

Indiana University
UNIVERSITY FACULTY COUNCIL
IUB Foundation
Bloomington
April 28, 2009
1:30 P.M.-4:30 P.M. (EST)

1. Honorary Degrees: Executive Session [ACTION ITEM] (5 minutes)
(Attendance limited to UFC members and officers only).
2. Approval of Minutes
<http://www.indiana.edu/~ufc/docs/minutes/AY09/02.24.09.pdf>
3. Presiding Officer's Business. (10 minutes)
(President Michael McRobbie)
4. Agenda Committee Business. (10 minutes)
(Professors Herb Terry and Simon Atkinson)
5. Question/Comment Period. (20 minutes)
(President McRobbie and Profs. Terry and Atkinson)
6. Proposed Changes to the Indiana University *Code of Student Rights, Responsibilities, and Conduct*. [ACTION ITEM] (20 minutes) (Diane Dallis, Head, Information Commons/Undergraduate Library Services, Wells Library and Prof. Nuria Morral, Medical and Molecular Genetics)
<http://www.indiana.edu/~ufc/docs/circulars/AY09/U5-2009.pdf>
7. Discussion of Promotion and Tenure [SECOND READING] (45 minutes) (Vice President John Applegate and Profs. Terry and Atkinson) <http://www.indiana.edu/~ufc/docs/circulars/AY09/U8-2009 2.pdf>
8. Academic Handbook Revisions for Librarians [ACTION ITEM] (30 minutes) (Profs. Terry and Atkinson).
<http://www.indiana.edu/~ufc/docs/circulars/AY09/U7-2009.pdf>

*Faculty who are not members of the Faculty Council and who wish to address questions to President McRobbie, Professor Terry, and Professor Atkinson should submit their questions to the Faculty Council Office at [ufcoff\(5\)indiana.edu](mailto:ufcoff(5)indiana.edu). Meetings are open to the public. Our documents are available at: <http://www.indiana.edu/~ufc>.

MCROBBIE: The first item is in executive session and could I ask that people who are not members of the UFC if they could leave the room please, and we will call you back once we have completed. If I can ask John to pause there.

There's a lot going on. We're trying to ensure that we have-are you alright Tom? Okay, good. We're trying to ensure we have as much information as possible distributed as quickly as it comes in to everybody but I am mindful of there may be gaps here, and I want to hear that from people, and please don't be shy about bringing that to my attention or anybody else's attention, so can I just answer questions or comments on that? Questions or comments? Anything on swine flu, any questions or comments?

Woman: Wasn't it renamed 'Mexican Flu' yesterday?

MCROBBIE: Was it? I hadn't heard that.

Woman: I believe that was somebody in the government's suggestion that it should be renamed.

MCROBBIE: I'm sure the Mexicans love that.

ATKNISON: Department of Agriculture probably.

HERB: Swine flu was dropped

Woman: Regardless, what the university seems to be doing in the government in general is adequate.

MCROBBIE: Well, I know we have the honorary degree to get to but since I've started the report, unless we want to go back into honorary degree consideration, I can just finish my report because it won't be particularly lengthy. The second thing I wanted to report on and this is what I mentioned to Herb and Simon; the fact that I may have to leave at any moment, but I think that's now getting diminishingly small, the chances of that. The budget session is underway. We're really in the end game. There has to be, by statute, the budget delivered, finalized by midnight tomorrow night. If not, they go into a special session which they tend to want to avoid because you're almost ---- again and some ways obviously we would hope that they can resolve things tonight. The, as you are aware, the House passed a very good budget, I think for higher education. Obviously I think we would have liked more but in the circumstances we understand that it was difficult to give us everything we asked for but it was a very generous budget, remarkably generous budget. The senate, not unexpectedly cut that right back, and again you can probably see the details and so I won't go into it unless people want to know. At the moment, we are advocating to try to have some of what was in the House version put back in the budget, principally in capitol, I think the operating figures are likely to change beyond what it was in the Senate version which is basically the front line

budget. But, when you consider that some of our colleagues at other University's are coping with ten, twelve percent cuts and worse, with significant numbers of people being laid off with enforced --- and five hundred million dollar building programs are postponed, etc, so far anyway I think that things are looking relatively positive. I think it's remarkable what can change in the last thirty-six hours of a budget session. The, it tends by convention to be the case that by, that within the last twenty-four hours, hopefully by tomorrow morning, it will be fixed, giving people the rest of the day to make any final last minute changes to do any final tuning. So, I'm expecting that either tonight or tomorrow morning we'll here, and this will all rapidly get out there publicly, we'll hear roughly where we are on the budget. It has been a long grueling session. I think I must have done at least half a dozen appearances and countless meetings with individual legislators and we're still not done with it yet. There is a small chance the Governor may veto the budget. He takes the view that the revenue projections as presented a couple of Fridays ago are not accurate, although it's interesting, it appoint the firm that carries out the revenue projections. But, it may be that he thinks that they are a couple hundred million dollars off on what they need to be. There is big concern about the fact that that budget is reasonably positive for us and for other people in our state, as of course because the stimulus dollars, and in two years time when the stimulus dollars go away, what happens then, I mean what happens then. The hope of course is that the economy will improved enough so the tax revenues will be covered, but none of that is definite, so that's the budget situation and I can take any questions on that. But, you understand that my answers could be countermanded by the facts within the next 36 hours. Any question at all? Yes,

Potter or Orme: Two quick questions and I'm sure they'll be quick answers. Any chance still for a salary increase and what's your best guess or estimate (telephone conference cut off)

MCROBBIE: Bill asked about salary increases and my response is simply, I can't even begin to consider the possibility of that until we know where we stand with the State budget. (Piece 2, 5:14)

Man: And the second one is probably the same answer as to tuition, expected tuition plans.

MCROBBIE: What I would say there Bill is, obviously if we were to be severely cut by the state then we have to look at tuition as a way of addressing that at least in part. I mean, it's not rocket science to say that. But, I have said from time to time that we also understand that when you've got ten percent plus unemployment in the State, people losing jobs that the expectation is that whatever we do with tuition has got to be responsible and moderate and that's been my public position on the matter. Any other questions on the budget? Why don't I leave it there then. Those were the two key points I wanted to make. I've got a couple of minor things to say but I can save them for the end. Why don't we go back to the agenda item that we're on in executive session;

the honorary degree question. I called for discussion, Marcus had begun some comments. Is it worth checking on the Quorum first?

DETHLOFF: Okay, who is with us?

MCROBBIE: Who is leaving the room?

DETHLOFF: The person that's ten feet away speaking into a microphone, can we here them? No, we can't hear you. Can you hear me? (Responses via telephone)

MCROBBIE: How many people do we have on the call? Can we just go through your names?

BLACKWELL: Jackie Blackwell and IUPUI.

BAIRD: Carol Baird, IUPUI

MCROBBIE: Right, who else?

COFFIN: Don Coffin IU Northwest

RANDLES: Randles IU Southeast

BANTZ: Charles Bantz IUPUI

MCROBBIE: Got Charles. Hi Charles?

WOLFE: Mike Wolfe, IPFW

DETHLOFF: We have a quorum

MCROBBIE: Okay, we have a quorum. So, I'm going to stay here as chairman just as a means that the people on the conference call can here, but anyone that wants to come up and speak, maybe they can come up and speak up here. Alright, I think I called for discussion and Markus had started, Markus if you're going to talk you're going to need to come up here. So, people on the conference call, Markus Pomper from East is coming up to make some comments. Just for a minute, if I could just tell you where we're at, we've begun consideration of the proposal that came highly recommended from the honorary degrees committee for the award of an honorary degree to Robert Gates, the Secretary of Defense and alumnus of the University.

HONORARY DEGREES

POMPER: This is Markus Pomper from IU East, and I got this dossier on Thursday and I've been reading on and off. (Technical issues) Okay, I said I would abstain because I have doubts that I could not erase since Thursday.

MCROBBIE: Would anybody else like to make any comments?

GRAY: This is Mary Gray from IU Bloomington. I have similar doubts but I also have a concern that the link to the campus is his time here which was distinguished as a master student and during that time he was recruited by the CIA and my concern is that as a public discussion of the importance of scholarship and the relationship between (members on the phone lost) scholarship and its application to something like the CIA, that I would have reservations supporting this, and I would have concerns that it would raise politically some issues with our students, and of what is exactly the role the University in relationship to War.

MCROBBIE: Has the conference finished? We'll just have to wait a few moments.

GRAY: I don't know if it matters to speak on this but I also don't know where he stands on the Don't Ask Don't Tell policy, and I'd really hate to discover that he's said something challenging about the inclusion of gays and lesbians in the military, so I apologize that I didn't research that, but did that come up in the committee, what his standing is one that policy and particularly his position on the role of gays and lesbians in the military?

Woman: I came late into the discussion so I've only discussed it with one other colleague of mine also on the committee and we came to the conclusion between the two of us that political stances generally do not reflect the honorary degree aspect that they're normally taken quite separately because they have been many honored people who have gotten honorary degrees whose politics or even whose countries one would doubt whether they have a democracy for example, or not, and yet people are honored. If we get into that, so we decided we come from very different fields, and we decided that it was really rather, we were not voting on his politics or even on his policy stance, we were voting on his being a prominent IU Alum.

MCROBBIE: I do want to make one comment because I should interject this. I know Gates quite well. As I said before I served on ---- serving on a committee with him for one meeting that was a higher education committee that Jim D—the previous president of Michigan had convened, and as you know he was for I think 4 or 5 years the president of Texas A and M where he was extremely highly regarded and very well thought of by faculty and students there and it was much, people were really very unhappy when he left because they thought he was such a good president and they needed somebody of his quality. I think if there were controversial issues of that kind they probably would have come out at that time. My experience of dealing with Gates on that one committee which was a day's meeting was that he struck me as a man very much

imbued with the values of academia; tolerance, flexibility, being open to a variety of views as well, and you will see in the packet-it's worth making this point- a number of members of the faculty here have spoken very eloquently in favor of him. We have Mark Udoff who was the assistant president of the University of Texas, almost an opposing president as it were, in Texas who wrote, now the assistant president of the University of California, who wrote a very strong letter, one of the strongest I believe, in the whole packet. You also have very strong letters from Congressman Hamilton and from Senator Lugar, men of pretty much unimpeachable integrity as well who, I think if there were any issues that may be of concern, that they would have probably flagged them. And I know, personally from discussing it with --I hope I'm not violating a confidence but with Congressman Hamilton who knew we were considering this and said that he is one of the most outstanding public servants in our country today was his view about it. So, I say that just because I think it's worth putting in perspective. In my own view, whatever the result of the vote, my own view is that this is a man we should be immensely proud of. I think he's done a lot to help the nation through an extremely difficult period in its history. And, the fact that a President in an opposing party could keep him on I think says a lot about his abilities. Anyway, that's the comments I'll make from the chair. Any other comments? I know we're probably short of a quorum, but any other comments? Yes Bill

BILL: The discussion we had, was that in part to find out whether or not he would accept it? In other words, is there any kind of signing out indirectly about...

MCROBBIE: One always sounds these things out indirectly because there are people who will not accept them.

BILL: Yeah, exactly, that's what I thought, so we have every expectation that he will

MCROBBIE: Yes, I mean someone might change their mind, but yes that's right. It came up in another context. I was talking to --- about the center for congress bill if you really want to know, which leads director on.

GRAY: I just wanted to follow up and clarify. I think my concern is the precedent and it's just my position on this, that to note that his connection to the University is at a moment where he was recruited by the CIA, and I mean one doesn't have to feel that the CIA is a bad organization. It's what my concern of what it is that we want to signal as significant about this connection and that this connection is not necessarily the public service that he's given the country, but literally that moment is when he is being recruited out of the department. I have concerns about that. I just, I don't like the idea of establishing that as the singular public claim to Indiana. That's just my stance on it.

MCROBBIE: It is worth commenting that if I remember rightly, Indiana is either the second or third, maybe the fourth, but something like the highest number of graduates in the CIA because of the language skills we have.

GRAY: I have a feeling this is probably fueled within the American Ethical Association, which I am an executive board member of that organization. We're having a really difficult time with the discussion around ethics about colleges who are involved in Government action and that are often in the service of the counterpart to war, so the human terrain system is of an issue, so I think a lot my concern is fueled by, what does it mean for scholars to participate in the support in parts of the government that are explicitly about war? And what does that mean? So, that's where it's coming from for me. Aside from the fact that I don't have resolution about his involvement in Iran Contra and that was certainly a dark moment in our history for many people in the United States, and Patriots, so that's what I'm expressing is a concern about linking scholarship to the apparatus of war and what that means.

WOMAN: I don't want to get into war and torture verses security and defense, but I'm delighted that he got recruited for the CIA and I think looking at his background and his years of service, he reflects well on the CIA, that he was there that long. They didn't get rid of him because he was too nice.

GRAY: Right and he was an intellectual, as the letters say.

WOMAN: Well I would award him. I don't claim that he's perfect.

MCROBBIE: Any other comments from anybody? I'm not certain what we're going to do because unfortunately we lost that quorum.

TERRY: Craig is on hold at UITS.

MCROBBIE: With your forbearance ladies and gentlemen, we can maybe save ourselves a lot of work by trying to resolve this.

(Pause in tape)

Alright, can we make sure that we don't lose any of our quorum? Craig, please check the quorum again.

DETHLOFF: Okay, I'm calling to see who's on the line. Do I hear from Cox? No. Is Don there?

DON: Yeah I just dialed back in.

DETHLOFF: Cassandra, are you still with us.

CASSANDRA: Yes

DETHLOFF: Okay, Mike from Fort Wayne? (cough) Okay, that's no. Carol are you with us?

BAIRD: Alright, thank you for your patience. Jackie are you still there.

JACKIE: Yes, all fine and reconnected.

DETHLOFF: Okay, Jack Windsor are you with us? So we have four.

MCROBBIE: What about the numbers around the table?

BANSE: Charles Banse is also back.

DETHLOFF: Okay Charles is back.

MCROBBIE: These two now, approximately. (Laughter)

TERRY: We need one more.

MCROBBIE: We need one more.

TERRY: We're at thirty.

MCROBBIE: Check the phone again.

DETHLOFF: Alright, can I just get one more role call from the phone? Everybody who is on the phone, can you please say your names?

COFFIN: This is Don Coffin.

DETHLOFF: Okay.

BAIRD: Carol Baird

DETHLOFF: Okay, Carol

RANDLES: Sandra Patterson-Randles

BLACKWELL: Jackie Blackwell, IUPUI

BANSE: Charles Banse

DETHLOFF: Charles, and is there anybody else? (pause in recording) Please stay on the line.

MAN: If we can

DETHLOFF: The President is right here.

MCROBBIE: Alright Ladies and Gentlemen I was calling for further speakers. Was there anybody else who wanted to speak on this matter? Because we've got to try and kept his quorum for the other items if we can. Anybody else who wants to speak? Alright, I will then put the motion. So all those in favor of the proposal for the awarding of an honorary degree to Robert Gates? I think we'll do this by hand. Please signify by raising your hand. Can you count Craig? And I'm sorry, could you poll the phone too? I don't think you need names you just need numbers. Could people just give an aye or a nay on the phone and I'll get the other nays?

CHARLES: Aye

MCROBBIE: Charles

WOMAN: Aye

COFFIN: This is Don Coffin, I'm abstaining.

WOMAN: Aye

MROBBIE: Okay, any other nays here or abstentions? First, nays? No nays. Abstentions? Two, two abstentions. Okay, that is passed by a number that Craig will calculate in a moment. Markus don't go too far. Alright, we move on to, actually we move on to the Agenda Committee's business. Herb?

TERRY: Simon, do you want to come up here in case you have something to say? Well the Agenda Committee business, Joe?

JOE: I was wondering if it might be wise to go through everything we have to vote on now before we lose the quorum.

TERRY: We can do that. And then we'll go back to Agenda Committee business. Certainly willing to do that.

MCROBBIE: Yeah, I think that's a good idea. Would you, I would propose with the committee's forbearance that, and obviously you may have different views, but the agenda item 7 P and T is the most important item in front of us and that we may want to jump to that while we have a quorum. Would that be agreeable for members of the

committee? I think that 6, it's not the end of the world if we don't get to 6 today, though I understand our student representatives here would appreciate it if we did but know that 7 has certain implications for what people do or don't do over summer so could I ask that - I think Herb and Simon were going to introduce agenda item 7.

TERRY: Well, agenda item 7 is back before the council again. This is the result of, over a year's worth of work, first by a task force consisting of administration and members of the council, and then by this council and by John Applegate meeting with us so John can also answer some questions if you have them. We sent this document out to the campuses about two weeks ago I think, or at least a week, for final comment. It reflects a change in the approach that we had been using. It's to adopt principles for promotion and tenure procedures with the understanding that we expect the campuses over the next year to make a reasonable and good faith effort to apply these principles at their local levels. They are supposed to report back to the Chief of Staff of the University Faculty Council, April 1, 2010 and this council will review this document again before dragging these principles into, we hope, the academic handbook. In addition, point 9 is sort of added to this document-it discusses how the procedures that would be followed by the President at the Presidential level, and it too will result in the President conducting a review of how this has worked over 2008 to 2010 and the results of that review will also be known by the UFC Agenda Committee, and presumably by the council when this document comes back in subsequent years. At Bloomington, there was discussion and the one thing that has changed from what was distributed is in item 6 where on sentence was added; "librarians will follow the guidelines in the Indiana University and Library's handbook regarding letters of review or support." I hope that's not controversial addition, I think it's approved by the librarians on all the campuses. Simon, do you have anything else to add?

ATKINSON: No, just to add that I've consulted with as many folks as I can on the IUPUI campus and the document that was discussed last time at the UFC raised a significant number of concerns just at the Indianapolis Faculty Council meeting. John was there and I wasn't there for that discussion, but the feedback I've gotten with this version is that this resolves most of the, if not all of the issues that were raised at the Indianapolis Faculty Council meeting.

TERRY: And for the record, we did discuss it at the Bloomington Faculty Council meeting and it was at that meeting that the idea of adding the sentence about the librarians was proposed. It seems to be something that the Bloomington Faculty Council thinks is an improvement so they are ready to go with it. I know that some of you have discussed it in your own regional campus governance bodies.

MCROBBIE: John is the person who worked on this from the administration side. Do you want to speak to John?

APPLEGATE: I guess all I'd add is that the main difference or the idea behind the difference between the version you have in front of you now and the previous version was to kind of go back to basics; that is, go back to the issues that really started this whole process a year and a half ago, focus more narrowly on those issues, and move forward from there and also to be clear what I think was originally intended, but clearly didn't end up being communicated because it created a lot of confusion, about the status of the document, that is, it's designed to be a set of principles or guidelines that will then be adopted in campus rules. It's not a set of rules itself, so the idea was to respond to the concerns that were expressed by almost everybody I think, that it came off as being very prescriptive. I think it wasn't originally intended to be that way, but the extent that we could clarify that, that was an opportunity to do it.

TERRY: Since the issue arose at Bloomington, let me say something about point 3, where it says "there shall be no proxy voting on promotion and tenure cases at any level." The intent in writing this was that what this meant was that somebody can not simply give their vote to somebody else because point 3 says, or a another point at least says that these votes have to be informed, so in prohibiting proxy voting so that's exactly what we intend to prohibit as far as I can tell, nobody appears to routinely vote that way at any level that I have heard from. It may happen occasionally and this would bar it.

MCROBBIE: I really hate to do this to everybody, but I think unless you speak up here you're not going to be heard by the people on the phone. I know it is a pain, but.

GIERYN: Since I had raised some objections to the previous wording on this particular point regarding absentee-oh I'm Tom Gieryn, I'm the Vice-Provost for Faculty and Academic Affairs on the Bloomington campus-Since I had raised some objections to the previous wording on this particular point, number 3, in terms of voting rights, I'm pleased to report that the present wording is acceptable. I think the idea behind it is important. Faculty who vote on Promotion and Tenure cases have an obligation to be informed about the cases and to participate as fully as possible in the deliberations. It was never an attempt in terms of my previous objections to condone proxy voting, but rather to simply allow being informed to define the notion of deliberation and participation broadly so that we could allow for people who might not physically be present to participate fully in the deliberations and I'm pleased that we were able to work out wording that would allow this possibility.

MCROBBIE: Thanks, other questions or comments?

HINNEFELD: I'm Jerry Hinnefeld from the South Bend campus. I just wanted to let the Assembly know that at the South Bend campus the return to basics is seen as a very positive step and we're much happier with the current version of the document than we were with previous versions. With respect to item 9 and this principle of executive review, the way in which that would be carried out, there remain some concerns at the

South Bend campus but we are encouraged by the Faculty Council President and we'll be undertaking a review of that, of all aspects of executive review in the upcoming year and we encourage the President to involve the regional campuses in that review because we understand that this executive review as defined in the President's memo from December is existing practice at the Bloomington and Indianapolis campuses but it's not at the regional campuses, not at South Bend and not at some of the other campuses, so we appreciate the spirit of compromise in which this document has been produced and look forward to working with the President as part of that review.

MCROBBIE: Simply, just to confirm that there are some aspects of the present process that I want to look at and I've certainly heard some of the matters of concern that have been raised and will be reviewing those. This is not something that's going to take an enormous amount of time or effort; I think this can be done pretty quickly but I'll make sure I consult with the people appropriate over the summer and with a view to bringing back what I want to propose doing at the first agenda committee meeting which will be in September I assume, something like that.

MAN: Just a quick part of clarification if you can repeat; that 2010 day, is that ending Spring 2010?

MCROBBIE: Yes. Other questions or comments?

WERT: Just a quick question, just a procedural question.

TERRY: You'd better come up they can't hear you.'

WERT: This is Joe Wert from Southeast. I just had a procedural question, if we can count this as a second reading even though it's a different document?

TERRY: I think we can. Basically this is, at least in my interpretation, this is not document B, this is document A prime. We've gone back to the basic principles that have driven this process; this certainly tracks the principles of the task force report embodied. So, I think there will always be differences. It's sort of like what happens in rulemaking proceedings at a federal agency. If they come up with something fundamentally different, they have to start all over again, but if they come up with something that in principle is the same as has been before the bodies before even if the approach is a little different, it's A prime and not B.

MCROBBIE: I think that was yes. Other questions or comments? Any questions or comments from anybody on the teleconference. Alright, well in that case I'm going to put it to the vote. You've got the document in front of you, the motion in front of you. Let me call for all those in favor, please signify by saying aye (aye) and against by saying nay (nay). Okay, that's I believe carried. Alright, so we move on to the Student Code of Conduct.

STUDENT CODE OF CONDUCT

DALLIS: Okay, I'd like to ask you to look at Circular U F 2009. There are changes that the UFC student affairs committee is proposing, oh I'm sorry. I'm Diane Dallis; I'm co chair of the UFC Student Affairs committee. My co chair is not able to be here and I just would like for you to look at the proposed changes from the UFC SAC. If you see document U F 2009 Circular, line 76 and line 106 have the addition of the words "gender identity" to the code. This has actually been the third time that this has been discussed, but there was not a quorum last time. (I don't know that, Craig if you might advise, we put forth a motion to separate and to just leave it like that, and that's fine even though there wasn't a quorum?) Okay, that's fine I just wanted to clarify something from the last time. So I believe that we just want to have discussion about what the proposed changes are in UF 2009 first? Right? And that's the addition of "gender identity" to the anti-discrimination language of the document. Since it's the third time I will just take questions if there are any and otherwise maybe we are done with the discussion of that particular aspect.

MCROBBIE: Is this going as a motion or what? Dose Markus want to comment on this one?

DALLIS: Not this particular issue, there's another one.

MCROBBIE: Okay.

TERRY: I think it's germane. Let me point out that the agenda committee meeting prior to this meeting, some doubt arose about whether the URL for Southeast is correct or not. With the consent of the body we'll make one more check of that before publishing this.

DALLIS: Yeah, I'm sorry and I should add, there were a few really clerical changes that were requested to verify if some URL's are corrects and also some names of offices and I went back to the committee and asked them to poll their campuses and make those changes and those are also here but they are not highlighted. But, they are very, just making sure something is still correct. So, that's not really much of an issue I don't think. So, the main issue right now that we would be discussing it whether or not it's acceptable to add the words "gender identity" to the Code.

TERRY: As you know, this Code also eventually goes to the trustees and what I can tell you is that apparently the trustees are very enthusiastic about adding the term gender identity to their Code and we may look at other policies or our own down the line and add the term elsewhere.

MCROBBIE: I believe if you turn to page 3 of the document, U 5-2009, well it's the whole, it's that page, that's where gender identity is being inserted and I believe the motion then, I'll probably ask for someone to put that motion so that it's coming from the committee so it's coming to you. So the motion, though we don't actually have the form in front of us, is basically to insert and substitute gender identity there.

WOMAN: Seconded.

MCROBBIE: It's seconded. So, any discussion? I'm going to put the motion, who is in favor? (Aye) Against? No? It's carried I believe unanimously. Now the...

POMPER: This is Markus Pomper from IU East and I have another amendment for the student code of conduct, it's in part 3, Circular 909 in the middle under advisors. When this document was originally passed in 2005 the intent of this body was to disallow students from bringing an attorney with them to the meetings and have the attorney speak on behalf of the students. This was later changed by the Board of Trustees without consulting this body so I'm moving to strike the language that's already stricken on this second page here.

DALLIS: Can you give where it is in the...?

POMPER: It's on Circular 909, it's a single page, and it's in the middle of this page and there's already something stricken, and I'm moving to strike what is stricken here, to take it out. As it is currently, the language that is stricken is part of the code and I'm moving to strike this language.

MCROBBIE: What is struck there is what he's proposing to have stricken. Yes?

WOMAN: Is this discussion?

MCROBBIE: Do you have anything else Markus?

MAN: I'll second the motion

MCROBBIE: Discussion, do you want to say anything else?

POMPER: Being the maker of the motion I'd like to propose this to the Board of Trustees to go back to the original language that the faculty had intended because we thought when we wrote this document that the presence of advisors in particular of attorneys, would be detrimental to making the meeting a teachable moment.

MCROBBIE: Okay, discussion, yes.

DALLIS: He mentioned the idea that this was about having lawyers or attorneys present, and that is not the case, it's having advisors speak on behalf of the student is the language that we're talking about here that they're wanting to have stricken, just to be clear. The idea that's intended here is that it's enabling language for a campus to create procedures accordingly. He said an attorney rather than an advisor and I think that he meant to say advisor, so I just want to clarify that.

MCROBBIE: Isn't your point Markus that an advisor could be an attorney?

POMPER: Yes

MCROBBIE: That's Markus' concern.

TERRY: Just for a moment. I've received in the last couple of days a number of e-mails from two groups basically. One I would say is representative of student organizations and the other is people who in one way or another have been associated with bodies providing advice to students, Student Advocates on the Bloomington Campus and that sort of thing. They would oppose Markus' proposal. I said to them that I would summarize that the basic point that they want to make is that the students deserve the full representation of an advisor of their choosing at these bodies. I will have something to say later in this discussion about the 2005 discussion that the UFC and why at one point the UFC opposed that position but I did promise that for the record, I'd summarize them. You have at your desks a representative letter from B---, I think some general from letters circulated and I've received maybe a half a dozen of these from various student organizations. And you have one from Bill W--- who has served for a long time in the University's Student Advocates office. What I've not heard from are representatives of the hearing commissions and those who have actually had to conduct these proceedings.

MCROBBIE: Yes, can you identify yourself please?

STEWART: My name is Brian Stewart, I'm serving as proxy for Luke Fields today. I'm currently the director of the IUSA department of Student Rights. We are one of two student organizations on the Bloomington campus that represents students to the extent of course that we are allowed in these hearings. Student Advocates is the other office and I believe they are under the division of Student Affairs. I'd like to speak and really just express very strong opposition to striking the sentence for a few reasons. Number one, and I do understand and the contradiction that's in this language and so I think if it's a discussion about language then I think that's something that could be addressed I think without having full conversation of people that are representing students, of students and also people on the hearing commission. I think it's probably an incomplete conversation so if it's an issue of language, I'd suggest maybe it could go back to a committee for discussion. Anything that's in the Code, this current language, simply enables other campuses to make their own procedures. In no way does this

force any of the other IU campuses to adopt these procedures. I think it's relatively clear, and certainly we can address the language, but clear that this only enables other campuses to do so. Bloomington has done so over the past four years. I think the response that I've gotten from talking to people from students, people in the Student Advocates office, Student Rights, and also people through the Student Affairs committee, the response has generally been that when students come with advisors, and when I say advisors I mean specifically people from Student Rights or the Student Advocates office, the response has been overwhelmingly that those students have spent more time thinking about the case, they've spent more time preparing for the case and so when we talk about the goals of our campus judicial system, I think it's uniformly one where we want to help students grow, to identify any issues and then to go from there and then correct those issues. I think having the advisors absolutely supports that mission. I've never seen a case nor heard a case, where it doesn't do so. Certainly I understand the issues between the UFC and the Board of Trustees and that's an important one. I do think it's important to understand the issues that I talked about; it enables campuses, doesn't require campuses to do so, to my knowledge other campuses haven't created these procedures in the past four years since 2005, I think it supports our mission in the campus judicial system and IU's campus judicial system, as I'm sure you are aware, is incredibly unique in the educational aspect that we have. I think the advisors are an integral part of that, in that we help students really understand the process that we're participating in. When you look at these levels, we're talking of course about the final appeal level. One thing I think that's important, in 2007, 2008, there were a total of three hearings at this campus review board level, so I would argue that any burden on the University from lawyers, I think that's pretty minimal in that three cases a year, that's a pretty standard number. So, I think the burden on the University is relatively low. I think the benefit that we give to students by allowing them to have representation, to feel comfortable when they are facing a judicial officer that might have years, not to mention decades of experience in the campus judicial system, and we're putting a student in their first experience in the campus judicial system in this relationship, my vote and I certainly hope it would be yours, but my hope would be that we want to favor students and give them that extra protection. So, those are the main points that I would say, of course if there are any questions I would love to answer them, about our role on campus or that of Student Advocates. Okay, Peter, I believe probably the best thing to do is to come up when you're ready to speak that's the best way to do this. Peter, do you want to identify yourself over here first?

CERVAS: Peter Cervas, IUSA President. I was wondering from a questions point of view, was it just in preparation of a possible problem that would occur that we want to take this action or was there a problem at IU East.

MAN: There was no problem.

CERVAS: So, for that reason, I've watched Brian do diligent work and I've been very impressed with the work at IU Bloomington and I think this might be extra protection at

other campuses that provides some extra security for their students and as you said I would support the motion...

MCROBBIE: Sorry

DETHLOFF: The parliamentarian says you need a motion to table it or send it back to committee

MCROBBIE: Okay, so that motion would put it to committee so that motion overrides the motion, so you're formally moving it as a motion, is that the idea?

CERVAS: Yes

MCROBBIE: So, there's going to be a motion for it to go back to committee so who is moving that motion? You're moving it Peter.

CERVAS: Yes, to move it to committee

MCROBBIE: So, we need to second that

MAN (Stewart?): So, I'll second that.

MCROBBIE: Alright, so we now have procedurally now we're considering a motion to refer this back to committee.

WOMAN: Michael, I'm sorry but are we actually----

MCROBBIE: ---- Okay, so let me accept your amendment because it was only....

WOMAN: I thought it was only members....

DETHLOFF: They are full members; the President and his ex officio as well, he's a full member with voting rights

WOMAN: I've never seen an ex officio...

MCROBBIE: But those are the UFC rules right?

DETHLOFF: Yes

MCROBBIE: So, in that case it stands. So, we have that motion in front of us. Is this procedural or not? Okay, we have that motion in front of us now, the motion to send this back to committee, but Bill's first?

SCHNEIDER: Are we back to discussing this motion?

MCROBBIE: We're back to discussing the procedural motion now.

SCHNEIDER: So, Bill Schneider IUPUI. The motion was not to deny advice, it was to deny speaking on behalf of the student. So, can you comment on when you speak on behalf and when you don't speak on behalf of a student?

STEWART: I'd love to address that point, thank you for bringing that up. That's an important one. To give you a little bit of an overview, currently in the Bloomington campus, the procedures that we have created to take advantage of this sentence in the code is such that in the Campus Review Board, which is the third level, students are allowed to have advisors, and currently that's defined rather broadly and personally that's not something that I necessarily favor and to address your point of lawyers coming into the system, I can see where that could be detrimental. I think the representation that's currently in existence is such that an advisor can speak for a student, a student still must attend the hearing, students of course can be asked questions. The Campus Review Board is one where the only issues considered there are those of really technicalities, and that's not the focus of our campus judicial system, but our campus review board, that's one where the students have right to appeal issues of a lack of due process and things like that and of course we don't have the same definitions as the legal system. But, to take you just real quick; the student has an informal conference where they sit down with an individual or it could be a board, they have the option after that informal level for what we call a re-hearing and that's when it's heard anew all across the board and that is an issue, I know Diane brought a motion before to consider at the hearing level having advisors there, at the campus review board the only issues that are considered on the Bloomington campus are those of technicalities in due process. So, again there were three cases in 2007 and 2008 I think those are highly advanced cases when you think about the issues and they really don't cut at the heart of our campus judicial system. Does that answer your question?

SCHNEIDER: It really is about speaking on behalf of a student, so are there cases where the students speak on their own and cases where they don't, if you can compare?

STEWART: Absolutely, so in leading the department, my preference is always that students speak on their own behalf, if they are able to, now that's when we have to consider issues of language barriers, are there issues where students are intimidated where they're not able to bring their point across? Our role in student rights and student advocates is never to find technicalities or loopholes through the campus judicial system so that we can reduce sanctions or help student be found not responsible; it's rather to make sure that the student's case is heard, that they are able to make the arguments for themselves, so we serve in that support role but there are I think very compelling cases where students aren't able to do that. And if we are talking about incredibly serious issues where a student's academic career and then you can

extrapolate that to their job, their life, when those issues are at stake, I think we're facing pretty serious stuff.

MCROBBIE: Colleagues, we have probably stretched procedures somewhat this afternoon. Let me just stretch them a little bit more and just speak from the chair on this matter. It does, we could let this go on, I expect there may be the sentiment there for the faculty to go one way in spite of the case the student's being made, and then it would go to the trustees for them to resolve. This does make us look somewhat disorganized and unable on what seems a pretty simple matter to come up with some workable compromise so what I'd like to propose is in the circumstances; we're about to go into summer, not much is going to happen over summer, it would seem to me to make sense for the matter to be sent back to committee to be looked at and then for something to be brought back for the next year. I think it would be unfortunate that if we have a, if we set up some sort of conflict between what the students have argued for articulately and what are I think the best intended concerns of the faculty about this not becoming advocacy before the supreme court. I don't know how procedurally it would work, I could put the motion for it to be referred back now having spoken to it from the chair.

DALLIS: The only comment I would have is, is it allowable for this language to be specific enough to say the campus judicial system so that the advisor has to be a part of the campus community as opposed to opening it up to, I would be concerned that some students are going to have access to hiring a lawyer, so I'd much rather make

MCROBBIE: But this is the issue...

DALLIS: And I was just wondering if within the language, at this point I'd rather see it go to committee.

MCROBBIE: I think I might just cut through this and put the motion. I'm going to put the motion that it be sent back to committee, okay?

UNIDENTIFIED SPEAKER: Second

MCROBBIE: I've got a second. All those in favor of it going back to committee? (Aye) And against? Okay, the motion is sent back to committee, I think with the understanding that it will come back from committee at the first meeting next year. We have the...

DALLIS: Can you make sure that who you are going to send comments to is clarified in the minutes so that we know who to...

TERRY: Are we still to take the gender identity issue to the Trustees.

MCROBBIE: Yes. Right. I believe there's just the business of the co-secretaries and then we're done.

TERRY: No,

MCROBBIE: Oh sorry there's the agenda item 8. We have that in front of us. That comes as a report, right?

TERRY: Kind of. Okay, I hope this can be dispensed with very quickly. You've seen this before as well. These are revisions in the academic handbook requesting that we make some changes in the handbook in terms of standards and procedures for librarians and tenure track librarians as contrasted with tenure and tenure track faculty. We had some concerns previously about whether these changes had gone through the governance system of the librarians. We've confirmed that they did. We had some concerns about whether the changes here might pose threats to faculty interests. We've decided that they don't, so I hope that this is a non controversial item and that we can include it and get it in the handbook and if you have any questions about the degree of library support for this, Erica you can answer their questions if they have any?

MCROBBIE: Comments or questions from anybody? That's come as a report, I believe is that right? So, it doesn't need to be seconded. Alright, all those in favor, signify by saying aye (Aye), and against by nay? Herb and Simon, your reports and then we're done.

TERRY: Okay, I'll make this very quick because this is the last meeting of the UFC and we don't have a lot of pending business for next year. I wanted to say a couple of things. Number one, yesterday there was an announcement of the finalists for the Vice-President for Research. I didn't bring the press release with me but they've come from the University of Nebraska at Lincoln from Tennessee and from Purdue, and they will be on IUPUI and Bloomington campuses over the next couple weeks. I hope that those of you who have been invited to attend various meetings with them will do so. They seem to be a good group and I'm glad that that's progressing. Otherwise, the only thing I have to say to you is that this will no matter what, be my last meeting as senior co-secretary of the UFC. Simon will take over July 1 and you can direct all your complaints about technology to Simon who will talk to Brad Wheeler and we will probably get better next year. Same thing about the quorum although I think there's an intersection between technology and having quorum. It's been a pleasure to work with all of you. I want especially to comment on the item about promotion and tenure. What I appreciate is that although it's taken a while to get this through, it's been something in which the members of this council and the member of faculty governance bodies across the entire system have been engaged and I'm very grateful that you've all taken the time to take that to your campuses, bring the concerns of the campuses forward. As you can see in the difference between document A and Document A Prime, those comments had an impact and I want to thank you. It's been a pleasure working with you over the last

year. The elections for the Bloomington faculty Presidency will conclude Friday and it will be either Erica over there or myself and so she may be either the junior co-secretary next year, or if I'm elected I will be the Junior Co-Secretary and Simon will become Senior Co-Secretary so if he has anything further to say, you may.

ATKINSON: I have a couple of things. I think over the summer we'll address the issue of technology for UFC meetings (laughter) and I hope we'll be able to move to some 21st century technology with the help of Brad Wheeler and the folks at UITs so that we can really make these meetings work for everybody to participate to the fullest extent. The other things I'd like to say is to thank Herb for his service as senior co-secretary over the last year. As most of you know, Herb stepped into the breach toward the end of the last academic year when Lisa Pratt had to step down due to other conditions and Herb's really picked up the ball and run with it over the last year. He's a tireless advocate for faculty throughout the University. He has a tremendous knowledge and love for Indiana University and it's really been a delight to work with him over the last year. (Applause)

MCROBBIE: Ladies and Gentleman one final thing; it's been the tradition for the President to host a dinner after these meetings and for whatever reason, that wasn't able to scheduled this year, but what I will do I think since hopefully we'll be able to schedule some kind of reception at the first meeting of the next council next year, all the members who weren't re elected or re appointed, who aren't returning will be invited to that as well, so you'll get your reception/dinner or whatever.

WOMAN: Have we approved the minutes? I think we skipped over that.

MCROBBIE: Good catch. Let me put the motion, all those in favor of accepting the minutes signify again by saying aye (Aye). Against, say nay. Thank you very much ladies and gentlemen.