



Foundation for Individual Rights in Education

601 Walnut Street, Suite 510 • Philadelphia, Pennsylvania 19106
T 215-717-3473 • F 215-717-3440 • fire@thefire.org • www.thefire.org

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March 2, 2011

President Arthur C. Vailas
Idaho State University
921 South 8th Avenue
Pocatello, Idaho 83209

Sent via U.S. Mail and Facsimile (208-282-4487)

Dear President Vailas:

As you can see from the list of our Directors and Board of Advisors, the Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals from across the political and ideological spectrum on behalf of liberty, legal equality, freedom of religion, academic freedom, due process, freedom of speech, and freedom of association on America's college campuses. Our website, thefire.org, will give you a greater sense of our identity and activities.

FIRE is gravely concerned about the dire threat to academic freedom and faculty governance presented by the Idaho State Board of Education's February 17 decision to suspend Idaho State University's Faculty Senate following the Faculty Senate's February 10 vote of no confidence in your administration.

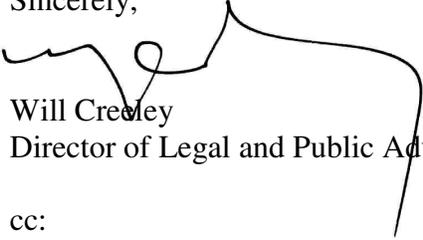
This is our understanding of the facts; please correct us if you believe we are in error. Over the past several months, the Faculty Senate has expressed significant concerns about your administration—which involve, *inter alia*, allegations of a retaliatory dismissal of an outspoken faculty critic of your administration and many concerns about your leadership and your proposed administrative reorganization. (See, in particular, the three Faculty Senate motions that passed on January 24, 2011, available at <http://www.isu.edu/fsen/Chairannouncements/2010-2011/FSmotions.2011.01.24.pdf>, including the allegation that “President Vailas has expressly communicated to the faculty that he is not willing to mediate wide-ranging issues of great concern to faculty.”) Following the Faculty Senate's vote of no confidence in your administration on February 10, the Idaho State Board of Education suspended the Faculty Senate on February 17. This decision raises serious questions about Idaho State University's commitment to ensuring faculty the degree of shared governance to which they are entitled pursuant to Section III (c)(2) of the Idaho State Board of Education's Governing Policies and Procedures.

Rather than engage in continued dialogue with the university's faculty and its representatives, you have instead chosen to silence the Faculty Senate altogether. Not only does this regrettable action sharply erode academic freedom among Idaho State faculty, but it also teaches your students that the correct way to engage with critics is censorship and assertion of raw power, not rational debate and mediation. This unfortunate lesson is entirely at odds with the mission of a university presumptively devoted to academic inquiry and the search for truth.

FIRE shares the deep dismay voiced by the American Association of University Professors (AAUP) in its February 22 letter to you. Like the AAUP, FIRE asks that you immediately and fully explain the decision to suspend the faculty's long-recognized right to participate in institutional decision-making. If such an explanation is not forthcoming or is otherwise insufficient, we will fully support the AAUP's decision to mount a formal investigation of your actions with the resources available to us.

Because of the importance of these concerns, we request a response by Wednesday, March 16, 2011.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Creeley". The signature is fluid and cursive, with a large loop at the end.

Will Creeley
Director of Legal and Public Advocacy

cc:

Richard Westerberg, President, Idaho State Board of Education
Gary A. Olson, Provost and Vice President of Academic Affairs, Idaho State University
Philip Cole, Chair, Faculty Senate, Idaho State University
Alan Frantz, Vice Chair/Chair Elect, Faculty Senate, Idaho State University
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Tenure, and Governance, American Association of University Professors
Rachel Levinson, Senior Counsel, American Association of University Professors