.~~

~~**B-3.** Activity fees, such as those for intercollegiate athletics, health services, student union operations, student government, and recreation. The president must consult with ASUI and a public hearing must be held before an activity fee is established or changed. The president's approval must be not later than April 1 of the year before the academic year in which the change is to become effective.~~

~~**C.** See the catalog for information on student fees and other charges that are in effect and the provisions for payment and refund of fees.~~

**TO: University Curriculum Committee, Faculty Senate, General Faculty**

**FROM: University Committee for General Education**

**RE: Regulation J**

**EFFECTIVE: Summer 2017**

**DATE: March 24, 2016**

## **J - General Requirements for Baccalaureate Degrees**

Candidates for baccalaureate degrees must fulfill the following requirements. (See the College of Graduate Studies section for the requirements for graduate degrees. See the College of Law section for the requirements for the degree of Juris Doctor.)

### **J-1. Credit Requirements.**

**J-1-a.** Students must have earned a minimum of 120 credits to be granted a baccalaureate degree from the University of Idaho. Some programs require a higher minimum. For the minimum number of credits required in each degree program, see the major curricula of the various degree-granting units in the individual departmental section.

**J-1-b.** A minimum of 36 credits in upper-division courses (numbered 300 or above) is required for a baccalaureate degree.

**J-2. Residency Requirements.** A student must earn a minimum of 30 upper-division credits in UI courses. No credits awarded for independent study, bypassed courses, credit by examination, College Level Examination Program (CLEP), or experiential learning can be counted among these 30 UI credits. Study abroad and student exchange credits may be counted toward this requirement with prior approval by the student's academic department and dean.

**J-3. Subject Requirements (General Education Curriculum and Learning Outcomes).** First-year students (see Admissions Status) are to complete the University of Idaho gGeneral education curriculum. A university education is a preparation both for living and for making a living. It offers an opportunity not only to lay the foundations of a career, but also to develop the mind to its highest potential, to cultivate the imagination as well as the power to reason, and to gain the intellectual curiosity that makes education a life-long enterprise.

The faculty of the University of Idaho has adopted the following university-wide learning outcomes, which broadly describe expected and desired consequences of learning through integrated curricular and co-curricular experiences. The outcomes become an expression of the desired attributes of an educated person and guide coherent, integrated and intentional educational experiences. They provide a basis for ongoing assessment to continuously improve teaching and learning.

1. Learn and integrate - Through independent learning and collaborative study, attain, use, and develop knowledge in the arts, humanities, sciences, and social sciences, with disciplinary specialization and the ability to integrate information across disciplines.
2. Think and create - Use multiple thinking strategies to examine real-world issues, explore creative avenues of expression, solve problems, and make consequential decisions.
3. Communicate - Acquire, articulate, create and convey intended meaning using verbal and non-verbal methods of communication that demonstrate respect and understanding in a complex society.

4. Clarify purpose and perspective - Explore one's life purpose and meaning through transformational experiences that foster an understanding of self, relationships, and diverse global perspectives.

5. Practice citizenship - Apply principles of ethical leadership, collaborative engagement, socially responsible behavior, respect for diversity in an interdependent world, and a service-oriented commitment to advance and sustain local and global communities.

A central component of this preparation is the requirement that a student working toward a baccalaureate degree must complete the necessary course work in the six categories described below (J-3-a through J-3-f). This requirement is to be satisfied by earning a total of 36 credits and meeting the minimum number of credits specified for each category. Within the J-3-d, J-3-e, J-3-f categories, students must complete a total of 18 credits. (Transfer students have two options for fulfilling this requirement; these are described under "General Education Requirements for Transfer Students" in the Undergraduate Admission section of this catalog). University of Idaho general education courses accepted as transferable as general education courses to other Idaho state-funded institutions are listed as General Education Matriculated - GEM courses in the General Catalog. Courses that fulfill requirements in each category are reviewed each year and the list is updated in the Spring. Students and advisors are encouraged to check the list when it is published in the Spring to be aware of any additional courses that have been added to meet specific requirements. Courses that are approved to satisfy a general education requirement can be used to satisfy those requirements even if the course is completed prior to being approved as a general education course.

*Note: Remedial courses may not be used to satisfy any of this requirement. Degree-seeking students must be enrolled in Engl 109, Engl 101, or Engl 102 in their first semester in residence and in each subsequent semester until they have passed Engl 102. They must also be enrolled in Math 108 or in a course that meets the general education requirement in mathematics, statistics, or computer science in their first year in residence and in each subsequent semester until the general education requirement in mathematics, statistics, or computer science has been satisfied.*

**J-3-a. Communication (5-7 cr).** The purpose of this requirement is to develop the ability to organize one's thoughts, to express them simply and clearly, to observe the standards and conventions of language usage, and to suit tone to audience. The requirement is proficiency in written English equal to that needed for the completion of UI course Engl 102 and the completion of one additional course in this category. **Public Speaking.** Students who receive a passing grade in Comm 101, Fundamentals of Public Speaking, are expected to develop and demonstrate the ability to make oral presentations in one-on-one settings, small groups, and large groups. Students should be able to demonstrate basic competency in (1) organization and preparation, (2) oral language use and presentation, and (3) addressing audience needs and interests.

**Written English.** Students who receive a passing grade in any of the six English classes included in the general education are expected to develop and demonstrate competencies in their writing in (1) organization and development, (2) sentence variety and word choice, and (3) language usage conventions.

The following specific provisions apply to the English composition component:

1. Students who attain a satisfactory score on the College Board English Achievement or Scholastic Aptitude (Verbal) Test or the American College Testing (ACT) English Test will be awarded credit and grades of P for Engl 101 and Engl 102. Also, students who attain a score of 4 on the Advanced Placement Test in English will be awarded credit and a grade of P for Engl 101 and students who attain a score of 5 on the Advanced Placement Test in English will be awarded credit and grades of P for Engl 101 and Engl 102.
2. Students who do not meet the conditions stated in paragraph (1) will be tentatively placed, on the basis of their scores on the tests cited above, in either Engl 101 or Engl 102.
3. UI accepts credits earned in comparable writing courses taken at other accredited institutions. (See credit limitation in J-5-d.)

Comm 101 Fundamentals of Public Speaking (2 cr)

Engl 207 Persuasive Writing (3 cr)

Engl 208 Personal and Exploratory Writing (3 cr)

Engl 313 Business Writing (3 cr)

Engl 316 Environmental Writing (3 cr)

Engl 317 Technical Writing (3 cr)

Phil 102 Reason and Rhetoric (2 cr)

**J-3-b. Natural and Applied Science (8 cr, from two different disciplines, which include two accompanying labs OR 7 cr which includes a Core Science (CORS) course and one course with lab).** The purpose of this requirement is to develop a better understanding of the physical and biological world by learning some of the principles that explain the natural phenomena of the universe, the experimental method used to derive those principles, and their applications.

Study in this area is undertaken as part of the general education requirements in order to promote scientific literacy, that is, the ability to read and understand the science issues being debated in society. Scientific literacy is essential if citizens are to make informed judgments on the wide range of issues that affect their everyday lives. Students receiving passing grades in the natural and applied science courses of the general education curriculum will demonstrate competency in the following areas: (1) knowledge of scientific principles; (2) the ability to write clearly and concisely using the style appropriate to the sciences; (3) the ability to interpret scientific data; (4) the ability to analyze experimental design critically; and (5) the development of laboratory skills.

Biol 102, Biol 102L Biology and Society and Lab(4 cr)\*

Biol 114 Organisms & Environments (4 cr)

Biol 115 Cells and the Evolution of Life (4 cr)

Biol 154 and MMBB 155/Biol 155 Introductory Microbiology and Lab (4 cr)\*

Biol 250 and MMBB 255/Biol 255 General Microbiology and Lab (5 cr)\*

Chem 101 Introduction to Chemistry I (4 cr)

Chem 111 Principles of Chemistry I (4 cr)

Chem 112 Principles of Chemistry II (5 cr)

CORS 205-297 Integrated Science (3 cr)

EnvS 101 Introduction to Environmental Science, and EnvS

102 Field Activities in Environmental Sciences (4 cr)\*

Geog 100, Geog 100L Physical Geography and Lab (4 cr)\*

Geol 101, Geol 101L Physical Geology and Lab (4 cr)\*

Geol 102, Geol 102L Historical Geology (4 cr)\*

Phys 100, Phys 100L Fundamentals of Physics and Lab(4 cr)\*

Phys 103, Phys 104 General Astronomy and Lab (4 cr)\*

Phys 111, Phys 111L General Physics I and Lab (4 cr)\*

Phys 112, Phys 112L General Physics II and Lab (4 cr)\*

Phys 211, Phys 211L Engineering Physics I and Lab (4 cr)\*

Phys 212, Phys 212L Engineering Physics II and Lab (4 cr)\*

Soil 205, Soil 206 The Soil Ecosystem and Lab (4 cr)\*

*\*To be counted toward satisfaction of this requirement, the full four or five credits (that is, both the lecture course and the accompanying laboratory course) must be completed.*

### **J-3-c. Mathematics, Statistics, or Computer Science (3 cr).**

These courses develop analytical, quantitative, and problem solving skills by involving students in doing mathematics, statistics, or computer science and by focusing on understanding the concepts of these disciplines.

Students receiving passing grades in mathematics, statistics, or computer science will have the ability to recognize, analyze, and solve problems.

CS 112 Computational Thinking and Problem Solving (3 cr)

Math 123 Mathematics Applied to the Modern World (3 cr)

Math 130 Finite Mathematics (3 cr)

Math 137 Algebra with Applications (3 cr)

Math 143 Pre-calculus Algebra and Analytic Geometry (3 cr)

Math 160 Survey of Calculus (4 cr)

Math 170 Analytic Geometry and Calculus I (4 cr)

Math 175 Analytic Geometry and Calculus II (4 cr)

Math 275 Analytic Geometry and Calculus III (3 cr)

Stat 150 Introduction to Statistics (3 cr)

Stat 251 Statistical Methods (3 cr)

**J-3-d. Humanities (6 cr, from two different disciplines) and Social Sciences (6 cr, from two different disciplines).** The purpose of these liberal arts courses is to provide students with critical tools for understanding the human experience and providing the means for students to respond to the world around them.

Humanities courses enable students to reflect upon their lives and ask fundamental questions of value, purpose, and meaning in a rigorous and systematic interpretative manner, with the goal of fostering understanding of culture and inspiring a citizenry that is more literate, respectful of diverse viewpoints, and intellectually inquisitive.

Social science courses enable students to apply rigorous analytic skills for the purpose of explaining the dynamic interaction among history, institutions, society and ideas that shape the behaviors of individuals, communities and societies. With these skills students can critically address the social issues of our contemporary world.

Courses on the humanities and social science lists that are also listed as satisfying the American diversity or international requirement are indicated by a D or I designation.

### **Approved Humanities Courses:**

AmSt 301 Studies in American Culture (3 cr) D

Arch 151 Introduction to the Built Environment (3 cr)

Art 100 World Art and Culture (3 cr) I

Art 205 Visual Culture (3 cr)

Art 213 History and Theory of Modern Design I (3 cr) I

Art 302 Modern Art and Theory (3 cr) I

Art 382 History of Photography (3 cr) I

Art 407 New Media (3 cr)

Dan 100 Dance in Society (3 cr)

Engl 175 Introduction to Literary Genres (3 cr)

Engl 221 History of World Cinema I (3 cr) I

Engl 222 History of World Cinema II (3 cr) I

Engl 257 Literature of Western Civilization (3 cr)

- Engl 258 Literature of Western Civilization (3 cr)  
 Engl 322 Environmental Literature and Culture (3 cr)  
 Engl 341 Survey of British Literature (3 cr)  
 Engl 342 Survey of British Literature (3 cr)  
 Engl 343 Survey of American Literature (3 cr)  
 Engl 344 Survey of American Literature (3 cr)  
 Engl 345 Shakespeare (3 cr)  
 Engl 375 or ReLS 375 The Bible as Literature (3 cr)  
 FLEN 210 Introduction to Classical Mythology (3 cr)  
 FLEN 313 Modern French Literature in Translation (3 cr) I  
 FLEN 324 German Literature in Translation (3 cr) I  
 FLEN 331 Japanese Anime (3 cr) I  
 FLEN 391 or LAS 391 Hispanic Film (3 cr) I  
 FLEN 394 or LAS 394 Latin American Literature in Translation (3 cr) I  
 Hist 270 Introduction to Greek and Roman Civilization (3 cr)  
 Hist 340 Modern India, 1757-1947 (3 cr)  
 Hist 350 European Cultural History, 1600-1800 (3 cr)  
 Hist 357 Women in Pre-Modern European History (3 cr)  
 Hist 366 Intellectual and Cultural History of Modern Europe (3 cr) I  
 Hist 378 History of Science I: Antiquity to 1700 (3 cr)  
 Hist 379 History of Science II: 1700-Present (3 cr)  
 Hist 414 History and Film (3 cr)  
 Hist 442 or ReLS 442 The Medieval Church: Europe in the Early and High Middle Ages (3 cr)  
 Hist 443 or ReLS 443 The Medieval State: Europe in the High and Late Middle Ages (3 cr)  
 Hist 445 Medieval English Constitutional and Legal History: 1066-1485 (3 cr)  
 Hist 447 or ReLS 447 The Renaissance (3 cr)  
 Hist 448 or ReLS 448 The Reformation (3 cr)  
 Hist 485 Chinese Social and Cultural History (3 cr)  
 IS 370 African Community, Culture, and Music (1-3 cr) I  
 MusH 101 Survey of Music (3 cr)  
 MusH 111 Introduction to Music Literature (3 cr)  
 MusH 201 History of Rock and Roll (3 cr)  
 Phil 103 Ethics (3 cr)  
 Phil 201 Critical Thinking (3 cr)  
 Phil 208 Business Ethics (3 cr)  
 Phil 240 Belief and Reality (3 cr)  
 Phil 351 Philosophy of Science (3 cr)  
 Phil 361 Professional Ethics (3 cr)  
 The 101 Introduction to the Theatre (3 cr)  
 The 468 Theatre History I (3 cr) I  
 The 469 Theatre History II (3 cr) I  
 WmSt 201 Introduction to Women's Studies (3 cr) D
- Approved Social Science Courses:**  
 Anth 100 Introduction to Anthropology (3 cr)  
 Anth 220 Peoples of the World (3 cr) I  
 Anth 261 Language and Culture (3 cr) I  
 Anth 329 North American Indians (3 cr) D  
 Anth 350 or Soc 350 Food, Culture, and Society (3 cr) D  
 Anth 462 or LAS 462 Human Issues in International Development (3 cr) I  
 Comm 233 Interpersonal Communication (3 cr)  
 Comm 335 Intercultural Communication (3 cr) I  
 Comm 410 Conflict Management (3 cr)  
 CSS 235 or For 235 Society and Natural Resources (3 cr)  
 Econ 201 Principles of Macroeconomics (3 cr)  
 Econ 202 Principles of Microeconomics (3 cr)  
 Econ 272 Foundations of Economic Analysis (4 cr)  
 EDCI 301 Learning, Development, and Assessment (3 cr)  
 FLEN 270 or Hist 270 Introduction to Greek and Roman Civilization (3 cr)  
 FLEN 307 The European Union (3 cr) I  
 FLEN 308 European Immigration and Integration (3 cr) I  
 Geog 165 Human Geography (3 cr) I  
 Geog 200 World Regional Geography (3 cr) I  
 Geog 365 Political Geography (3 cr) I  
 Hist 101 History of Civilization (3 cr) I  
 Hist 102 History of Civilization (3 cr) I  
 Hist 111 Introduction to U.S. History (3 cr) D  
 Hist 112 Introduction to U.S. History (3 cr) D  
 Hist 180 Introduction to East Asian History (3 cr)  
 Hist 315 or LAS 315 Comparative African-American Cultures (3 cr)  
 Hist 328 History of the American West (3 cr)  
 Hist 329 Idaho and the Pacific Northwest (3 cr)  
 Hist 331 The Age of African Empires (3 cr)  
 Hist 380 Disease and Culture: History of Western Medicine (3 cr)  
 Hist 382 History of Biology: Conflicts and Controversies (3 cr)  
 Hist 388 History of Mathematics (3 cr)  
 Hist 411 Colonial North America (3 cr)  
 Hist 412 Revolutionary North America and Early National Period (3 cr)  
 Hist 415 Expanding America (3 cr)  
 Hist 416 Rise of Modern America (3 cr)  
 Hist 417 America in Crisis (3 cr)  
 Hist 418 Contemporary America (3 cr)  
 Hist 419 Topics in the American West (3 cr)  
 Hist 420 History of Women in American Society (3 cr)  
 Hist 424 American Environmental History (3 cr)  
 Hist 426 or AIST 426 Red Earth White Lies: American Indian History 1840-Present (3 cr)  
 Hist 430 U.S. Diplomatic History (3 cr)  
 Hist 431 or AIST 431 Stolen Continents, The Indian Story: Indian History to 1840 (3 cr)  
 Hist 438 or LAS 438 Modern Mexico and the Americas (3 cr)  
 Hist 439 or LAS 439 Modern Latin America (3 cr)  
 Hist 440 or LAS 440 Social Revolution in Latin America (3 cr)  
 Hist 441 or LAS 441 Slavery and Freedom in the Americas (3 cr)  
 Hist 449 Tudor-Stuart Britain 1485-1660 (3 cr)  
 Hist 452 Europe in the Age of the Revolution, 1770-1880 (3 cr)  
 Hist 455 Modern Europe (3 cr)  
 Hist 456 Anti-Semitism and the Holocaust (3 cr)  
 Hist 457 History of the Middle East (3 cr)  
 Hist 458 Military History (3 cr)  
 Hist 460 Conspiracies and Secret Societies in History (3 cr)  
 Hist 466 Eastern Europe Since 1774 (3 cr)  
 Hist 467 Russia to 1894 (3 cr)  
 Hist 468 Russia and Soviet Union Since 1894 (3 cr)  
 Hist 481 America's Wars in Asia (3 cr)  
 Hist 482 Japan, 1600 to Present (3 cr)  
 Hist 484 Modern China, 1840s to Present (3 cr)  
 IS 325 The Contemporary Muslim World (3 cr) I  
 IS 326 Africa Today (3 cr) I  
 IS 350 Sport and International Affairs (3 cr) I  
 PolS 101 Introduction to Political Science and American Government (3 cr) D  
 NRS 125 Introduction to Conservation and Natural Resources (3 cr)  
 PolS 205 Introduction to Comparative Politics (3 cr) I  
 PolS 237 International Politics (3 cr) I  
 PolS 275 American State and Local Government (3 cr)  
 PolS 331 American Political Parties and Elections (3 cr)  
 PolS 332 American Congress (3 cr)  
 PolS 333 American Political Culture (3 cr) D  
 PolS 338 American Foreign Policy (3 cr) I  
 PolS 360 Law and Society (3 cr) D  
 PolS 381 Western European Politics (3 cr) I  
 Psyc 101 Introduction to Psychology (3 cr)  
 Soc 101 Introduction to Sociology (3 cr) D  
 Soc 230 Social Problems (3 cr) D  
 Soc 301 or Anth 301 Introduction to Diversity and Stratification (3 cr) D  
 Soc 336 Comparative Criminal Justice Systems (3 cr) I

Soc 340 Social Change & Globalization (3 cr) I  
 Soc 343 Power, Politics, and Society (3 cr) I  
 Soc 423 Sociology of Prosperity: Social Class and Economics in the 21st Century (3 cr) D  
 Soc 424 Sociology of Gender (3 cr) D  
 Soc 427 or Anth 427 Racial and Ethnic Relations (3 cr) D  
 Soc 431 Personal and Social Issues in Aging (3 cr) D  
 Soc 439 Inequalities in the Justice System (3 cr) D  
 Soc 450 Dynamics of Social Protest (3 cr) D

**J-3-e. American Diversity (One course) and International (One course or an approved study abroad experience).** As we live in an increasingly diverse and multicultural world, the purpose of these courses is to prepare students to understand, communicate and collaborate with those from diverse communities within the United States and throughout the world.

The American diversity courses seek to increase awareness of contemporary and historical issues surrounding the social and cultural diversity in the U.S. Students engage in critical thinking and inquiry into the issues, complexities, and implications of diversity, and how social, economic, and/or political forces have shaped American communities. Diversity includes such characteristics as ability, age, ethnicity, gender, race, religion, sexual orientation, and socioeconomic status

\*One course chosen from the approved American diversity courses listed below. If a student takes a [Great Issues Seminar \(ISem 301\), Humanities, or Social Science General Education course in another category](#)—course that also appears on the list of approved American diversity courses, then this requirement is considered to be completed.

The international courses seek to develop an understanding of international values, belief systems and social issues that have contributed to current balances of power and cultural relations. Students develop an understanding of the roles that the United States and other countries have played in global relations and the ways cultures have interacted and influenced each other.

\*One course chosen from the approved international courses listed below. If a student takes a [Great Issues Seminar \(ISem 301\), Humanities, or Social Science General Education course in another category](#)—course that also appears on the list of approved International courses, then this requirement is considered to be completed. The international requirement may be waived if a student successfully completes an approved Summer, Fall, or Spring term abroad through the International Programs Office.

**Approved American Diversity Courses:**

AIST 320 The Celluloid Indian: American Indians in Popular Film (3 cr)  
 AIST 401 Contemporary American Indian Issues (3 cr)  
 AIST 420 Native American Law (3 cr)  
 AIST 422, Anth 422, or ReIS 422 Plateau Indians (3 cr)  
 AIST 478 Tribal Nation Economics and Law (3 cr)  
 AIST 484 or Engl 484 American Indian Literature (3 cr)  
 AmSt 301 Studies in American Culture (3 cr)  
 Anth 329 North American Indians (3 cr)  
 Anth 350 or Soc 350 Food, Culture, and Society (3 cr)  
 Arch 411 or AIST 411 Native American Architecture (3 cr)  
 Comm 432 Gender and Communication (3 cr)  
 Comm 491 Communication and Aging (3 cr)  
 CORS 232 Science on Your Plate: Food Safety, Risks and Technology (3 cr)  
 EDCI 302 Teaching Culturally Diverse Learners (4 cr)  
 Engl 380 Introduction to U.S. Ethnic Literatures (3 cr)  
 Hist 111 Introduction to U.S. History (3 cr)  
 Hist 112 Introduction to U.S. History (3 cr)  
 Hist 315 or LAS 315 Comparative African-American Cultures (3 cr)

Hist 328 History of the American West (3 cr)  
 Hist 329 Idaho and the Pacific Northwest (3 cr)  
 Hist 411 Colonial North America (3 cr)  
 Hist 412 Revolutionary North America and Early National Period (3 cr)  
 Hist 414 History and Film (3 cr)  
 Hist 415 Expanding America (3 cr)  
 Hist 416 Rise of Modern America (3 cr)  
 Hist 417 America in Crisis (3 cr)  
 Hist 418 Contemporary America (3 cr)  
 Hist 419 Topics in the American West (3 cr)  
 Hist 420 History of Women in American Society (3 cr)  
 Hist 424 American Environmental History (3 cr)  
 Hist 426 or AIST 426 Red Earth White Lies: American Indian History 1840-Present (3 cr)  
 Hist 431 or AIST 431 Stolen Continents, The Indian Story: Indian History to 1840 (3 cr)  
 ID 443 Universal Design (3 cr)  
 JAMM 340 Cultural Diversity and the Media (3 cr)  
 JAMM 445 History of Mass Media (3 cr)  
 MusH 410 Studies in Jazz History (3 cr)  
 PolS 101 Introduction to Political Science and American Government (3 cr)  
 PolS 333 American Political Culture (3 cr)  
 PolS 335 American Interest Groups & Social Movements (3 cr)  
 PolS 360 Law and Society (3 cr)  
 PolS 468 Civil Liberties (3 cr)  
 Psyc 315 Psychology of Women (3 cr)  
 Psyc 419 Adult Development and Aging (3 cr)  
 Soc 101 Introduction to Sociology (3 cr)  
 Soc 230 Social Problems (3 cr)  
 Soc 301 or Anth 301 Introduction to Diversity and Stratification (3 cr)  
 Soc 423 Sociology of Prosperity: Social Class and Economics in the 21st Century (3 cr)  
 Soc 424 Sociology of Gender (3 cr)  
 Soc 427 or Anth 427 Racial and Ethnic Relations (3 cr)  
 Soc 431 Personal and Social Issues in Aging (3 cr)  
 Soc 439 Inequalities in the Justice System (3 cr)  
 Soc 450 Dynamics of Social Protest (3 cr)  
 Span 306 or LAS 306 Culture and Institutions of Latin America (3 cr)  
 Span 411 Chicano and Latino Literature (3 cr)  
 Span 413 Spanish American Short Fiction (3 cr)  
 WmSt 201 Introduction to Women's Studies (3 cr)

**Approved International Courses:**

AgEc 481 Agricultural Markets in a Global Economy (3 cr)  
 AgEd 406 Exploring International Agriculture (3 cr)  
 Anth 220 Peoples of the World (3 cr)  
 Anth 261 Language and Culture (3 cr)  
 Anth 462 or LAS 462 Human Issues in International Development (3 cr)  
 Arbc 101 Elementary Modern Standard Arabic I (4 cr)  
 Arbc 102 Elementary Modern Standard Arabic II (4 cr)  
 Art 100 World Art and Culture (3 cr)  
 Art 213 History and Theory of Modern Design I (3 cr)  
 Art 302 Modern Art and Theory (3 cr)  
 Art 303 Contemporary Art and Theory (3 cr)  
 Art 313 History and Theory of Modern Design II (3 cr)  
 Chin 110 Elementary Chinese I (4 cr)  
 Chin 112 Elementary Chinese II (4 cr)  
 Chin 210 Intermediate Chinese I (4 cr)  
 Chin 212 Intermediate Chinese II (4 cr)  
 Comm 335 Intercultural Communication (3 cr)  
 CSS 493 or LAS 493 International Land Preservation and Conservation Systems (3 cr)  
 Econ 446 International Economics (3 cr)  
 Econ 447, AgEc 447, or LAS 447 Economics of Developing Countries (3 cr)  
 Engl 221 History of World Cinema I (3 cr)

- Engl 222 History of World Cinema II (3 cr)  
 EnvS 225 International Environmental Issues Seminar (3 cr)  
 FCS 411 Global Nutrition (2 cr)  
 FCS 419 Dress and Culture (3 cr)  
 FLEN 307 The European Union (3 cr)  
 FLEN 308 European Immigration and Integration (3 cr)  
 FLEN 313 French/Francophone Literature in Translation (3 cr)  
 FLEN 324 German Literature in Translation (3 cr)  
 FLEN 331 Japanese Anime (3 cr)  
 FLEN 391 or LAS 391 Hispanic Film (3 cr)  
 FLEN 394 or LAS 394 Latin American Literature in Translation (3 cr)  
 Fren 101 Elementary French I (4 cr)  
 Fren 102 Elementary French II (4 cr)  
 Fren 201 Intermediate French I (4 cr)  
 Fren 202 Intermediate French II (4 cr)  
 Fren 301 Advanced French Grammar (3 cr)  
 Fren 302 Advanced French Writing Skills (3 cr)  
 Fren 304 Connecting French Language and Culture (3 cr)  
 Fren 307 French Phonetics (3 cr)  
 Fren 308 Advanced French Conversation (3 cr)  
 Fren 407 French & Francophone Literatures (3 cr, max 9)  
 Fren 408 French and Francophone Culture and Institutions (3 cr, max 9)  
 Fren 410 French and Francophone Arts (3 cr)  
 Geog 165 Human Geography (3 cr)  
 Geog 200 World Regional Geography (3 cr)  
 Geog 350 Geography of Development (3-4 cr)  
 Geog 360 Population Dynamics and Distribution (3-4 cr)  
 Geog 365 Political Geography (3 cr)  
 Germ 101 Elementary German I (4 cr)  
 Germ 102 Elementary German II (4 cr)  
 Germ 201 Intermediate German I (4 cr)  
 Germ 202 Intermediate German II (4 cr)  
 Germ 301 Advanced German Grammar (3 cr)  
 Germ 302 Advanced German Speaking and Writing (3 cr)  
 Germ 420 Topics in German Culture and Literature - Themes (3 cr, max 6)  
 Germ 440 German Media through the Internet (3 cr)  
 Hist 101 History of Civilization (3 cr)  
 Hist 102 History of Civilization (3 cr)  
 Hist 180 Introduction to East Asian History (3 cr)  
 Hist 270 Introduction to Greek and Roman Civilization (3 cr)  
 Hist 315 or LAS 315 Comparative African-American Cultures (3 cr)  
 Hist 321 Pirates of the Caribbean and Beyond (3 cr)  
 Hist 331 The Age of African Empires (3 cr)  
 Hist 340 Modern India, 1757-1947 (3 cr)  
 Hist 350 The Age of Enlightenment: European Culture & Ideas, 1680-1800 (3 cr)  
 Hist 357 Women in Pre-Modern European History (3 cr)  
 Hist 366 Modern European Cultural and Intellectual History, 1880-1980 (3 cr)  
 Hist 371 History of England (3 cr)  
 Hist 372 History of England (3 cr)  
 Hist 378 History of Science I: Antiquity to 1700 (3 cr)  
 Hist 379 History of Science II: 1700-Present (3 cr)  
 Hist 380 Disease and Culture: History of Western Medicine (3 cr)  
 Hist 382 History of Biology: Conflicts and Controversies (3 cr)  
 Hist 388 History of Mathematics (3 cr)  
 Hist 414 History and Film (3 cr, max 6)  
 Hist 430 U.S. Diplomatic History (3 cr)  
 Hist 438 or LAS 438 Modern Mexico and the Americas (3 cr)  
 Hist 439 or LAS 439 Modern Latin America (3 cr)  
 Hist 440 or LAS 440 Social Revolution in Latin America (3 cr)  
 Hist 441 or LAS 441 Slavery and Freedom in the Americas (3 cr)  
 Hist 442 or RELS 442 The Medieval Church: Europe in the Early and High Middle Ages (3 cr)  
 Hist 443 or ReIS 443 The Medieval State: Europe in the High and Late Middle Ages (3 cr)  
 Hist 445 Medieval English Constitutional and Legal History: 1066-1485 (3 cr)  
 Hist 447 or ReIS 447 The Renaissance (3 cr)  
 Hist 448 or ReIS 448 The Reformation (3 cr)  
 Hist 449 Tudor-Stuart Britain 1485-1660 (3 cr)  
 Hist 452 Europe in the Age of the Revolution, 1770-1880 (3 cr)  
 Hist 455 Modern Europe (3 cr)  
 Hist 456 Anti-Semitism and the Holocaust (3 cr)  
 Hist 457 History of the Middle East (3 cr)  
 Hist 458 Military History (3 cr)  
 Hist 460 Conspiracies and Secret Societies in History (3 cr)  
 Hist 466 Eastern Europe Since 1774 (3 cr)  
 Hist 467 Russia to 1894 (3 cr)  
 Hist 468 Russia and Soviet Union Since 1894 (3 cr)  
 Hist 481 America's Wars in Asia (3 cr)  
 Hist 482 Japan, 1600 to Present (3 cr)  
 Hist 484 Modern China, 1840s to Present (3 cr)  
 Hist 485 Chinese Social and Cultural History (3 cr)  
 ID 281 History of Interiors I (3 cr)  
 ID 282 History of Interiors II (3 cr)  
 IS 325 The Contemporary Muslim World (3 cr)  
 IS 326 Africa Today (3 cr)  
 IS 350 Sport and International Affairs (3 cr)  
 IS 370 African Community, Culture, and Music (1-3 cr)  
 JAMM 490 Global Media (3 cr)  
 Japn 101 Elementary Japanese I (4 cr)  
 Japn 102 Elementary Japanese II (4 cr)  
 Japn 201 Intermediate Japanese I (4 cr)  
 Japn 202 Intermediate Japanese II (4 cr)  
 Japn 301 Japanese Reading (3 cr)  
 Japn 303 Japanese Speaking (3 cr)  
 LARc 390 Italian Hill Towns and Urban Centers (3 cr)  
 MusH 420 Studies in World Music (3 cr)  
 Phil 367 Global Justice (3 cr, max arr)  
 PolS 205 Introduction to Comparative Politics (3 cr)  
 PolS 237 International Politics (3 cr)  
 PolS 338 American Foreign Policy (3 cr)  
 PolS 381 European Politics (3 cr)  
 PolS 420 Introduction to Asian Politics (3 cr)  
 PolS 441 Genes and Justice (3 cr)  
 PolS 449 World Politics and War (3 cr)  
 PolS 480 Politics of Development (3 cr)  
 PolS 487 Political Violence and Revolution (3 cr)  
 Soc 336 Comparative Criminal Justice Systems (3 cr)  
 Soc 340 Social Change & Globalization (3 cr)  
 Soc 343 Power, Politics, and Society (3 cr) (3 cr)  
 Span 101 Elementary Spanish I (4 cr)  
 Span 102 Elementary Spanish II (4 cr)  
 Span 104 Elementary Spanish Transition (4 cr)  
 Span 201 Intermediate Spanish I (4 cr)  
 Span 202 Intermediate Spanish II (4 cr)  
 Span 301 Advanced Grammar (3 cr)  
 Span 302 Advanced Composition (3 cr)  
 Span 303 Spanish Conversation (3 cr)  
 Span 305 Culture and Institutions of Spain (3 cr)  
 Span 306 or LAS 306 Culture and Institutions of Latin America (3 cr)  
 Span 308 Proficiency in Reading (3 cr)  
 Span 310 Spanish for Professions (3 cr)  
 Span 401 or LAS 401 Readings: Spanish Literature (3 cr)  
 Span 402 or LAS 402 Readings: Spanish American Literature (3 cr)  
 Span 411 Chicano and Latino Literature (3 cr)  
 Span 412 Spanish Short Fiction (3 cr)  
 Span 413 Spanish American Short Fiction (3 cr)  
 Span 419 Latin America Theatre Through Literature (3 cr)

Span 420 Modern Spanish Theatre Through Literature (3 cr)  
 The 468 Theatre History I (3 cr)  
 The 469 Theatre History II (3 cr)

**J-3-f. Integrated Studies - ISem 101 Integrative Seminar (3 cr), ISem 301 Great Issues (1 cr), and Senior Experience.** The purpose of these courses is to provide students with the tools of integrative thinking, which are critical for problem solving, creativity and innovation, and communication and collaboration. Integrated learning is the competency to attain, use, and develop knowledge from a variety of disciplines and perspectives, such as the arts, humanities, sciences, and social sciences, with disciplinary specialization (to think divergently, distinguishing different perspectives), and to incorporate information across disciplines and perspectives (to think convergently, re-connecting diverse perspectives in novel ways). It is a cumulative learning competency, initiated as a first-year student and culminating as reflected in a graduating senior.

One course from ISem 101 (open to first-year students only).  
 One credit of ISem 301. One course chosen from the approved Senior Experience courses listed below.\*

**Approved Senior Experience Courses:**

AgEc 478 Advanced Agribusiness Management (3 cr)  
 AgEd 471 Senior Capstone in Agricultural Education (1 cr)  
 AgEd 498 Internship (1-10 cr, max 10)  
 Anth 410 Research Methods in Anthropology (3 cr)  
 Arch 453 Architectural Design V (6 cr)  
 Art 410 Professional Practices (2 cr)  
 Art 490 BFA Art/Design Studio (6 cr, max 12)  
 Art 491 Information Design (3 cr, max 9)  
 Art 495 BFA Senior Thesis (2 cr, max 4)  
 AVS 450 Issues in Animal Agriculture (1 cr)  
 BAE 478 Engineering Design I (3 cr)  
 BAE 479 Engineering Design II (3 cr)  
 BAE 491 Senior Seminar (1 cr)  
 Biol 405 Practicum in Anatomy Laboratory Teaching (2-4 cr, Max 8)  
 Biol 407 Practicum in Biology Laboratory Teaching (2-6 cr, max 12)  
 Biol 408 Practicum in Human Physiology Laboratory Teaching (2-4 cr, max 8)  
 Biol 411 Senior Capstone (2 cr)  
 Biol 495 Research in Molec/Cell/Dev Biology (cr arr)  
 Biol 496 Research in Ecology and Evolution (cr arr)  
 Biol 497 Research in Anatomy and Physiology (cr arr)  
 Bus 490 Strategic Management (3 cr)  
 CE 494 Senior Design Project (3 cr)  
 ChE 452 Environmental Management and Design (3 cr, max arr)  
 ChE 454 or MSE 454 Process Analysis and Design II (3 cr)  
 Chem 409 Proseminar (1 cr)  
 CS 481 CS Senior Capstone Design II (3 cr)  
 CSS 475 Conservation Management and Planning II (4 cr)  
 ECE 481 EE Senior Design II (3 cr)  
 ECE 483 Computer Engineering Senior Design II (3 cr)  
 Econ 490 Economic Theory and Policy (3 cr)  
 Engl 440 Client-Based Writing (3 cr)  
 Engl 490 Senior Seminar (3 cr)  
 EDCI 401 Internship Seminar (1 cr)  
 EDCI 485 Secondary Internship (15 cr)  
 Ent 438 or PISc 438 or Soil 438 Pesticides in the Environment (3 cr)  
 EnvS 497 Senior Research (3 cr)  
 FCS 401 Professional Ethics and Practice in CFCS (1 cr)  
 FCS 424 Apparel Product Line Development: Senior Capstone (3 cr)  
 FCS 486 Nutrition in the Life Cycle (3 cr)  
 FCS 497 Internship Preschool (cr arr)  
 Fish 418 Fisheries Management (4 cr)  
 Fish 495 Seminar (1 cr)  
 FL 401 MLC International Experience (1 cr)

For 424 Forest Dynamics and Management (4 cr)  
 For 427 Prescribed Burning Lab (3 cr)  
 FS 489 Food Product Development (3 cr)  
 Geog 493 Senior Capstone in Geography (3 cr)  
 Geol 490 Field Geology II (3 cr)  
 Hist 401 Seminar (cr arr)  
 ID 452 Interior Design VI (6 cr)  
 Intr 401 Career and Leadership Development (2 cr)  
 IS 495 International Studies Senior Seminar (3 cr)  
 JAMM 448 Law of Mass Media (3 cr)  
 LArc 480 The Emerging Landscape (3 cr)  
 Math 415 Cryptography (3 cr)  
 ME 424 Mechanical Systems Design I (3 cr)  
 ME 426 Mechanical Systems Design II (3 cr)  
 MMBB 401 or Biol 401 Undergraduate Research (1-4 cr, max 8)  
 MMBB 497 or Biol 491 Practicum in Teaching (2 cr)  
 MusA 490 Half Recital (0 cr)  
 MusA 491 Recital (0 cr)  
 MusC 481 Senior Thesis in Music Theory II (1 cr)  
 MusC 490 Senior Recital (0 cr)  
 MusH 481 Senior Thesis in Music History II (1 cr)  
 MusT 432 Practicum: Music Teaching (14 cr)  
 MvSc 486 Marketing, Implementation and Evaluation for Healthy, Active Lifestyles (1 cr)  
 OrgS 410 Capstone Project in Organizational Sciences (1-6 cr, max 6)  
 PEP 498 Internship in Exercise Science & Health (cr arr)  
 Phil 490 Senior Seminar (3 cr)  
 Phys 407 Communicating Science (1 cr)  
 PolS 490 Senior Seminar (3 cr)  
 Psyc 415 History and Systems of Psychology (3 cr)  
 Rec 498 (s) Internship in Recreation, Parks, and Tourism (cr arr)  
 REM 456 Integrated Rangeland Management (3 cr)  
 RMat 495 or Bus 495 Product Development and Brand Management (3 cr)  
 Soc 460 Capstone: Sociology in Action (3 cr)  
 Soc 461 Capstone: Justice Policy Issues (3 cr)  
 Soc 462 Senior Practicum (3 cr)  
 Soc 463 Criminology Abroad (3 cr)  
 The 483 Senior Capstone Project (2 cr)  
 VTD 457 Capstone Design Studio I (6 cr)  
 WLF 492 Wildlife Management (4 cr)

\*Within the J-3-d, J-3-e, J-3-f categories, students must complete a total of 18 credits.

MEMORANDUM

TO: UCC and Faculty Senate  
FROM: Mark L. Adams, Dean  
RE: First-Year Finances  
DATE: April 11, 2016

As of the current date, the College of Law has asked the central university administration to seek a legislative appropriation of \$732,000 in ongoing funding and \$174,000 in onetime funding for FY18.

Onetime funding for FY18 is for relocation costs of three faculty members from Moscow to Boise, recruiting costs for new positions in Boise, marketing costs for first-year in Boise, and upgraded classroom technology in Room 104 in Moscow.

In addition to positions listed, ongoing funding includes cost of increased travel between two locations, internet connection cost in the ILJLC, funding for law library in Boise, and expanded IT needs.

Alternatively, the College is requesting an internal allocation to support the proposal. In order to meet ABA requirements, such allocation is needed to support the hiring of an Associate Director of Admissions in Boise, a Director of Academic Success in Boise, and a faculty member to teach Legal Research and Writing in Boise.

## Idaho State Board of Education

### Proposal for Undergraduate/Graduate Degree Program

Date of Proposal Submission:	
Institution Submitting Proposal:	University of Idaho
Name of College, School, or Division:	College of Law
Name of Department(s) or Area(s):	n/a

**Program Identification for Proposed New or Modified Program:**

Program Title:	Expansion of JD program by addition of 1st-year courses in Boise				
Degree:	JD	Degree Designation	Undergraduate	<input checked="" type="checkbox"/>	Graduate
Indicate if Online Program:	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No
CIP code (consult IR /Registrar):	22.0101				
Proposed Starting Date:	August 21, 2017				
Geographical Delivery:	Location(s)	Boise	Region(s)		
Indicate (X) if the program is/has:	<input type="checkbox"/>	Self-Support	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Professional Fee
Indicate (X) if the program is:	<input type="checkbox"/>	Regional Responsibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Statewide Responsibility

**Indicate whether this request is either of the following:**

- |   |  |
|---|--|
| <input type="checkbox"/> New Degree Program<br><input type="checkbox"/> Undergraduate/Graduate Certificates (30 credits or more)<br><input checked="" type="checkbox"/> Expansion of Existing Program | <input type="checkbox"/> Consolidation of Existing Program<br><input type="checkbox"/> New Off-Campus Instructional Program<br><input type="checkbox"/> Other (i.e., Contract Program/Collaborative) |
|---|--|

College Dean (Institution)	Date
Graduate Dean or other official (Institution; as applicable)	Date
FVP/Chief Fiscal Officer (Institution)	Date
Provost/VP for Instruction (Institution)	Date
President	Date

Vice President for Research (Institution; as applicable)	Date
Academic Affairs Program Manager, OSBE	Date
Chief Academic Officer, OSBE	Date
SBOE/Executive Director Approval	Date

**Before completing this form, refer to Board Policy Section III.G., Postsecondary Program Approval and Discontinuance.** This proposal form must be completed for the creation of each new program. All questions must be answered.

## **Rationale for Creation or Modification of the Program**

- 1. Describe the request and give an overview of the changes that will result.** Will this program be related or tied to other programs on campus? Identify any existing program that this program will replace.

This document seeks the Board's approval to expand curricular offerings at the Boise campus of the University of Idaho College of Law by offering first-year law courses at that campus. If approved, this expansion completes the dual-location model that the University has been developing with the Board's approval and under its supervision since 2008. The dual-location model will permit students to take all course work required to earn the Juris Doctor degree at either the Moscow campus or the Boise campus, or both.

By way of background, in August 2008, the University of Idaho sought approval from the Board of Regents/State Board of Education to establish a branch location of the College of Law in Boise, as a second place for delivery of the J.D. degree, in addition to the existing location in Moscow. In response, the State Board passed the following motion:

"A motion to authorize the University of Idaho to expand its offerings in Boise to a full third year curriculum and to include a legislative appropriation in the FY 2010 budget for this expansion. The Regents recognize the statewide mission of the University of Idaho for legal education. The University is instructed to revisit the issue of funding and support for a full dual location model, including a full three year branch curriculum in Boise, to continue collaboration with the Idaho Supreme Court on the Idaho Law Learning Center with respect to those programs to be delivered in Boise, and return to the Regents for further discussion."

In accordance with the Board's 2008 motion and following approval (formally known as "acquiescence") by the American Bar Association – which serves as the accrediting agency for the College of Law – the College implemented a full third-year curriculum in Boise in fall 2010, relying on a combination of College and central university funds. In further accordance with the Board's 2008 motion, the College and central university officials continued planning for a full dual-location model.

On August 16, 2012, the Board voted conditionally to approve the University's appropriation request of \$400,000 to expand its offerings in Boise to include a full second-year curriculum – the condition being that the expansion itself be approved by the Board. The Board gave that approval in October 2012.

Implementation of the second-year curriculum in Boise was delayed. The delay occurred because the Governor did not include the University's base funding request of \$400,000 in his FY2014 budget request, and because the College's enrollment predictions did not match actual enrollments, due to a nationwide downturn in the volume of law school applications. The

Governor did include the University's base funding request of \$400,000 in his FY2015 budget, however, enabling implementation of the Board-approved second-year curriculum in fall 2014.

In fall 2015, the College relocated from the University's Boise Water Center to the former Ada County Courthouse, which had been renovated and renamed the Idaho Law and Justice Learning Center (ILJLC). The ILJLC is a multipurpose facility that houses:

- The College of Law in Boise
- The Idaho State Law Library
- The Idaho Supreme Court's judicial education and training facilities
- Public civil outreach and education space

As stated above, this document contains the University's request to complete the dual-location model by expanding the College of Law curriculum in Boise to include the first-year law curriculum along with the existing second- and third-year curriculum. The proposed first-year curriculum thus does not create a new program. Rather, it is an addition to the existing curriculum at the Boise campus that will enable students to matriculate at the Boise campus, and to complete all course requirements for the J.D. degree, without having to spend their first year at the Moscow campus. At the same time, the two locations will be part of a fully integrated unitary program. Students in each location will be able to take course work and engage in co-curricular activities at the other location through state-of-the-art distance-education technology. Faculty at each location will collaborate using that same technology and through frequent visits to the other campus. Finally, students who matriculate at the Moscow campus will be able to relocate to the Boise campus after their first year, and again after their second year of coursework, to take advantage of the experiential education opportunities and networking opportunities that abound in Boise. Students at each location do public service, as well, by participating in externships with public agencies and engaging in the 50 hours of pro bono legal service (under attorney supervision) required to earn the J.D. degree.

Completion of the dual location model furthers the University's statewide mission to provide public legal education in Idaho by offering an affordable, high-quality J.D. program in a rural setting, on the University's main campus, and in a metropolitan setting, at the State's seat of government.

2. **Need for the Program.** Describe the student, regional, and statewide needs that will be addressed by this proposal and address the ways in which the proposed program will meet those needs.
  - a. **Workforce need:** Provide verification of state workforce needs that will be met by this program. Include State and National Department of Labor research on employment potential. Using the chart below, indicate the total projected annual job openings (including growth and replacement demands in your regional area, the state, and nation. Job openings should represent positions which require graduation from a program such as the one proposed. Data should be derived from a source that can be validated and must be no more than two years old.

List the job titles for which this degree is relevant:

## 1. Lawyers

## 2. Judicial Law Clerks

	State DOL data	Federal DOL data	Other data source: (describe)
<b>Local (Service Area)</b>	No. Central Idaho (Moscow area) = 3  SW Idaho (Boise area) = 24		
<b>State</b>	57		
<b>Nation</b>		16,040	

Provide (as appropriate) additional narrative as to the workforce needs that will be met by the proposed program.

All jobs in the United States requiring a law license entail passage of a state bar examination. Qualification to sit for a state bar examination, in turn, requires – in Idaho and nearly all other States – a Juris Doctor degree from an accredited law school. In addition to jobs requiring law licenses (“law license jobs”), many jobs either require or favor holders of a JD degree, even if those jobs do not require a law license; these are known as “J.D.-advantage jobs.”

Although the availability of law license jobs softened during the “Great Recession,” Idaho graduates were not as adversely affected as their national counterparts, and the prospects for law school graduates seems to have rebounded somewhat at both the national and state level. At the national level, data for law students graduating in 2014 – the most recent group for which reliable data is available – showed an overall employment rate of 86.7% 10 months after graduation, which reflected an increase of 2% over 2013. The overall employment rate for students graduating from the University of Idaho College of Law in 2014 was 90.24% (compared to the national rate of 86.7%), an increase of 1.4% over 2013. The U.S. Department of Labor’s Bureau of Labor Statistics currently projects that employment of lawyers nationwide will grow about 6% from 2014 to 2024, which is about as fast as the average for all occupations. The Idaho Department of Labor currently projects that employment of lawyers in Idaho will grow by about 4.3% over the period 2012-2022.

In addition to law license jobs, a J.D. degree benefits job seekers and job holders in many professional fields: business and entrepreneurship; human resources; public administration; teaching and educational administration; nonprofit entity management; social services; mediation and other forms of facilitated dispute resolution; military service; and other fields. National statistics indicate that as many as 30% of J.D. degree holders find careers outside the traditional practice, some of which require J.D. degrees, and others of which do not. These non-traditional jobs often offer decent pay and family-friendly working hours.

In short, College of Law graduates have solid job prospects at the state and national level. It bears emphasis, however, that the proposal presented in this document does *not* seek to increase the overall number of graduates from the College of Law. Rather,

completion of the dual-location model will create an additional *location* where 1st year law students who are admitted to the College can spend their first year. Right now, all 1st year law students admitted to the College of Law must spend their first year at the Moscow campus. Under the proposal presented in this document, up to half of the entering class would, instead, spend its first year at the Boise campus. Although we anticipate that approval of this proposal could modestly increase the size of the entering class (and thereby increase the number of eventual graduates), that is not the objective of the proposal. The objective, instead, is to give students the choice between two campuses, each of which offers differing settings and opportunities, including externships, part-time jobs, and networking opportunities. This is expected to facilitate Idahoans' ability to obtain an affordable, high-quality, public legal education and to enhance our graduates' ability to secure post-graduation employment.

- b. Student need.** What is the most likely source of students who will be expected to enroll (full-time, part-time, outreach, etc.)? Document student demand by providing information you have about student interest in the proposed program from inside and outside the institution. If a survey of students was used, please attach a copy of the survey instrument with a summary of results as **Appendix A**.

The University of Idaho's College of Law offers its J.D. program only to full-time students, though its rules permit the admission of part-time students on a case-by-case basis. Historically, Idaho residents have accounted for about 55-65% of each entering class, and nonresidents have accounted for 35-45%. The College of Law expects to continue admitting residents and nonresidents in these proportions. The nonresident population is important because many nonresidents have family or other personal ties to Idaho. Moreover, nonresidents contribute to the quality of the law school because they bring a wider range of experiences and diversity of backgrounds than would exist in a class consisting exclusively of one State's residents. Nonresidents also enhance the educational opportunities for College of Law graduates, not only by paying out-of-state tuition (which helps keep in-state tuition down) but also by spreading the reputation of the College of Law among lawyers and other professionals outside Idaho who then employ Idaho law graduates or refer cases in Idaho to them. Beyond those benefits, many nonresidents stay in Idaho after graduation from the College of Law and enrich the Idaho legal profession and contribute to the State in other ways. Their College of Law education trains them in Idaho law and acculturates them to the high standards of ethics and civility that are the hallmarks of the Idaho bar and the broader professional community of which the state bar is a part.

Beginning in 2007, the College of Law conducted extensive market research on the demand for, and impact of, expanding its course offerings in Boise and ultimately establishing a branch campus in Boise offering a full three-year J.D. program. The results of that research were described in, and attached to, the 2008 and 2012 proposals to the Board that resulted in approval, respectively, of a third-year law program and of a second-year law program in Boise. The College conducted another round of market research in 2015, the results of which are described below and are attached to this proposal as Appendix A. The 2015 market research is consistent with the past research. Both sets of research show that the dual-location model that this present proposal seeks to complete enables students to pursue a public legal education in the location that offers the greatest *comparative advantage* for them.

- Among all respondents surveyed in 2015 – a group that included current College of Law students, College of Law alums, prospective students, and “nonmatriculating” students (i.e., students who were admitted to the College of Law but who chose not to attend) – the highest percentage favored having Moscow remain the main campus of the law school, with an option for all students to enroll in Boise. Among all respondents – as well as among prospective students and nonmatriculating students – Moscow’s greatest advantages over Boise are its small town feel, its location in the northern part of the State, and its connection to the main campus of the University of Idaho. (See Appendix A, Campus Location Survey Analysis (Sept. 2015), at pp. 3, 10, 13, 14 (Fig. 1.11) & 16 (Fig. 1.15); Campus Location Survey – Supplemental Graphics (Oct. 2015), at 9 (Fig. 9); Factors of Matriculation & Geographic Analysis (Nov. 2015), at p. 4.)

The College of Law continues to build on the advantages of the Moscow campus. Specifically, it has established and continues to explore interdisciplinary course work and interdisciplinary research projects with other colleges on the main UI campus. Those interdisciplinary connections include law courses cross-listed with the American Indian Studies Department, and the College’s participation in the Water Resources Graduate Program, which offers a JD/MA and a JD/Ph.D. in law, water management, and water policy. The Moscow campus also does outreach to Northwest tribes in coordination with the UI’s Office of Tribal Relations, and offers law students externship placements with the Nez Perce and Coeur d’Alene Tribes. In addition, the Moscow campus operates the Main Street Legal Clinic, which represents clients in a wide variety of cases – including misdemeanor defense, family law, consumer protection, and landlord-tenant disputes – and is particularly well suited for students who may wish, after graduation, to enter a general practice in a rural location.

- Among all respondents surveyed in 2015, Boise emerged as the preferred location as a place to study law and to live and work. Among all respondents – as well as among prospective students and nonmatriculating students – Boise’s greatest advantages compared to Moscow are its internship/externship opportunities, its job market, its networking opportunities, and its metropolitan setting. (See Appendix A, Campus Location Survey Analysis (Sept. 2015), at pp. 3, 12 (Fig. 1.8); Campus Location Survey – Supplemental Graphics (Oct. 2015), at 8 (Fig. 8).)

The College of Law continues to build on the advantages of the Boise campus. In 2015, the College transitioned its externship director from part-time to full-time status to meet the student demand to participate in externships in the Treasure Valley. Those externships place students in public agencies such as the Idaho Attorney General’s Office, the Office of the Governor of Idaho, the Boise City Attorney’s Office, and the U.S. Attorney’s Office. Placements are also made in state and federal judges’ chambers. The Boise campus also gives students experiential learning opportunities through participation, as third-year students, in the Small Business Legal Clinic, many of whose clients are start-up businesses in the Treasure Valley, and the Economic Development Clinic, which enables students to advise Idaho counties, cities, tribes and non-governmental agencies with economic development-related issues.

In addition to the comparative advantages of Moscow and Boise, the 2015 research showed that the two top factors that prospective students weigh, when selecting a law school, are costs (tuition and fees) and location. (See Appendix A, Campus Location Survey Analysis (Sept. 2015), at p. 20.) The importance of these two factors – cost and location – reinforces

the benefits to Idahoans of completing the dual-location model.

The 2015 market research shows student demand for each location. Almost 30% of the College's current students and alums said that they would not have enrolled at the UI College of Law if it had been located exclusively in Boise. On the other hand, 24% of nonmatriculating students cited the Moscow location as the main reason that they did not enroll at the College of Law. Moreover, 75% of the nonmatriculating students agreed that Boise would be a better place to study law than Moscow. Likewise, 75% of nonmatriculating students agreed, as a general (non-comparative) matter, that Boise is a moderately, very, or extremely appealing location for a law school campus. A similarly high number of prospective students – 71% – rated Boise as a moderately, very, or extremely appealing location for a law school. Among prospective students, Moscow was found moderately, very, or extremely appealing by 27%, and was considered a better place than Boise to study law by 24%. (See Appendix A, Campus Location Survey Analysis (Sept. 2015), at pp. 16 (Fig. 1.15) & 23 (Fig. 2.4); Campus Location Survey – Supplemental Graphics (Oct. 2015), at 7 (Fig. 7) & 10 (Figs. 10 & 11).) In short, although Boise enjoys the majority's preference, Moscow will remain the location of choice for a significant minority, especially as it continues to offer students who matriculate there the option of transferring to the Boise campus as second- or third- year students to take advantage of externship and networking opportunities.

The dual-location model has particular value in addressing the needs of students of diverse backgrounds. The College's Moscow campus has had success, for example, in attracting students from small, rural communities throughout Idaho and Washington, including many Latino/a students from eastern and central Washington; students from large urban settings, such as Los Angeles, who wish to study in a less hectic and crime-prone community; Native American students from the Northwest tribes; and students from Washington State University, which has a high percentage of students from diverse backgrounds. The Boise campus meets the needs of students in southern Idaho as well as northern Nevada, especially those who are place-bound by family ties, spousal employment, etc. Boise is the center of the State's Latino/a population, and is thus a good location from which to recruit Latino/a students. A diverse student body, in turn, enriches the quality of the educational experience for all students, in part by preparing students for the practice of law in an increasingly diverse State and nation.

As the 2015 market research reaffirms, student demand for a program of public legal education that offers both rural and urban learning opportunities will remain strong, especially if it is coupled with a cost advantage. In 2015-2016, tuition at private law schools in the Northwest and Intermountain West (other than BYU) ranged from \$29,043 to \$44,220. Even at public law schools in this region, Idahoans would pay nonresident tuition ranging from \$30,078 to \$38,652. In contrast, the University of Idaho College of Law in 2015-2016 charged Idaho residents \$17,230. Even our nonresident tuition level in 2015-2016 (\$31,234) compares favorably to the tuition level in other States. Indeed, *preLaw* magazine named the UI College of Law a "Best Value Law School" in 2014. The benefit of a cost-effective legal education is realized not only by the students, but also by their eventual clients who will not have to pay fees leveraged upward by their attorneys' high educational debts.

**c. Economic Need:** Describe how the proposed program will act to stimulate the state economy by advancing the field, providing research results, etc.

The College of Law directly serves the State's economy through two clinical programs

located at the Boise campus: the Small Business Legal Clinic, and the Economic Development Clinic. The Small Business Legal Clinic assists small and start-up businesses referred to the clinic by the Idaho Small Business Development Center. Clients include both for-profit and nonprofit companies in a variety of business areas. Students in the clinic perform legal services, such as preparing formation and organizational documents, employee agreements, and more. The Economic Development Clinic enables students to advise Idaho counties, cities, tribes and non-governmental agencies with economic development-related issues typically arising in questions of land use law, administrative law, state and local government law, and environmental law.

The College of Law indirectly serves the State's economy through its graduates. Those graduates facilitate commercial transactions by giving advice, drafting documents, negotiating agreements, and resolving disputes. Although television and movies dwell on the courtroom lawyer (for dramatic reasons), the day-to-day work of most lawyers today rarely involves trials. Indeed, many lawyers do not spend a majority of their time involved in lawsuits at all. Instead, they support commerce by counseling clients in connection with significant economic matters like buying a home, making a will, setting up a trust, starting a business, and hiring and paying employees. Lawyers also draft documents to ensure that these commercial transactions and any resulting commercial relationships are stable and secure. In addition, many lawyers devote significant time to advising clients on how to comply with the law governing their personal or business affairs. Many businesses require licenses and permits, and they need a lawyer's help to get them and to comply with the web of regulatory law with which most businesses today must cope. Finally, more and more lawyers spend much time serving as mediators. All these activities by attorneys support the economy.

And this is just to describe the work of lawyers in the private sector. About 30% of the College of Law's graduates get jobs in the public sector – for example, as clerks in judges' chambers, as prosecutors in towns and counties throughout Idaho, or as attorneys in the state agencies. In these positions, our graduates become part of the legal infrastructure supporting Idaho's economy.

**d. Societal Need:** Describe additional societal benefits and cultural benefits of the program.

The University of Idaho College of Law does outreach addressing the social needs of the State, the region, and the nation through its faculty, students, and graduates. Completion of the dual-location model will enhance the College's ability to do this outreach.

Consistent with the University of Idaho's land grant mission, College of Law faculty at the Moscow and Boise campus engage in service and outreach that enhance the performance of legal institutions. To cite some recent examples:

- Professor Elizabeth Brandt (Moscow) serves on the Idaho Supreme Court's Child Protection Committee, and was part of a team that, in 2015, finished work on the 3rd edition of the Idaho Child Protection Manual, which is used by judges throughout the State.
- Professor Annemarie Bridy, Ph.D., (Boise) serves on the Idaho Technology Council's Tech2Market Committee, whose mission is to strengthen research, development and commercialization activity in Idaho as measured by R&D funded, capital raised, jobs created or retained, and IP-based companies started. Dr. Bridy also recently gave a webinar for the Idaho State Board of Education in support of its statewide initiative to

adopt Open Educational Resources (OER) in K-12 and post-secondary education.

- Professor Barb Lock (Boise) coordinates efforts to serve Idaho citizens by collaborating with BSU faculty in support of the Volunteer Income Tax Assistance (VITA) program.
- Professor Jerrold Long, Ph.D., (Moscow) has joined with Professor Brant Miller of the UI College of Education to extend the Confluence Project to schools in southern Idaho. The Confluence Project gives high school teachers and students a watershed science curriculum that lets them do on-the-ground, experiential environmental and science learning. The Confluence Project's expansion to southern Idaho has financial and technical support from the U.S. Geological Survey and Idaho Water Resources Research Institute.
- Professor Katherine Macfarlane (Moscow) has recently been appointed to the United States District of Idaho's Advisory Committee on Local Rules. The committee advises the United States District Court for the District of Idaho on local rules of civil procedure.
- Professor Stephen Miller (Boise) served in 2014-2015 as a commissioner on the Boise City Planning & Zoning Commission.
- Professor Shaakirrah Sanders (Boise) has addressed current legal topics ranging from the 2nd Amendment to faith healing, to Justice Antonin Scalia's impact on the U.S. Supreme Court, in print and broadcast media at the local and national level. Professor Sanders also recently hosted a public panel discussion of criminal justice reform, a panel that included U.S. Congressman Raúl Labrador.

College of Law students perform public service in three main ways. First, they participate in externships with public agencies in every branch of Idaho state government and in local public agencies. Second, they participate in one of the law school clinics, where they represent clients with legal needs under the supervision of licensed attorneys. Several of these clinics have been mentioned. They include the Main Street Legal Clinic, the Economic Development Clinic, the Tax Clinic, the Immigration Clinic, the Mediation Clinic, and the Small Business Legal Clinic. Third, to graduate, all students must perform 50 hours of pro bono legal services. They meet this requirement in a wide range of settings, including legal service organizations, government agencies, private firms (pro bono cases), nonprofits, and legislative offices.

Finally, the College of Law's graduates also serve the public and individuals who need legal services but cannot afford them. Every Idaho lawyer must subscribe to the statutory oath or affirmation, solemnly recited before the Supreme Court, "to contribute time and resources to public service ... and never [to] reject, for any considerations personal to myself, the cause of the defenseless or oppressed." The College of Law believes that its graduates learn how to fulfill this oath by completing the College's pro bono service requirements and serving the needy in our clinics and the general public in externships with public agencies. In any event, many graduates become leaders in their communities and in the profession because of their public service.

In addition, many of our students come from small, rural communities with the objective of returning to those communities to practice. This is important. As the title of a recent article in the *American Bar Association Journal* said, "In rural America, there are job opportunities and a need for lawyers." (Lorelei Laird, *ABA Journal*, Oct. 1, 2014, [http://www.abajournal.com/magazine/article/too\\_many\\_lawyers\\_not\\_here\\_in\\_rural\\_america\\_lawyers\\_are\\_few\\_and\\_far\\_between](http://www.abajournal.com/magazine/article/too_many_lawyers_not_here_in_rural_america_lawyers_are_few_and_far_between).) That is true in Idaho, where law school

graduates are badly needed to: (1) serve as leaders in rural communities; (2) provide access to justice to the residents of those communities, and (3) support economic activity. Recent graduates are needed in these community partly because “Baby Boomer” attorneys are retiring. The College of Law supports these students through its Main Street Legal Clinic, and other opportunities, including externships in local agencies, at its Moscow campus. More importantly, the College offers an affordable legal education, which enables graduates to take jobs in rural communities at starting salaries that are typically lower than can be found in urban area but that are feasible given our graduates’ debt load.

Access to justice is not exclusively a concern for Idaho’s rural population. It is a significant concern for Idahoans modest means. This was demonstrated by an Idaho Legal Needs Assessment prepared in 2013 for the College of Law by the University of Idaho Social Science Research Unit. The assessment rested on three means of data collection: a statewide telephone survey of Idaho residents; an Internet survey of Idaho judges, lawyers, court clerks, and victim advocates; and interviews of key stakeholders. Not surprisingly, the assessment showed that households with incomes at or below 200% of the federal poverty guidelines were significantly more likely than the population as a whole to have unmet legal needs, relating to matters such as landlord-tenant disputes, child custody, public services, and adult guardianship. For lawyers to provide affordable legal services to Idaho residents of modest means, the lawyers cannot graduate from law school saddled with student debts equivalent in size to a home mortgage. This makes the availability of an affordable public legal education a key component of addressing Idaho’s unmet legal needs. <http://web.cals.uidaho.edu/ssru/2013/06/18/idaho-legal-needs-assessment/>

**e. If Associate’s degree, transferability:**

Not applicable.

**3. Similar Programs.** Identify similar programs offered within Idaho and in the region by other in-state or bordering state colleges/universities.

Similar Programs offered <u>by Idaho public institutions</u> (list the proposed program as well)*		
Institution Name	Degree name and Level	Program Name and brief description if warranted

\* – The University of Idaho has the exclusive statewide mission in public legal education.

<b>Similar Programs offered <u>by other Idaho institutions and by institutions in nearby states</u></b>		
<b>Institution Name</b>	<b>Degree name and Level</b>	<b>Program Name and brief description if warranted</b>
<b>Concordia University, Portland, OR</b>	<b>JD</b>	<b>Concordia University School of Law, Boise, ID</b>
<b>University of Oregon, Eugene, OR</b>	<b>JD</b>	<b>University of Oregon School of Law, Eugene, OR</b>
<b>Willamette University, Salem, OR</b>	<b>JD</b>	<b>Willamette University College of Law, Salem, OR</b>
<b>Lewis and Clark College, Portland, OR</b>	<b>JD</b>	<b>Northwestern School of Law of Lewis and Clark College, Portland, OR</b>
<b>University of Washington, Seattle, WA</b>	<b>JD</b>	<b>University of Washington School of Law, Seattle, WA</b>
<b>Seattle University, Seattle, WA</b>	<b>JD</b>	<b>Seattle University School of Law, Seattle, WA</b>
<b>Gonzaga University, Spokane, WA</b>	<b>JD</b>	<b>Gonzaga University School of Law, Spokane, WA</b>
<b>University of Montana, Missoula, MT</b>	<b>JD</b>	<b>Alexander Blewett III School of Law at the University of Montana, Missoula, MT</b>
<b>University of Wyoming, Laramie, WY</b>	<b>JD</b>	<b>University of Wyoming College of Law, Laramie, WY</b>
<b>University of Utah, Salt Lake City, UT</b>	<b>JD</b>	<b>S.J. Quinney College of Law, Salt Lake City, UT</b>

<b>Brigham Young University, Provo, UT</b>	<b>JD</b>	<b>J. Reuben Clark Law School, Provo, UT</b>
<b>University of Nevada, Las Vegas, NV</b>	<b>JD</b>	<b>William S. Boyd School of Law, Las Vegas, NV</b>

4. **Justification for Duplication with another institution listed above.** (if applicable). If the proposed program is similar to another program offered by an Idaho public institution, provide a rationale as to why any resulting duplication is a net benefit to the state and its citizens. Describe why it is not feasible for existing programs at other institutions to fulfill the need for the proposed program.

Not applicable.

5. **Describe how this request supports the institution's vision and/or strategic plan.**

The University of Idaho is in the final stages of completing its strategic plan for 2016-2025. Because that plan is not yet complete, however, below we discuss the ways in which this proposal supports the UI's current strategic plan.

- University of Idaho Strategic Plan Goal 1 ("Teaching and Learning – Enable Student Success in a Rapidly Changing World")

This goal will be advanced at Objective A ("Build Adaptable, Integrative Curricula and Pedagogies") through the development and delivery of complementary curricula at Moscow and Boise, with curricular and co-curricular offerings that build on the comparative advantages of the land-grant campus in Moscow and the metropolitan location in Boise.

- University of Idaho Strategic Plan Goal 2 ("Scholarly and Creative Activity – Promote Excellence in Scholarship and Creative Activity to Enhance Life Today and Prepare Us for Tomorrow")

Goal 2 will be advanced at Objective A ("Strengthen All Scholarly and Creative Activities Consistent with the University's Strategic Missions and Signature Areas") through the research and outreach, particularly in the field of business law and entrepreneurship, of faculty and upper-division students in Boise. Completing the dual-location model by establishing a full three-year branch program in Boise will enable the University carry out more effectively its Board-assigned statewide mission in legal education. In addition, Objective B ("Enable Faculty, Student, and Staff Engagement in Interdisciplinary Scholarship and Creative Activity") will be advanced through interactions between and among the University of Idaho's Boise campus, the business-related concurrent degree programs at Boise State University – namely, the JD/Master of Accountancy and the JD/MBA – the business enterprises and nonprofit entities of southern Idaho, and the sources of interdisciplinary expertise residing at federal and state regulatory agencies in and near Boise.

- University of Idaho Goal 3 ("Outreach and Engagement – Meet Society's Critical Needs by Engaging in Mutually Beneficial Partnerships")

Goal 3 will be especially advanced at Objective B ("Strengthen and Expand Mutually Beneficial Partnerships with Stakeholders in Idaho and Beyond") through the University's collaboration with the Idaho Supreme Court at the Idaho Law and Justice Learning Center, through concurrent degree programs offered with Boise State University, through cooperative projects undertaken with the Idaho's legal and business communities, and through increased interaction with – and service provided by law faculty and students to – government agencies in and near Idaho's capital city.

- University of Idaho Goal 4 ("Community and Culture – Be a Purposeful, Ethical,

Vibrant, and Open Community”)

Goal 4 will be advanced by enhancing access for, and inclusion of, diverse populations in legal education at a metropolitan location; by strengthening the viability and statewide relevance of the legal education program in Moscow through its connections to a complementary program in Boise; and by the enhancing the statewide visibility of the College of Law, which will benefit students in both Boise and Moscow who are in competition with graduates of other law schools in seeking and finding employment in and near Idaho’s major center of population, commerce, and government.

6. **Assurance of Quality.** Describe how the institution will ensure the quality of the program. Describe the institutional process of program review. Where appropriate, describe applicable specialized accreditation and explain why you do or do not plan to seek accreditation.

The College of Law is accredited by the American Bar Association and has received ABA approval (known as “acquiescence”), on separate occasions, for delivery of the second-year and the third-year curriculum in Boise. The expansion of the College’s curriculum in Boise to include first-year courses will likewise require ABA acquiescence. The ABA requires that resources for a branch campus be sufficient to assure ongoing compliance with ABA standards at both the branch and home campuses. Once approved, the first-year curriculum in Boise will be reviewed as part of the ABA’s annual and 7-year accreditation review. The College communicates regularly with the ABA and will formally seek whatever approval is necessary as soon as the State Board authorizes the first-year curriculum and funding for delivery of the curriculum is identified.

7. **In accordance with Board Policy III.G., an external peer review is required for any new doctoral program.** Attach the peer review report as **Appendix B.**

Not applicable.

8. **Teacher Education/Certification Programs** All Educator Preparation programs that lead to certification require review and recommendation from the Professional Standards Commission (PSC) and approval from the Board.

Will this program lead to certification?

Yes \_\_\_\_\_ No X \_\_\_\_\_

If yes, on what date was the Program Approval for Certification Request submitted to the Professional Standards Commission?

9. **Five-Year Plan: Is the proposed program on your institution’s approved 5-year plan? Indicate below.**

Yes X No \_\_\_\_\_

Proposed programs submitted to OSBE that are not on the five-year plan must respond to the following questions and meet at least one criterion listed below.

- a. **Describe why the proposed program is not on the institution’s five year plan.**

When did consideration of and planning for the new program begin?

- b. Describe the immediacy of need for the program.** What would be lost were the institution to delay the proposal for implementation of the new program until it fits within the five-year planning cycle? What would be gained by an early consideration?

**Criteria.** As appropriate, discuss the following:

- i. How important is the program in meeting your institution's regional or statewide program responsibilities? Describe whether the proposed program is in response to a specific industry need or workforce opportunity.
- ii. Explain if the proposed program is reliant on external funding (grants, donations) with a deadline for acceptance of funding.
- iii. Is there a contractual obligation or partnership opportunity to justify the program?
- iv. Is the program request or program change in response to accreditation requirements or recommendations?
- v. Is the program request or program change in response to recent changes to teacher certification/endorsement requirements?

## Curriculum, Intended Learning Outcomes, and Assessment Plan

### 10. Curriculum for the proposed program and its delivery.

- a. Summary of requirements.** Provide a summary of program requirements using the following table.

Credit hours in required courses offered by the department (s) offering the program.	46
Credit hours in required courses offered by other departments:	
Credit hours in institutional general education curriculum	0
Credit hours in free electives	44*
Total credit hours required for degree program:	90

\* – As discussed below in 10.b, besides earning at least 90 credit hours, students must satisfy other requirements to get the J.D.; those other requirements will carry some of the credit hours included in the 44 credit hours categorized in the table above as “free electives.”

- b. Additional requirements.** Describe additional requirements such as comprehensive examination, senior thesis or other capstone experience, practicum, or internship, some of which may carry credit hours included in the list above.
- *Upper-Division Writing Requirement* – After their first year of law school and before graduation, students must complete a major research and writing project under faculty supervision.
  - *Pro Bono Service Requirement* – Students entering the College in and after fall 2015 must, before graduation, perform at least 50 hours of law-related pro bono service without monetary compensation, academic credit, or other tangible benefit for work performance.

- *Professionalism Training* – Students entering the College in and after fall 2014 and thereafter must complete a professionalism education program by participating in educational opportunities addressing the following topics: (1) cultural competencies; (2) civility and appropriate professional behaviors before courts, tribunals, and in other professional settings; (3) law practice management; (4) bias and thought processes; and (5) other topics related to the development of a student’s professional conduct and identity.
- *Experiential Course Work* – Student entering the College in and after fall 2016 must take one or more experiential courses totaling at least six credit hours. Experiential courses must be a simulation course, a law clinic, or a field placement.

## 11. Program Intended Learning Outcomes and Connection to Curriculum.

- a. **Intended Learning Outcomes.** List the Intended Learning Outcomes for the proposed program, using learner-centered statements that indicate what will students know, be able to do, and value or appreciate as a result of completing the program.

### LEARNING OUTCOME 1 – KNOWLEDGE OF LAW AND LEGAL INSTITUTIONS

Graduates will demonstrate knowledge and understanding of substantive and procedural law and legal institutions.

### LEARNING OUTCOME 2 – LEGAL ANALYSIS AND REASONING

Graduates will demonstrate the capacity to engage in sophisticated legal reasoning and analysis.

### LEARNING OUTCOME 3 – ORAL AND WRITTEN COMMUNICATION SKILLS

Graduates will be proficient at communicating complex legal arguments, reasoning, and analysis, both in writing and in oral communication.

### LEARNING OUTCOME 4 – PROBLEM SOLVING

Graduates will recognize that multiple different potential resolutions to a dispute exist, including avoiding disputes before they begin.

### LEARNING OUTCOME 5 – PROFESSIONALISM, ETHICS, AND VALUES

Graduates will understand their professional and ethical obligations to their clients, the courts and the bar, and the public.

## 12. Assessment plans

- a. **Assessment Process.** Describe the assessment process that will be used to evaluate how well students are achieving the intended learning outcomes of the program.

The College of Law is engaged in ongoing development of an institutional assessment plan that accords with all relevant requirements, including those of the Board (Policy Section III.X), the University of Idaho, the Northwest Commission on Colleges and Universities (Standards 4 and 5), and the American Bar Association (Standards 302, 303, 314, and 315).

In brief, the College is required to follow a five-step assessment process:

1. The College is now in the process of revising its College-level learning outcomes. The

most recent set of learning outcomes is quoted above in 11.a.

2. Each learning outcome will be translated into more specific learning competencies.
3. The College's curriculum will then be mapped to identify the courses in which each competency is introduced or practiced, or in which students develop the required level of proficiency. Curriculum mapping will also identify courses in which each competency is assessed.
4. The College will develop an annual assessment cycle, in which the College (a) collects data on selected competencies; (b) analyzes the data that has been collected the year before on other selected competencies; and (c) discusses what changes are to be made in light of the most recently completed analysis.
5. The College implements the agreed-upon changes, which will be subject to further, systematic assessment.

**b. Closing the loop.** How will you ensure that the assessment findings will be used to improve the program?

The University of Idaho College of Law has a standing Curriculum Committee that works with the College's administration to design program assessment. Assessment processes and policies are reviewed by the College of Law faculty. Changes in the curriculum and assessment processes and policies are implemented by the associate for faculty affairs. The associate dean for faculty affairs requires all faculty members to submit course syllabi that identify course-level learning outcomes. Faculty members also complete annual performance evaluations in which they report the formative and summative assessment tools they use in their courses to assess student achievement of the course-level learning outcomes.

**c. Measures used.** What direct and indirect measures will be used to assess student learning?

The College of Law uses traditional measures such as quizzes and exams; essays and research papers; simulation exercises; peer assessment; and self-reflection papers and other exercises. The College also evaluates bar-exam-passage rates and student performance in capstone courses, such as the College's legal clinics and externships, where supervisors can assess a range of student skills and knowledge. The College will also explore other assessment measures such as reviewing student portfolios; taking exit surveys of graduates; and surveying attorneys, judges, and alums.

**d. Timing and frequency.** When will assessment activities occur and at what frequency?

As described above in 12.a, step 4 of the program-assessment process, as prescribed by the University of Idaho, entails an annual cycle in which every year the College (a) collects data on selected competencies; (b) analyzes the data that has been collected the year before on other selected competencies; and (c) discusses what changes are to be made, in the upcoming year, in light of the most recently completed analysis. Of course, assessment of student learning within courses occurs during and at the end of each semester.

## **Enrollments and Graduates**

**13. Existing similar programs at Idaho Public Institutions.** Using the chart below, provide

enrollments and numbers of graduates for similar existing programs at your institution and other Idaho public institutions.

Existing Similar Programs: Historical enrollments and graduate numbers								
Institution and Program Name	Fall Headcount Enrollment in Program				Number of Graduates From Program (Summer, Fall, Spring)			
	FY13	FY14	FY15	FY16 (most recent)	FY13	FY14	FY15	FY16 (most recent)
<b>BSU</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>ISU</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>UI</b>	340	323	353	343	104	117	122	93
<b>LCSC</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

14. **Projections for proposed program:** Using the chart below, provide projected enrollments and number of graduates for the proposed program:

Proposed Program: Projected Enrollments and Graduates First Five Years											
Program Name: Juris Doctor											
Projected Fall Term Headcount Enrollment in Program						Projected Annual Number of Graduates From Program					
FY18 (first year)	FY19	FY20	FY21	FY22	FY23	FY18 (first year)	FY19	FY20	FY21	FY22	FY23
310	320	330	330	340	340	95	90	115	115	115	115

15. **Describe the methodology for determining enrollment and graduation projections.** Refer to information provided in Question #2 "Need" above. What is the capacity for the program? Describe your recruitment efforts? How did you determine the projected numbers above?

The above projected numbers are based first on the current size of our first year class, 104 students. Of that 104, a small number will be academically dismissed or transfer to other institutions. We are projecting that class to melt into a second and third year class of 95 at

minimum which will go on to be the first graduating class in FY18. The class entering in Moscow in fall 2016 will be at minimum 100 students and will melt into 90 students graduating in FY19. Adding the first year curriculum in Boise in FY18 is expected to bring a modest increase in students from pent up demand and interest. The initial increase will be as a result of courses in Boise, but rely heavily on Moscow to serve the majority of new students. The FY18 headcount number plans for 125 students between Moscow and Boise in the College's first year classes, which takes the total to 310 in the first year. It is expected then that retention will be higher with the first year class in Boise as more residents stay in the area for their legal education. As the College enrolls slightly larger first year classes the total enrollment will increase to around 340 students, approximately 120 students on average entering each year with a small amount withdrawing, transferring or being academic dismissed.

The above numbers are based on College of Law statewide enrollment projections. The physical space capacity in Boise is limited by the largest classroom in which first year courses can be taught without needing to add a second section as well as appropriately sized legal writing and research sections. The largest classroom holds approximately 60 students. The College intends to enroll less than 60 students in Boise the first year of operation, but is expecting that overtime we will easily enroll 60 students in Boise and around the same in Moscow.

The College of Law participates in national and regional recruiting efforts through fairs, digital marketing, social media and more. Our Enrollment Marketing and Recruitment Plan, revised annually, serves as the guiding document in our recruitment efforts.

- 16. Minimum Enrollments and Graduates.** Have you determined minimums that the program will need to meet in order to be continued? What are those minimums, what is the logical basis for those minimums, what is the time frame, and what is the action that would result?

While it is not expected that the College will face a minimums issue with the launch of the first year in Boise, the main factors in that analysis are on the teaching load and capacity side of our plans. With one legal writing and research professor in Boise, the College expects that the section size will be comparable to those in Moscow (though not exactly the same). Financially, a minimum group of 25 to 35 students would warrant such a dedicated faculty resource and the sections of the rest of the first year curriculum. If the enrollment grows in Boise to closer to 60 students the College would need to explore a second legal writing and research professor to accommodate, but the rest of the curriculum offerings would not be impacted. In summary, at minimum we need 25 to 35 students to enroll in the first year in Boise and beyond that the only action needed is the threshold for offering a second section of legal writing and research.

## **Resources Required for Implementation – fiscal impact and budget**

### **17. Physical Resources.**

- a. Existing resources.** Describe equipment, space, laboratory instruments, computer(s), or other physical equipment presently available to support the successful implementation of the program.

The College will offer the first-year law curriculum proposed in this document at the Idaho Law and Justice Learning Center (ILJLC), where it currently offers the second- and third-year curricula. The ILJLC can accommodate the additional students, along with the additional personnel needed to support the expansion.

The ILJLC opened in 2015, in the building that long served as the Ada County Courthouse and also housed the Idaho Legislature while the capitol was renovated. This is an ideal location for a public law school – being located on the Idaho Capitol Mall, between the capitol and the Idaho Supreme Court buildings, and right across the street from the Idaho State Bar headquarters.

The College collaborated with the Idaho Supreme Court in creating the ILJLC. It is a multipurpose facility that houses:

- The College of Law in Boise
- The Idaho State Law Library
- The Idaho Supreme Court's judicial education offices and training facilities; and
- Public service outreach and education space.

Space is allocated in the ILJLC as follows:

- College of Law: 16,927 net sq. ft., excluding common areas
- Library: 7,655 net sq. ft., excluding common areas
- Idaho Supreme Court: 3,354 net sq. ft.

The College of Law uses the first three levels of the ILJLC. More specifically:

- *First Level.* The first level of the ILJLC has space for (a) the College's clinical programs, (b) student organizations, (c) the main student reading room/study area, (d) two seminar classrooms for about 22 students each, (e) one conference room for videoconference and training uses, and (f) a student lounge. Other uses on the first level include offices for IT support and general storage.
- *Second Level.* The second level primarily houses the law library, with space for (a) a central circulation and control desk, (b) the library stacks, and (c) offices for the librarian and library staff. In addition, the Supreme Court has an office and training space on the second level. The library space also has computer terminals for use by students and the public.
- *Third Level.* The third level of the ILJLC holds (a) the Administration Suite (including a reception area and a conference room with videoconference equipment), (b) faculty and staff offices, (c) an employee lounge, and (d) two large classrooms for approximately 67 students each. The two large classrooms make use of the space

formerly used by the Idaho legislature for the House and Senate Chambers while the State Capitol was being remodeled and expanded.

The ILJLC has state-of-the-art instructional technology. The technology allows classes that are taught live at the Moscow campus to be beamed to students in Boise, and vice-versa. During these “distance ed” classes, students and faculty at each campus can interact with students at the other campus. This technology also permits student-faculty conferences between the two campuses; faculty meetings between faculty members in each location; and student-to-student communication on collaborative co-curricular projects (such as moot court competitions) between the two campuses. The University has information-technology staff at the ILJLC to support the technology, as well as additional IT staff at the University’s Idaho Water Center in Boise.

- b. Impact of new program.** What will be the impact on existing programs of increased use of physical resources by the proposed program? How will the increased use be accommodated?

The College of Law does not anticipate any significant impact as a result of expanding the curriculum at the Boise campus to include the first-year curriculum. That is because this expansion was contemplated (and hoped for) when the College planned the ILJLC.

- c. Needed resources.** List equipment, space, laboratory instruments, etc., that must be obtained to support the proposed program. Enter the costs of those physical resources into the budget sheet.

The College of Law has asked the central university administration to request a legislative appropriation to fund a technology upgrade to the largest classroom in the Menard Law Building in Moscow, which is Room 104. Updating the technology in Room 104 will facilitate law-school-wide events in which students and staff at both the Moscow and Boise campuses participate. For example, each school year begins with a convocation ceremony to welcome new students and welcome back returning students. Room 104 is the Moscow classroom used for these law-school-wide events.

## 18. Library resources

- a. Existing resources and impact of new program.** Evaluate library resources, including personnel and space. Are they adequate for the operation of the present program? Will there be an impact on existing programs of increased library usage caused by the proposed program? For off-campus programs, clearly indicate how the library resources are to be provided.

With a modest addition of new library material, the existing library resources, including personnel and space, at the ILJLC will meet the needs of the first-year students who will be taking courses at the Boise campus under the present proposal.

As discussed above in 17.a, the College currently supports and maintains a law library at the ILJLC that meets the needs of the College’s teaching, scholarship, research, and service programs for a full three-year course of study. The College meets the needs of the Boise location through its management of the State Law Library located on the 2nd floor of the ILJLC. The law library is a collaboration between College of Law and the Idaho Supreme Court in which the College of Law has taken over management of the State Law Library and

then supplemented the State Law Library with an academic collection in support of the Boise location and curriculum. The College has also funded substantial updates to the practitioner and public collections.

The Boise Law Library collection currently has about 30,000 volumes and volume equivalents. In addition, selected federal, state, and Idaho archival materials are located in the basement of the Idaho Supreme Court Building. The Boise Law Library has four computer terminals with public access to WESTLAW Next, and access to all of the databases currently subscribed to by the College of Law, including HeinOnline, the CCH Internet Research Network, selected BNA Reporters, RIA Checkpoint for tax research, the Making of Modern Law, and the U.S. Congressional Serial Set, among others.

The library needs of 1st-year law students will not be exactly the same as those of existing 2nd and 3rd year students. Accordingly, the College has budgeted an additional \$4,000 to purchase monographs, loose leaves, and other materials to support the 1st year curriculum in Boise, and the College believes that the existing library space at the ILJLC can accommodate the addition of these materials and these students.

The Boise Law Library hours of operation are 8:00 a.m. to 5:00 p.m., and the collection is open to the public. Students currently have 24/7 access to the collection through their electronic swipe cards.

The Boise Law Library staff consists of the following:

- 1 full-time associate law librarian
- 1 full-time JD librarian who provides reference and research assistance
- 1 full-time assistant librarian employed by the State
- 1 full-time staff person employed by the State, who also handles the budget for the library

The two State of Idaho employees are managed by the College in accordance with the Memorandum of Understanding between the College and the Idaho Supreme Court.

When materials needed by students, faculty, or staff are not available in Boise, the Boise Law Library can request the materials directly from the University of Idaho Main Library and the College of Law Library in Moscow. The Boise Law Library can also request interlibrary loans. The Law Library staff in Moscow would also be available to students, faculty, and staff in Boise for reference assistance by telephone, email, or Skype (or equivalent) access.

- b. Needed resources.** What new library resources will be required to ensure successful implementation of the program? Enter the costs of those library resources into the budget sheet.

As stated above in 18.a, the University has budgeted an additional \$4,000 to buy monographs, loose leaves, and other materials for the first-year curriculum at the Boise campus. The Boise Law Library has enough space for this additional material and the additional students.

## 19. Personnel resources

- a. **Needed resources.** Give an overview of the personnel resources that will be needed to implement the program. How many additional sections of existing courses will be needed? Referring to the list of new courses to be created, what instructional capacity will be needed to offer the necessary number of sections?

Currently, at the Moscow campus the College of Law offers two sections of all first-year (“1L”) courses except for the first-year Legal Research and Writing (“LRW”) course, of which six sections are offered:

<b>REQUIRED COURSES, 1L YEAR</b>	
<b>Course Title</b>	<b>Number of Sections</b>
<b>1L Fall Semester</b>	
Civil Procedure I	2
Contracts	2
Property	2
Torts	2
Legal Research and Writing	6
<b>1L Spring Semester</b>	
Civil Procedure II	2
Contracts/Sales	2
Constitutional Law I	2
Criminal Law	2
Legal Research and Writing	6
Legal Research (starting Fall '17)	To Be Determined

The current proposal seeks, in effect, to “split” this first-year curriculum into two halves, so that one section of each of the 1L courses except LRW will “move” to the Boise campus. As for LRW, two or three of its six sections will “move” to Boise; the precise number depends on the size of the first-year class admitted to the Boise campus:

<b>REQUIRED COURSES, 1L YEAR</b>	
<b>Course Title</b>	<b>Number of Sections</b>
<b>1L Fall Semester</b>	
Civil Procedure I (2 credits)	1 in Moscow, 1 in Boise
Contracts (2 credits)	1 in Moscow, 1 in Boise
Property (4 credits)	1 in Moscow, 1 in Boise
Torts (4 credits)	1 in Moscow, 1 in Boise
Legal Research and Writing (0 credits)	3-4 in Moscow, 2-3 in Boise
<b>1L Spring Semester</b>	
Civil Procedure II (3 credits)	1 in Moscow, 1 in Boise
Contracts/Sales (3 credits)	1 in Moscow, 1 in Boise
Constitutional Law I (3 credits)	1 in Moscow, 1 in Boise
Criminal Law (3 credits)	1 in Moscow, 1 in Boise

REQUIRED COURSES, 1L YEAR	
Legal Research and Writing (5 credits)	3-4 in Moscow, 2-3 in Boise
Legal Research (starting Fall '17) (1 credit)	To Be Determined

Under this arrangement, no “additional sections” of the existing first-year courses will be needed. It is possible, however, that eventually the College might have to create additional sections of some existing upper-level courses. But the College has no current plan to do so.

Along with “moving” half of the sections of the first-year law courses from Moscow to Boise, the College of Law will have three full-time faculty positions relocated from the Moscow campus to the Boise campus. (As discussed below in 12.d, the College of Law also seeks a legislative appropriation to hire two additional, full-time faculty members for the Boise campus, one to teach the first-year LRW course, the other to teach other courses.)

Other, additional personnel needed to support the expansion of the Boise curriculum are described below in 12.d.

- b. Existing resources.** Describe the existing instructional, support, and administrative resources that can be brought to bear to support the successful implementation of the program.

*Instructional personnel:* The College of Law currently has 11 faculty members who work full-time for the UI College of Law at the Boise campus:

- Lee Dillion, Associate Dean for Boise
- Katie Ball, Externship Director
- Annemarie Bridy, Professor of Law
- Wendy Couture, Associate Professor of Law
- Stacy Etheridge, Associate Law Librarian
- Michael Greenlee, Associate Law Librarian
- Sarah Haan, Associate Professor of Law
- Barb Lock, Associate Clinical Professor
- Stephen Miller, Associate Professor of Law
- John Rumel, Associate Professor of Law
- Shaakirrah Sanders, Associate Professor of Law

This list includes two faculty members – Associate Dean Dillion and Associate Law Librarian Greenlee – who devote part of their time to instruction but most of their time to administration; and one other faculty member, Associate Law Librarian Etheridge, who currently has no instructional responsibilities. Please note that Associate Law Librarians Greenlee and Etheridge were included in the library staff listed above in 18.a.

In addition to the existing personnel listed above, three full-time faculty positions are being relocated from the Moscow campus to the Boise campus to support an expanded curriculum in Boise.

Besides the full-time personnel, the College of Law employs about 15-20 adjunct professors (formally known as “temporary, part-time lecturers”) to teach single courses in Boise during the academic year and in the summer. Many of these adjunct professors have been teaching for the College for many years and are practicing attorneys or judges who bring valuable experience to the classroom. The adjunct professors, however, teach only upper-level courses (to second- and third-year law students); they will not teach any of the first-year law courses.

Finally, some classes taught live in Moscow are offered to Boise students by videoconference link. These “distance-ed” courses, however, account for a very small portion of the curriculum currently offered in Boise. Furthermore, all of the first-year law courses proposed to be offered at the Boise campus will be taught live at that campus by full-time members of the faculty.

*Support personnel:* Support personnel at the ILJLC include:

- Michelle Bartlett, Director of Career Development
- Rebekah Cudé, Director of Student Affairs for Boise
- Elaine Kempton, Clinical Services Coordinator
- Neil Luther, Development Assistant
- Rowland Marshall, IT and Classroom Media Specialist
- Terri Muse, Assistant Dean for External Relations

Besides these personnel, who are located at the ILJLC, the College works with the University administration at the Idaho Water Center in Boise to offer all the normal student services, including:

- Computer Lab
- Disability Support Services
- Graduation and Commencement
- Health Services
- Housing for Students (apartments, etc.)
- Recreation Facilities
- Textbook Orders
- Transportation Options
- Transcript Request Form
- Vandal Card (student identification card)

Moreover, IT personnel at the Idaho Water Center support the IT needs of the ILJLC.

*Administrative Personnel:* Administrative personnel at the ILJLC include:

- Lee Dillion, Associate Dean for Boise (listed above among instructional personnel)
- Michael Greenlee, Associate Law Librarian
- Rachel Martinez, Faculty Assistant

- c. Impact on existing programs.** What will be the impact on existing programs of increased use of existing personnel resources by the proposed program? How will quality and productivity of existing programs be maintained?

With the Board's approval and under its supervision, the University of Idaho College of Law has expanded the J.D. curriculum in Boise incrementally. In 2001, the College began offering law students in their final (6th) semester a "semester-in-practice" program in Boise, in which they could earn academic credit for working full-time in semester-long externships. In 2004, the College expanded its externship offerings in Boise. In 2010, the College began offering students the opportunity to spend their entire third year (5th and 6th semesters) in Boise. In 2014, the College expanded the Boise J.D. curriculum to include second-year law courses. In 2015, the College moved the second- and third-year curricula from the Idaho Water Center to the ILJLC.

Throughout this 15-year process of gradual expansion, the College has planned carefully and in coordination with central university administration and all stakeholders. Most recently, this planning process included in-depth study of the instructional resources and other resources needed to support the expansion proposed in this document. Each incremental expansion has required not only the Board's approval but also the approval (formally known as "acquiescence") of the College's accrediting agency, the ABA. To get acquiescence, the College first undergoes an in-depth review that includes a site visit by a "fact finder," and within a certain period after getting acquiescence, the College has a follow up site visit by a fact finder. The ABA will grant acquiescence "only if the law school demonstrates that the [proposed change] will not detract from the law school's ability to remain in compliance with the [Accreditation] Standards." ABA Standard 105(b).

An additional ABA Standard applies to the current proposal to begin offering first-year law curriculum at the Boise campus. The proposal triggers ABA Standard 106, because if granted it would result in the entire J.D. curriculum being offered at a "separate location" by a "branch campus":

**Standard 106. SEPARATE LOCATIONS AND BRANCH CAMPUSES**

(a) A law school that offers a separate location shall provide:

- (1) Full-time faculty adequate to support the curriculum offered at the separate location and who are reasonably accessible to students at the separate location;
- (2) Library resources and staff that are adequate to support the curriculum offered at the separate location and that are reasonably accessible to the student body at the separate location;
- (3) Academic advising, career services and other student support services that are adequate to support the student body at the separate location and that are reasonably equivalent

- to such services offered to similarly situated students at the law school's main location;
- (4) Access to co-curricular activities and other educational benefits adequate to support the student body at the separate location; and
  - (5) Physical facilities and technological capacities that are adequate to support the curriculum and the student body at the separate location.
- (b) In addition to the requirements of section (a), a branch campus must:
- (1) Establish a reliable plan that demonstrates that the branch campus is reasonably likely to be in substantial compliance with each of the Standards within three years of the effective date of acquiescence as required by Rule 30;
  - (2) Comply with instructional requirements and responsibilities as required by Standard 403(a) and Standard 404(a); and
  - (3) Offer reasonably comparable opportunities for access to the law school's program of legal education, courses taught by full-time faculty, student services, co-curricular programs, and other educational benefits as required by Standard 311. [Note: Standard 311, "Academic Program and Academic Calendar," prescribes a minimum of credit-hours that a law school must require for graduation with a J.D. degree; the minimum and maximum time periods in which the course of study for the J.D. must be completed; and a limit on the amount of coursework in which a J.D. candidate can be enrolled at any one time.]

Besides the pre-acquiescence and post-acquiescence reviews, the ABA conducts top-to-bottom accreditation reviews every seven years. The College of Law is next due for a top-to-bottom accreditation review in 2018-2019.

In short, processes are in place – besides those of the College, the University, and the Board - – to ensure that expansion of the curriculum at the Boise campus does not adversely affect the existing J.D. program. Indeed, the University believes that the expansion will significantly enhance the program.

- d. Needed resources.** List the new personnel that must be hired to support the proposed program. Enter the costs of those personnel resources into the budget sheet.

As of the current date, the College of Law has asked the central university administration to seek a legislative appropriation of \$732,000 in ongoing funding and \$174,000 in onetime funding for FY18. This funding is requested to enhance the quality of service and educational experience for students and faculty by funding the following additional personnel:

1. Associate Director of Admissions in Boise. This person would serve the admissions needs of the College statewide through planning and executing campus visits for prospective students, workshops for prospective students on how to apply to law school, other events for prospective students, community outreach, outreach to college pre-law advisors, and recruitment and marketing. This person would report to the Director of Admissions, who is at the Moscow campus.
2. Director of Academic Success in Boise. This person would address the needs of the first-year law students in Boise by holding workshops on topics such as effective study strategies, advising, academic planning, bar-exam advising, and more.

3. Faculty member to teach Legal Writing and Research in Boise.
4. Faculty member to teach non-legal writing courses.
5. Funding for Teaching Assistants to support the Legal Research and Writing course in Boise.
6. Director of Student Affairs in Moscow. This position would serve as the accessible student affairs staff member who handles the orientation program for first-year law students, the Professionalism Education Program workshops required of all students, student-organization advising, student support needs, and more. This person would report to the Associate Dean of Students, who is on the Moscow campus.
7. Faculty assistant in Boise.
8. Two IT Specialists (1 at each campus).

If additional state funding is not available, the College has determined that the first-year effort is feasible with existing resources (teaching, staff, students, and facilities) by making internal reallocations to fund the following:

1. Associate Director of Admissions- Boise
2. Director of Academic Success – Boise
3. LRW Faculty Member – Boise

To meet ABA requirements, the College must hire a full-time Associate Director of Admissions in Boise. Besides recruiting students for the Boise campus, this position advises first-year students. The person hired for the position will start work in August 2016.

The Director of Academic Success in Boise will support the academic success of first-year students and allow the College to have enough resources to support the academic achievement and bar passage of all students, particularly students in the bottom quartile of the entering class, who are a concern of the faculty and the ABA.

The LRW Faculty Member will teach one section of LRW based on enrollment and could possibly be filled internally or with a visiting professor.

## 20. Revenue Sources

- a) **Reallocation of funds:** If funding is to come from the reallocation of existing state appropriated funds, please indicate the sources of the reallocation. What impact will the reallocation of funds in support of the program have on other programs?

There will be no reallocation of existing state appropriated funds.

- b) **New appropriation.** If an above Maintenance of Current Operations (MCO) appropriation is required to fund the program, indicate when the institution plans to include the program in the legislative budget request.

Not applicable.

- c) **Non-ongoing sources:**

- i. If the funding is to come from one-time sources such as a donation, indicate the sources of other funding. What are the institution's plans for sustaining the program when that funding ends?

Not applicable.

- ii. Describe the federal grant, other grant(s), special fee arrangements, or contract(s) that will be valid to fund the program. What does the institution propose to do with the program upon termination of those funds?

Not applicable.

d) **Student Fees:**

- i. If the proposed program is intended to levy any institutional local fees, explain how doing so meets the requirements of Board Policy V.R., 3.b.

The University of Idaho charges a professional fee to students enrolled in the J.D. program in accordance with Board Policy V.R. The University will not charge any additional or separate fees in connection with the expansion of the J.D. curriculum in Boise to include first-year law curriculum.

- ii. Provide estimated cost to students and total revenue for self-support programs and for professional fees and other fees anticipated to be requested under Board Policy V.R., if applicable.

Not applicable.

**21.** Using the budget template provided by the Office of the State Board of Education, provide the following information:

- Indicate all resources needed including the planned FTE enrollment, projected revenues, and estimated expenditures for the first **four** fiscal years of the program.
- Include reallocation of existing personnel and resources and anticipated or requested new resources.
- Second and third year estimates should be in constant dollars.
- Amounts should reconcile subsequent pages where budget explanations are provided.
- If the program is contract related, explain the fiscal sources and the year-to-year commitment from the contracting agency(ies) or party(ies).
- Provide an explanation of the fiscal impact of any proposed discontinuance to include impacts to faculty (i.e., salary savings, re-assignments).

**Note from the Office of the Provost and Executive Vice President:**

This proposal's funding is currently under consideration via the University Budget and Finance Committee review process. Depending on the recommendations and final decision of the President, the budget could be altered. A narrative description of two approaches to funding is provided until the final decision is made.