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A RESOLUTION ON DIVERSITY, EQUITY, AND INCLUSION IN HIGHER
EDUCATION

WHEREAS, the general supervision of the state educational institutions of the state of Idaho is vested in the State Board of Education pursuant to Article IX, §2 of the Idaho Constitution and Idaho Code § 33-101; and

WHEREAS, the State Board of Education serves as the Board of Regents of the University of Idaho (Article IX, §10 of the Idaho Constitution; Idaho Code § 33-2802), and the Board of Trustees of Idaho State University (Idaho Code § 33-3003), Boise State University (Idaho Code § 33-4002), Lewis-Clark State College (Idaho Code § 33-3102); and

WHEREAS, the Board requires the postsecondary institutions to “create a welcoming and dynamic learning environment of belonging by administrators, faculty, and staff who are invested in the success of every student” (Board Policy II.P Human Resources Policies and Procedures); and

WHEREAS, the institutions are prohibited from requiring diversity statements in hiring and admissions (Board Policy II.P and Idaho Code § 67-5909B); and

WHEREAS, the Board has confirmed that Idaho’s institutional accreditor does not require institutions to establish or maintain central offices, policies, procedures or initiatives dedicated to diversity, equity, and inclusion beyond general efforts to address existing achievement gaps; and

WHEREAS, the Board affirms that accreditation agencies provide general standards of quality assurance but the Board maintains authority over the specific actions the institutions shall take to meet these broad accreditation standards.

NOW, THEREFORE, BE IT RESOLVED that the institutions shall establish and maintain equality of opportunity so that all students may succeed regardless of personal identity characteristics such as race, color, sex, sexual orientation, national origin, religion, disability, marital status, age, or gender.

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BE IT FURTHER RESOLVED that the institutions shall not use personal identity characteristics in decisions affecting the employment or education of any employee or student.

BE IT FURTHER RESOLVED that institutions shall ensure that no central office, policy, procedure, or initiative is dedicated to diversity, equity, and inclusion, except as required for athletic compliance, academic program-specific accreditation, academic research, academic instruction, eligibility for federal grants and programs, and scholarships.

BE IT FURTHER RESOLVED that institutions shall ensure that all student success centers are dedicated to all students so that all have access to programs that provide student success and support, regardless of personal identity characteristics.

BE IT FURTHER RESOLVED that no institution employee or student shall be required to declare gender identity or preferred pronouns in any form of communication.

ADOPTED and APPROVED by the Idaho State Board of Education, December __, 2024.



A RESOLUTION ON GOVERNANCE IN HIGHER EDUCATION

WHEREAS, the general supervision of the state educational institutions of the state of Idaho is vested in the State Board of Education pursuant to Article IX, §2 of the Idaho Constitution and Idaho Code § 33-101; and

WHEREAS, the State Board of Education serves as the Board of Regents of the University of Idaho (Article IX, §10 of the Idaho Constitution; Idaho Code § 33-2802), and the Board of Trustees of Idaho State University (Idaho Code § 33-3003), Boise State University (Idaho Code § 33-4002), Lewis-Clark State College (Idaho Code § 33-3102); and

WHEREAS, the Board affirms through established policy that presidents of the institutions have “full power and responsibility within the framework of the Board’s Governing Policies and Procedures for the organization, management, direction, and supervision of the institutions” (Board Policy I.E.); and

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WHEREAS, the Presidents are “held accountable by the Board for the successful functioning of the institution in all of its units, divisions, and services” (Board Policy I.E.); and

WHEREAS, the Board “expects the Presidents to obtain the necessary input from faculty, classified and exempt employees, and students,” often through participatory or shared governance, but “holds the Presidents ultimately responsible for the well-being of the institutions” (Board Policy I.E.); and

WHEREAS, the Board understands the principle of “shared governance” to mean a practice of participatory governance that ensures the voices of faculty, employees, and students are considered in administrative and governance decisions made by the Presidents but not to mean a practice whereby faculty, employees, and students share equal power with the Presidents; and

WHEREAS, the Board affirms that “final decisions at the institutional level rest with the Presidents” (Board Policy I.E.); and

WHEREAS, the Board confers to the Presidents authority to terminate the employment of any tenured faculty member for “adequate cause,” which is defined by the Board to mean “performance...judged to have been unsatisfactory or less than adequate during the period under review” (Board Policies I.E. and II.L); and

WHEREAS, the Board affirms its policy related to post-tenure review requiring all faculty who receive tenure to receive both annual performance reviews as required of all employees of the state, as well as distinct “periodic performance review[s]...conducted in terms of the tenured faculty member’s continuing performance in the following general categories: teaching effectiveness, research or creative activities, professional related services, other assigned responsibilities, and overall contributions to the department” (Board Policy II.G); and

NOW, THEREFORE, BE IT RESOLVED that the Board shall establish clear criteria for evaluating the performance of the Presidents in their duties to ensure successful outcomes for all students.

BE IT FURTHER RESOLVED that each institution shall submit an annual report related to post-tenure review outcomes, including the number of reviews conducted, performance improvement plans, and justifications for not dismissing faculty who fail to address deficiencies.

BE IT FURTHER RESOLVED that each institution establish a faculty code of conduct that defines the faculty rights, responsibilities, and conduct to foster and sustain an environment conducive to sharing, supporting, and critically examining knowledge and

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values, and to create an ethical educational climate that strives for effective teaching and learning without prejudice or favor toward any student.

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A RESOLUTION ON FREEDOM OF EXPRESSION IN HIGHER EDUCATION

WHEREAS, the general supervision of the state educational institutions of the state of Idaho is vested in the State Board of Education pursuant to Article IX, §2 of the Idaho Constitution and Idaho Code § 33-101; and

WHEREAS, the State Board of Education serves as the Board of Regents of the University of Idaho (Article IX, §10 of the Idaho Constitution; Idaho Code § 33-2802), and the Board of Trustees of Idaho State University (Idaho Code § 33-3003), Boise State University (Idaho Code § 33-4002), Lewis-Clark State College (Idaho Code § 33-3102); and

WHEREAS, the Board affirms that “in addition to constitutionally protected freedoms of speech, assembly, and religion, students and faculty have the right to engage in free inquiry, intellectual debate, and freedom of scholarship both on and off campus” (Board Policy III.B.); and

WHEREAS, the Board affirms that “students and faculty have the right to express opinions and provide feedback concerning institutional governance and administration without fear of censorship or retaliation” (Board Policy III.B.); and

WHEREAS, the Board affirms that “students have the right to express personal opinions about concepts and theories presented in their courses and to disagree with opinions expressed by faculty and fellow students” (Board Policy III.B.); and

WHEREAS, the Board affirms that “students may not be directed or otherwise compelled to personally affirm, adopt or adhere to any particular political, religious or philosophical tenet or ideology ” (Board Policy III.B.); and

WHEREAS, the Board affirms that faculty, students, and the institutions each enjoy certain tenets of academic freedom but are also bound to equally important tenets of academic responsibility (Board Policy III.B.); and

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WHEREAS, the Board affirms the rights and responsibilities of faculty to determine what and how to teach in their courses free from administrative or political influence, but within the bounds of academic freedom and academic responsibility, institutional policies, and relevant state and federal laws; and

WHEREAS, the Board affirms that academic freedom does not protect faculty from student challenges to, or disagreement with, instructional methods and content choices; does not protect faculty or students from penalties for violating the law; does not confer the right to faculty or students to violate institutional policies; does not protect faculty or students from disciplinary action consistent with institutional and Board policies; does not protect faculty or students from sanctions or dismissal for professional misconduct or poor performance; and does not protect faculty or students from investigations into allegations of or discipline for scientific misconduct or other violations of institutional or Board policy (Board Policy III.B); and

WHEREAS, the Board values curricular transparency to ensure students have full self-determination in making academic choices, and affirms that all educational content produced by faculty in the course of their duties as public employees of the state of Idaho, including course syllabi, are public documents; and

WHEREAS, the Board desires to set expectations for how institutions will implement the broad principles of free expression and academic responsibility operationally through specific policies, practices, and procedures;

NOW, THEREFORE, BE IT RESOLVED that the Board establishes the following expectations and directives to further its commitment to promoting and preserving free expression within the postsecondary institutions it governs and cultivating a thriving marketplace of ideas:

Institutions shall establish policies, practices and procedures that will:

- Maintain institutional neutrality. Institutions, as governmental entities, or employees acting in their official capacities as representatives of the institution must refrain from taking public positions on political, social, or unsettled issues that do not directly relate to the institution's mission, role, or pedagogical objectives. This does not mean faculty, staff, or students must remain neutral; indeed, institutions should promote a culture that encourages and celebrates forums in which faculty, students, staff, and community members may express conflicting, controversial, or unpopular viewpoints. A fundamental mission of higher education is to promote the exchange of knowledge and ideas through teaching, research, critical evaluation, civil discourse, and debate. Neutrality as an entity allows the institution to protect this mission by supporting those who engage in open, rigorous debate without disaffecting segments of its faculty, staff, and students whose sincerely held beliefs conflict with others. The institution can thereby fulfill its responsibility to be an impartial steward of the

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marketplace of ideas in which sincerely held viewpoints are subject to rigorous scrutiny and must withstand the challenge of open debate and critical examination on their own merits, not the institution's endorsement.

- Protect a speaker's right to free expression at approved events or venues on campus. This includes allowing an institution to intervene when individuals or groups substantially disrupt protected expression. Institutions have a solemn responsibility not only to promote the freedom to debate and scrutinize all ideas in appropriate forums but also to protect that freedom when others attempt to restrict it.
- Protect the safety of those participating in constitutionally protected speech on campus by working with security personnel and campus or local law enforcement to establish procedures and criteria for determining when it is appropriate to intervene in a forum for free expression for the sake of public safety.
- Provide a process for an institution to publicly address, condemn, or prohibit expression or actions that violate the law, such as violence, incitement, genuine threats, discrimination, harassment, or expression that is directly incompatible with the institutions' ability to achieve their primary missions or pedagogical objectives.
- Protect and cultivate academic freedom and academic responsibility. Faculty must be free to investigate, research, discuss, publish, and teach within their academic expertise and on topics relevant to course curricula without interference from institutional administrators, elected officials, governing boards, or other entities. Institutional neutrality should not be interpreted to allow for restrictions on curriculum, expression germane to approved curriculum or subject matter, or to otherwise restrain academic exploration within the bounds of traditional academic freedom and academic responsibility.
- Introduce campus communities to diverse viewpoints, including inviting speakers, sponsoring symposiums and lectures, or presenting other opportunities to hear differing perspectives and ideas. These policies shall include criteria to avoid rescinding invitations to speakers or canceling events solely on the basis that groups oppose the viewpoints being expressed, that those viewpoints are controversial, or that the speaker's presence on campus will generate concerns about security and public safety. These policies and procedures should include clear, objective, narrow, and content-neutral criteria for determining security costs charged to sponsoring entities.
- Establish a program designed to educate new students, faculty, and staff about the institution's role as the marketplace of ideas; what constitutes protected speech; when the institution may intervene in speech, such as direct threats,

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violence, illegal harassment or discrimination; how to appropriately express viewpoints through events, such as protests, parades, or other events, including an explanation of the institution's time, place and manner restrictions; and the institution's policies prohibiting the disruption of another individual's right to free expression, including shouting down speakers or blocking speakers' access to a forum. The scope and medium in which the institution delivers this program may be tailored to the institution's mission and role.

BE IT FURTHER RESOLVED that each institution shall make all course syllabi available to the public digitally in a manner that shall be defined in Board policy.

ADOPTED and APPROVED by the Idaho State Board of Education, December __, 2024.

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