

Minutes
Indiana University
UNIVERSITY FACULTY COUNCIL
University Place Conference Center
February 27, 1996
1:30 - 4:30 p.m.

Members Present: ELECTED FACULTY MEMBERS: James Baldwin, Henry R. Besch, Jr., Julie Bobay, Bennet Brabson, Ellen Brantlinger, Richard Carr, Donald Coffin, Ronald Dehnke, Michael Downs, Edwin Fineberg, David Garton, Laura Ginger, Edwin Greenebaum, Steven Hollander, Elton Jackson, Robert Jeske, Carlyn Johnson, Mike Keen, Marilyn Kintzele, Angeline Prado Komenich, Joan Esterline Lafuze, Stephen Leapman, Robert Lehnen, Christoph Lohmann, Steven Mannheimer, Gerald Marker, Catherine Olmer, Byron Olson, James Pattillo, Curtis Peters, Richard Peterson, Albert Ruesink, Paul Scherer, Myrtle Scott, James Sherman, Martin Spechler, Karen Teegarden, Rosalie Vermette, Jane Vincent, Kathleen Warfel, Paul Zietlow. EX-OFFICIO ADMINISTRATIVE MEMBERS: Chancellor Gerald Bepko, President Myles Brand, Chancellor Erita Hill.

Members Absent: ELECTED FACULTY MEMBERS: Ann Bristow, Kyle Forinash, Daniel Willard. EX-OFFICIO MEMBERS: David Fulton, Kenneth Gros Louis, Lester Lamon, Leon Rand, Hilda Richards, Michael Wartell. EX-OFFICIO MEMBERS: Shawn Domeracki, Benjamin Hunter, Charles Isley, Dan Schmidt, Todd Schmidt.

Visitors: Thomas Allington, Jake Goshert, Don Gray, Michael James, Dean Norman Lefstein, Dean Angela McBride, Rebecca Porter, Beverly Ross, Hitwant Sidhu.

Agenda

1. Presiding Officer's Business
(President Myles Brand)
2. Agenda Committee Business
(Professors Edwin Greenebaum and Kathleen Warfel)
3. Question / Comment Period
(President Brand and Professors Greenebaum and Warfel)

4. Clinical Ranks
(Professors Elton Jackson and Martin Spechler, Faculty Affairs Committee) (Circulars U10-96 and U13-96)
5. Intellectual Property Policy
(Professor Fred Cate, Intellectual Property Policy Committee) (Circular U11-96)
6. Trustees' Pending Policy on Grading Policy
(Professors Catherine Olmer and Beverly Ross, Educational Policies Committee)
7. Proposed Early Retirement Program
(Professors Michael Downs and James Sherman, Fringe Benefits Committee (Circular U9-96)
8. Executive Session
Consideration of Honorary Degrees to Be Award
(Professor Paul Zietlow, Honorary Degrees Committee)

AGENDA ITEM 1. PRESIDING OFFICERS BUSINESS

BRAND: The only item of business I would like to bring to your attention is an update on the legislative activity in the state. The legislature has passed a Bill that has moved up by a year and two years, one in each case, the building project at IU East and the law project at IUPUI with funding starting this July 1. That is good news, indeed, because otherwise we would be waiting quite a period of time for those buildings.

The Neal Marshall Theater Center on the Bloomington campus is still open for debate. It is going to be difficult to achieve that goal in this legislative session.

The \$500 tax credit for enrollment in public or private universities, proposed by Governor Bayh, is not receiving a warm reception by the Republicans and it is in doubt at this point. That would amount to the equivalent of about a 15 to 18 percent tuition decrease. In that case, as well as the case of the Neal Marshall Theater project, the reason for the lack of support is not anti-university feelings but rather a concern on the part of the legislature, the Senate in particular, on wanting to keep a significant surplus and not expend the resources at this point. Their concern is that as the federal government begins to develop lock granting in certain areas, it will be costly to the state. There are also, as I am sure you aware, political reasons. That is my report.

AGENDA ITEM 2. AGENDA COMMITTEE BUSINESS

WARFEL: Let me mention two things and then Ed has another topic. First, the discussions at the Trustees' meeting, University Policies Committee, about ways to reward teaching. At this point there should be discussions occurring on each of the campuses. The Chancellors have been asked to return to that committee with some plans for implementation. If you, as faculty, are not involved in those discussions on your campuses, put that on your list of things to do.

The second issue regards the Strategic Directions Initiative Proposal Review Plan. Clarification of the deadline for the proposals in this first round used to be March 1; it is now March 8. Ed and I have had a meeting with Chancellor Bepko and Sylvia Payne trying to get a grip on how the Agenda Committee and the Steering Committee will take the 200 or 300 proposals and have some advice to give about it. I am not going to go into any great detail, but we certainly are going to rely heavily on the campus priority listings and on the advice of the three review panels.

GREENEBAUM: Since we met last as a Council the Agenda Committee has appointed our ad hoc Research and Development Policy Committee. Ben Brabson and Dick Peterson have consented to be the co-chairs of that committee. They are already hard at work on the next item that I am going to mention.

I would like to report to you about developments for the creation of the Advanced Research and Technology Institute (ARTI), what we used to refer to as a Research Foundation and the Council's role in consulting to the creation of that process. Ben, Dick, Kathy Warfel and I had a meeting with George Walker and Doug Wilson who is President designate of ARTI a couple of weeks ago to talk about the faculty's consultative role and the creation of this institution. The Trustees are likely to authorize the creation of ARTI in March to facilitate its obtaining tax exempt status and being able to go into operation in July. At the same time, we recognize and agree that this Council should have a substantial role in advising to the process of the creation of ARTI, its structure, and those matters and functions that will be reallocated from the University proper to ARTI. We will have on our agenda in April a report to the Council on the structure and functions of ARTI. In the short term, between now and the Trustees' meeting in March, Dick Peterson and Fred Cate, who is a member of the ARTI PC, will be working with Doug Wilson to consult to him on those things that need to be done to get ARTI launched off the ground. Then aiming towards our report in April, our entire Research and Development Policy Committee will work as the faculty consultative group to prepare a report on the structure and functions of ARTI which we will be hearing in April. We have that process well launched.

There is a document on the table in the back of the room that relates to something that is not on the agenda

today. Ellen Brantlinger might like to explain to us why it is here and what you would like us to do with it.

BRANTLINGER: The revision of the Student Code of Ethics, which is now called Student Code of Rights and Responsibilities and Conduct has been under revision for the last three or four years apparently. I have just joined the team of revising it two years ago. But, this is now being distributed. We brought it up here today so you can look through it. There is a line through text that used to be in the old Code and is now being deleted. The **bold** is something that is new text that wasn't there before, and the regular size font is the text that was there before that is being left. There is a cover flyer with it that describes the nature of the changes made. Do we know when this is going to be on the agenda, Ed?

GREENEBAUM: It is likely to be on the agenda in April. Therefore, it is very important that you take this back to your local councils. The UFC Student Affairs Committee will be working on it and input needs to come to them so that the matter can be advanced.

BRANTLINGER: It has been sent to the heads of Student Affairs committees on other campuses so they should already have it.

GREENEBAUM: The only other item I want to mention as part of the Agenda Committee Business is that the Agenda Committee has agreed to speaking privileges for representatives from the schools of medicine, nursing, and law as it relates to the discussion on Clinical Ranks. Dean McBride, I see is here from the School of Nursing and Dean Lefstein is here from the School of Law. Dean Holden from the School of Medicine is expected to be here shortly.

AGENDA ITEM 3. QUESTION /COMMENT PERIOD

BRAND: Item #3 on the agenda is the Question /Comment Period. Are there any questions or comments?

SPECHLER: President Brand, I have a question that has been raised with me by a number of people in different schools and on different campuses. It has to do with the issue of what might be termed "destructive competition" among schools and faculties for enrollment. A number of people, most particularly in the Arts and Sciences on various campuses, have brought up the question with me that certain professional, schools perhaps encouraged by Responsibility Center Budgeting in times when budgets are tight, have begun to think about or actually offer courses which duplicate courses traditionally in the Liberal Arts and for which purpose faculty have long been hired. I am sure you know about this and you can understand, as everyone can, that

such competition can cause a great deal of anxiety. As an economist, I am trained to favor competition and I think within certain bounds competition, if it raises standards, promotes service to our students, and keeps everyone on their toes, that is good competition. But, where competition creates duplication, canceling courses that don't make the minimum requirement, where it lower standards, where it is implemented with non-faculty appointments, that is a different matter entirely. This is an all-University problem and it really admits only if all university solutions. I know you are aware of the problem and I would like for you to explain to us what you think your strategy would be, along with us, in making sure that academic competition is of the right type, which raises standards and improves the educational process.

BRAND: It is a fair concern. I have heard, as you can imagine, that issue approaches as well. It is probably best handled on a campus-by-campus basis, but it must be handled. Let me give you one example that I know about and that is the Bloomington campus in which at least some faculty members in various areas are feeling this acutely. The Bloomington campus is in the midst of a review of RCM. One of the concerns is whether RCM is the point at which unproductive competition is generated. I agree entirely with your characterization that there is good competition and then there is unproductive competition. And, in particular the issue of there being courses taught in other areas for the primary objective of accruing additional enrollment. There are arguments that there are other objectives as well. The Bloomington campus is, as I mentioned, in the midst of a review, but they have already established a University-wide Curriculum Committee that will be considering not just cost content as they usually do, but these kinds of cases. In fact, there has already been an action taken by that curriculum committee that demonstrates that is effective. The School of Business was offering Elementary Economics courses that was felt was better offered through Arts and Sciences. I take this example because it is close to home for you. The committee made a judgment that that was not an appropriate set of courses for the School of Business to offer. That ruling is already in place. So, there was recognition of the problem and appropriate steps were taken and an appropriate faculty committee was put in place. I believe that it is the way it should be handled on each of our campuses. I know that IUPUI has already re-examined RCM, and RCM, as important as I believe it is, still needs continued monitoring.

I should say something else though. Again, this may go beyond your comment, but it is worth pointing out. A number of our Arts and Sciences faculty and departments are feeling pressure on the various campuses, not just IUPUI and Bloomington. One has to be careful about blaming that pressure on internal management decisions, such as the adoption of RCM, versus the decision making of parents and their students that is now taking place. When we did surveys, for example, of potential students in the state of Indiana, and we asked them "what is the most important goal you have in attending a university?" By far, the answer was "to get a

job.' When you look at the Chronicle of Higher Education, the most recent student survey on a national basis, again, that answer was the one most likely given by a margin. Whether we think that is right or wrong, it is what the potential students and their parents are thinking. That influences their decisions in which colleges they are going to enroll in and, indeed, which campuses or universities they are going to enroll in.

I think that puts additional pressure on Arts and Sciences -- that sign of our times. I believe there are steps that can be taken to counteract that and deal with that type of decision making which may not actually be in the long run an advantage to the students or their parents or the state. But, I suspect the pressure point is there and we have to be careful to distinguish that, which is a phenomena we may not be happy with but certainly one that is occurring, with complaints about the way we are managing our affairs.

MANNHEIMER: I am hoping that perhaps you might be able to explain in slightly greater detail the progress of the Law School project and that progress as it impacts on the Herron School project.

BRAND: I mentioned that at the beginning, Steve. My understanding is that the Law School project has been moved up a year with funding. Is that right, Dean?

***LEFSTEIN:** It figures on the way by which bonds could be sold for the Law School project in terms of our time. *(Could not understand)* because of the time it takes to plan but we are in the process of doing that.

BRAND: So, it would be speeded up maybe by a few months maybe more. We don't have to wait for the bonding authority, although we are probably going to go forward with planning in any case. The Herron School of Art project still needs separate approval from the legislature. It obviously will be very high on our list. It depends, of course, how successful we are with the Theater Neal Marshall project, but it will be very high on our list. It will need to await legislative approval for bonding in this long session. So, it does not directly affect the Herron School of Art except insofar as space will be vacated sooner. Are there any other questions? If not, we will move on.

AGENDA ITEM 4. CLINICAL RANKS

BRAND: Let's move on to Item #4, Clinical Ranks. The Faculty Affairs Committee has been studying this issue and I will call on Professors Jackson and Spechler to give us a report.

***JACKSON:** Last year the IUPUI Faculty Council asked this Council to expand the use of clinical ranks

particularly for the purpose of needing what the Medical School regarded as a crisis in their needs for an expanded number of clinical physicians working in clinics and supervising medical students and residents, etc.

Those of you who remember last year's _____ remember that there was considerable controversy about this and indeed the Faculty Affairs Committee did not present a _____.

Over the last year there has been a lot more conversation. What you have with you in the agenda for today, Circular U10-96, is an attempt by our co-secretaries to draft a motion on clinical ranks which responds to the needs of the medical school. Essentially, let me point out three things which this does, although Ed Greenebaum and Kathy Warfel may want to point out other features.

Under I, which is page 2 of the circular, it takes the current language which more or less restricts clinical ranks to health related schools and opens it up to allow for clinical ranks to teach students, residents, and fellows in clinical settings and professional service. That, then, says the clinical ranks may be used other places within the university besides the health related schools. Further on in Section I, it raises the number of clinical ranks, in effect, from the current limit of 15 percent to 49 percent in the health related schools and sets a cap of 15 percent for other schools.

Under IV it establishes some enhanced protection for academic freedom for people in these positions. So, that is the document which you have before you. I understand that this is for discussion today and that we will not be voting on anything.

That Faculty Affairs Committee in Bloomington met and talked about this a little while ago and proposed a couple of 'sense of the meaning' resolutions for the Bloomington Faculty Council. This matter has also been discussed last Friday by the University Faculty Affairs Committee. In Bloomington, we proposed to our Council that the 51 percent, under I, be changed to 60 percent on the grounds that, if as the preamble to the resolution says, if the ultimate responsibility for the integrity of the academic programs of the institution and the authority for university faculty governance lie with the tenure and tenure probationary faculty, we felt it was unwise to give the tenure and tenure probationary faculty no more than a bare minimum presence in the faculty of any school. Where it says, that the tenure and tenure probationary faculty shall constitute no less than 51 percent, we would change that to 60 percent. That is our recommendation. That passed the Bloomington Faculty Council something like 30 votes to 4 or something of that sort.

The second recommendation that we placed before the Bloomington Faculty Council was that we set aside for the time being the question of the use of clinical ranks in the non-health related schools. This reflects some

concerns that some of us had last year. What we are doing here is expanding the number of faculty that are not tenured, the number of faculty that do not have the protection of tenure. That is a step that we should take very cautiously and only to the extent that it seems to be clearly warranted. The change from 15 to 49 percent is a response to the needs of the medical school and some of the other health-related schools. I think that we should proceed cautiously beyond that boundary and perhaps we should not proceed at all. The motion that we restrict the expansion of clinical ranks to the health-related schools passed the Bloomington Faculty Council, but by a much narrower vote -- something like 24 to 14. It was discussed in the University Faculty Affairs Committee last Friday and the people there felt like it might be a good idea to hold off on expanding clinical ranks beyond the boundaries of the health-related schools.

Those are some of the issues that are before us for discussion. Ed or Kathy, do you want to add anything to that?

WARFEL: I would say, Just by way of introduction of the draft document that is before you, you are right that we are working very hard to get something that suits the School of Medicine, but we have also paid close attention to the needs of the traditional community and to the needs of the School of Law. One of the things that this document does best is to define what the clinical rank position is for and what its appropriate use is and is not. As that definition goes, I think that there are certainly situations in the School of Law where this is appropriate and I am sure we will hear from the School of law making their case. When we started this at IUPUI three years ago there were two reasons that we started looking at this language -- one was the School of Medicine and the other one was the School of Law. While the School of Law is smaller, it is no less worthy of having its problems fixed.

GREENEBAUM: I don't want to distract this us from that issue. I will call to your attention a cover memo in which we have raised a couple of other issues that we feel need attention before we are done.

SPECHLER: As co-chair of this committee, I want to be clear about the recommendations of your University Faculty Council Faculty Affairs Committee. We agree with the Bloomington Faculty Council on the question of 60 percent. We feel that is a fair compromise and would assure the control over academic affairs to the tenure and tenure probationary faculty. So, we urge you to vote for that amendment and to include it in the document to be voted on in March. Rather than 51 percent; 60 percent -- we are united on that. We recommend it.

On the issue of extending clinical ranks to the professional schools, we are united except that as friendly

colleagues. We said we would bring it to the Council and get your advice on whether it should be in the draft document to go around to the various campuses and schools for their consideration. I myself am in favor of the original document which includes a 15 percent cap on clinical ranks in the professional and non-health schools by which we certainly would mean the two law schools and, in my view, also the School of social Work and the School of Education. But, I would like to point out to you all once again that this is permissive. It is not required. The tenured and tenure probationary members of the School of Law in Indianapolis and in Bloomington would have to vote to allow even a single clinical faculty on their staff. We are just permitting them to do it up to 15 percent. They wouldn't have to do it up to 15 percent. The same with the School of Education and the same with the School of Social Work. My information from respected senior faculty members in these schools is that there is some small and accepted role for clinical faculty members in these schools. Indeed, they have been hired in the past and they are a part of an among us right now. So, if we were to adopt the contrary view, we would be in immediate contradiction with established hiring. I think, although of course we have the senior figures -- deans from these schools -- certainly talk to this matter, this part of the Faculty Affairs Committee at least, recommends that you include the professional schools on the 15 percent basis and only permissive if the faculty themselves vote to have it done.

BRAND: Let's stay on that issue for a moment.

LEFSTEIN: I am Norman Lefstein the dean of the Law School at IU Indianapolis. Let me see if I can put this in some context for the school here. I think my comments are equally applicable to the Law School in Bloomington, although I think their program in clinical education may be somewhat different than ours and perhaps Professor Greenebaum can speak to that, if necessary.

When this issue first started to be considered here on the Indianapolis campus, if I am not mistaken, Kathy, it was the Law School that originally raised this issue. We raised this issue because clinical legal education is standard in America today. In the last 20 years the most outstanding law schools in this country -- Harvard, Yale, Berkeley, Chicago -- have developed very prominent clinical programs. They have full-time faculty members involved in those programs supervising students in the courts and in various administrative regulatory agencies. Here in Indianapolis we have five full-time people who are involved in clinical supervision of our students. Those students, under faculty supervision, represent clients in the civil courts and in the criminal courts and before certain administrative agencies.

The difficulty we confront is that there is no hope within Indiana University for those people. The University

tells us we cannot appoint them as lecturers, we cannot appoint them as tenured or tenure-track faculty. Indeed, we don't want to because our expectations of them are different than what they are for tenured or tenure-track faculty. We are not inquiring of them the same scholarly pursuits. So, instead we have had to put them into PA positions. They are filling out time sheets because that is what the university tells us we must do with this faculty group. They are faculty members. They are engaged in faculty activities be it a little bit different than the rest of the Law School's faculty. The problem is even more difficult for us because of the way in which we are required to deal with these faculty members. We are in violation of accreditation standards of the American Bar Association. We have a team from the American Bar Association coming to inspect the Law School next week. One of the questions that they will ask us is, "Are your clinical faculty eligible for a long-term contract if they are not tenured or tenure-track faculty?" They are not tenured or tenure-track faculty and we have no authority, under current regulations, to award them a long-term contract which is the accreditation expectation of the American Bar Association. So, when we meet with the ABA next week we will simply confess that we cannot fulfill the accreditation standard like, as far as I am aware, every other law school that has a clinical education program. This resolution is vital to our ability to conduct our business. Our situation is not different than from other law schools.

I want to make one other comment about this. In an earlier draft it was limited to 20 percent in terms of the number of clinical faculty. This has reduced it down to 15 percent. That is something of a problem for us. Although we could live with it for the time being, it allows absolutely no room for growth. In our case, we now have full-time clinical faculty. Six of your 15 percent would be the maximum. We would like the opportunity to go a little bit above that at least in terms of the future knowing the difficulty that this has been in the past. Indeed, this issue has been around within the campus beginning here at IUPUI for over two years. I worry that at sometime in the future, if we ever want to go above the current number of five or six, that we will have to go through this same issue all over again. So, I would urge you to give real consideration when you consider this proposal that perhaps it ought to be outside the health/science schools which would limit that perhaps in the range of 25 percent. Mind you, if there is going to be any growth from the clinical faculty members, that decision by this policy will be determined by the tenured or tenure-track faculty. The clinical faculty won't decide it. The tenured and tenure-track faculty will decide. It seems to me that if there is concern here for protection of the academic enterprise, it is the tenured and tenure-track faculty that this will occur. appreciate the opportunity to speak on this issue. I will remain to answer any questions which might arise.

BRAND: Thank you.

JACKSON: I have a couple of quick questions. First of all, just for us to know, could you briefly describe the

work of one of these faculty members? Secondly, is there anything about the PA appointment that prevents you from appointing people with a long-term contract?

***LEFSTEIN:** To take your last question first, I think the whole supposition is that a PA appointment is not somebody who is subject to a renewal, long-term contract and indeed has some kind of long-term protection without the kind of review that you would otherwise have with a long-term contract. So, I don't think the position, although I am not an expert in terms of all the different classifications, I don't think the position is really very well suited for this. Indeed, the clinical faculty in the Law School are very similar in terms of their situation to the clinical faculty within the health sciences. In terms of what the clinical faculty members do on a day-to-day basis, they are involved essentially in two major enterprises. They are involved in supervising students in court proceedings and before regulatory agencies, they will observe the students in mocular views, in actual interviews, they will go over examinations if they _____ presented in court, they will be present in court with the student, they will critique the student after the court proceeding, they will also be involved in the teaching of a lawyer skills process courts that will talk about both legal principles as well as technique and tactics in presenting materials before trial _____. So, it is a clinical kind of teaching -- very different from the sort of _____ method that you take a case look which you have all seen on television. That is the same sort of thing that goes on in a classroom. This is teaching, but it is a different kind of teaching, but it is vital to the other profs.

JACKSON: Just one more specific question. Do the people in these positions offer any legal services to the population in general?

LEFSTEIN: No. They offer legal services in court for persons who could not otherwise afford counseling. Our program here at Indianapolis is structured very closely with the Legal Services Organization of Indianapolis. We have offices both in the Law School as well as in the Legal Services office. On the criminal side, our program functions in close cooperation with the Marion County Public Defender. Our students will be down in the court but they will also be back at the Law School meeting with their supervisors.

JACKSON: Thank you.

LOHMANN: I have a question to Ed Greenebaum. How does that work in the Bloomington Law School? Could you describe the situation there?

GREENEBAUM: In many ways it is much the same but we our structural response is slightly different in some ways. It is a feature of the law school that an in-house clinic that one needs to have teaching practitioners to

work closely with the students to supervise them and give them critique to participate in the classes that go along with the clinical experience. We, like the Indianapolis school, have staff attorneys in professional ranks who do that. We have in our in-house clinical course a regular faculty member who is responsible for the administration of the course and for the offering of the academic credit and who participates in the classroom teaching of the course but does not usually, depending on the particular faculty member involved, get into the immediate supervision of the students in the courtroom setting. But, generally speaking, our situation is similar.

LOHMANN: Do you know what the numbers are and the percentages?

GREENEBAUM: We fluctuated over the years from one to three people.

BRAND: Let's stay on the issue.

SHERMAN: What I am hearing is that IU is one of the only, if not the only, law school that does not provide for long-term contracts of clinical faculty.

Secondly, these clinical faculty are more abundant in virtually every other law school of the country.

Thirdly, they are necessary for the training of law students.

Fourth, accreditation by ABA is consistent with having it, so I guess the question is why would you want to exclude the law school from the idea of clinical ranks?

JACKSON: One of the reasons why we were concerned about this is that, if you say that the use of clinical faculties may go beyond the health services schools, then a large number of other applicants appear at the door. As Martin mentioned, Business, Education, Social Work, and SPEA all suggesting that they too could make use of these people. I feel as if the case should be very carefully considered for expanding the number of non-tenured faculty. My own feeling was that perhaps we could draw the boundary around the health-related schools. What we are hearing today suggests that in the Law School, the specific setting, there may also be a case for expanding the use of clinical faculty. But, I think it is a step that we should take cautiously.

MANNHEIMER: I am curious about the principles behind that caution. It may seem self evident but very impressive. It occurs to me that those of us at the Herron School of Art, which considers itself a professional

school although it does not granted a graduate degree, perhaps we might make use of “clinical faculty members.” I would appreciate hearing an expansion upon the underlying principles of your apprehension.

JACKSON: The University sets itself up in society as the proveyor of knowledge. The faculty who are teaching the students should have the ability to teach as they wish and teach a subject matter as they wish. That has been one of the standard uses. The preservation of academic freedom has been one of the standard justifications offered for tenure. So, I myself began with the notion that every single member of the faculty at Indiana University should be tenured or on the tenure track. Then, I retreated from only grudgingly because to retreat from that means that we have a large number of people doing faculty work who are not given the traditional academic freedom protection that tenure usually affords.

SCOTT: I join Elton’s view. This discussion within the last 10 minutes has just reaffirmed to me the problems about which I had been talking in the Bloomington Faculty Council with this proposal. I see two clusters of fairly serious long-term problems, but I believe that there is an alternative that gets around these and addresses the problems in the Medical School and that of which Dean Lefstein has been speaking.

The first cluster of problems had to do with, as Elton said, the principle of academic freedom. I do not believe that teaching is a second-class activity. I do not believe that teachers should be released from responsibilities to teach the most current and what they believe to be the most important facts or principles or ideas in their classrooms. What has protected that over the centuries is academic freedom. There is ample evidence that people who are hired on short-term contracts teach different things and they teach in different ways than people who have not been so hired. In my own department, for example, I see a faculty member who is now on full-time and has been benefits and the things we want for our colleagues, but she teaches what the department chair thinks is important to teach in Developmental Psychology, often subconscientiously. It is a little bit like the research in censorship. What the people who do that research tell us is that the most dangerous censorship of all is “self-censorship” because it is sometimes undetectable. We don’t say to ourselves, “I am not going to teach the current theory in psychology or in art or in cardiology.” We simply to ourselves, “Oh! Maybe this is really not the right idea that I have and I want to be a good team member. I want to get on board. I want to... all of the other phrases that you have heard.” So, we don’t raise within our own minds this new idea and that is the difference between a university and any of these other institutions. If we don’t stick up for academic freedom now, my question to myself is “Where am I going to be willing to draw the line?” I hear from the Dean of the Law School that the American Bar Association agrees that that is an important principle and I would assume that the American Medical Association thinks the same thing for people who are called “faculty members” in those disciplines. That is the sort of principle of the academic freedom level. At the practicality level, I worry a lot that we are rushing to fix a short-term problem called by

our colleagues in medicine and other places a “ crisis” that will have substantial long-term implications to weaken the University.

Let’s take medicine, for example. We are told that Medicine is in an enormously rapidly changing situation right now. That is acceptable on the face of it. But, other evidence that we have seen over the last month or so, suggests that that situation is going to change even more rapidly in the next five to ten years. For example, in 1995 United States spent, for the first time, one trillion dollars on health care. **(CHANGED TAPE AT THIS POINT)** What takes over is not Medicine, but money. The bankers move in and they say, “Here is a growth industry” and they pour capital into that kind of a situation. So, you have created these integrated health care systems that are run by businesses and the projection is that by the turn of the century mega companies will create these integrated systems that will have many many different kinds of things. In this kind of an environment some medical schools are already beginning to say, “We are stretched to our corporate limit now in owning and operating a hospital and a clinic for this and an HMO for that. Maybe we ought to step back and say what are we? We are a medical school and we ought to shuck some of those things and decide what our primary responsibility is.” It is a little bit like schools of education did about two decades ago when they got out of the demonstration school business. There is some costs to that because you then have to work up relationships with the places where your students need to go and be taught. But, the trade-off between how much you want to become a corporation versus what our primary mission, is I think, on the immediate threshold and some schools have already gone to that.

So, with these principles at stake and these practical concerns that, to me, are not very compelling, this leads me to believe that an alternative would serve us better. That is, to take a step back and essentially follow the model that has just been explicated by the Dean of the Law School and say , ”What is this kind of an institution that we have? Is it a university? Is it an academic enterprise? Does its teaching as well as its research require things like academic freedom?” If it does, then we ought to take a look at the changed

nature of the environment for universities and apply that directly to our standards for tenure, for promotion, for the kinds of things that we value over the long haul. It is true now that the tenure and promotion criteria require a faculty member to participate in teaching and research and in service in some areas. But, we have already heard that these clinical faculty also participate, in addition to their teaching, in research and in service. I know that it feels like a rock hard situation when you are an administrator or a colleague trying to get another colleague into one of these situations, but those tenure and promotion criteria were generated by the people sitting around this table and our colleagues because they made sense in looking at the long term of the University. They are no more rock hard than any other procedures that we adjudicate. So, my view would be that if we step back and take a longer look at this, that we can not only protect the current situation, but we cannot give away the long-term principles that we value in the university like academic freedom.

BRAND: Are there other comments on the issue of extending clinical ranks to schools other than health sciences?

SPECHLER: My colleague, Myrtle Scott, makes a lot of sense and I usually agree with her. I would like to make two points. First, this proposal actually extends and protects academic freedom for people who were in a worse situation before. Instead of having a year contract they would have a rolling three year contract. They would have other procedural protections for academic freedom. It is true that it doesn't give them all the protections of tenure. But, I think these are outside our reach as a practical matter.

The second comment, Myrtle, is this. That _____ is not done. This is part of a much larger issue. The issue being that the percentage of tenure and tenure-probationary faculty as a proportion of our teaching personnel and as a proportion of the academic personnel, has been falling at Indiana University as at many other universities. We regard this, as I am sure you do, as unfavorable to academic freedom as a whole and to faculty

governance as a whole. We are going to deal with that later. I think this is a positive first step even from the point of view of protecting academic freedom and furthering faculty governance -- goals with which we empower a degree.

BALDWIN: I don't understand the reason why clinical faculty couldn't be eligible for tenure on a separate _____ parallel to what librarians are, for example. Is there a philosophical objection? In the medical and law schools I would think might be advantaged to have these people tenured because then you have that long period of experience helping out in the program.

***FINEBERG:** The document which started before this document was based on Board of Review (could not understand) for the past two years but also based on the recommendations _____ clinical ranks. It is very carefully crafted and built into it is substantial protection and academic freedom, even for clinical rank faculty, for the first time they are given the assurance that within of the constraints _____ the school the long-term commitments can be made to those individuals. I think everyone here should be assured that in fact it is _____ protections that are possible for individuals who do clinical practice and teaching. If we in fact turn our criteria for tenure on its head and base it only on teaching and service or teaching alone and leave out research we are leaving out one very important quality of the University _____. If you would like to make that decision, that would be fine but that would be changing the whole face of the university. This document, which the Medical School, Executive Committee, and Steering Committee _____ has protection for clinical rank faculty, it has academic freedom built in, it has recourse built in, it has all of the things that we would think is important for tenure and tenure rank faculty.

SCHERER: Based on what I have heard so far, I support this proposal because I think it is an improvement over what we have. I agree with that. I also agree with a number of the

objections that have been raised that this should be pushed further. I am not willing to abandon what is an improvement because I don't think it is achieving perfection but I think we should continue to work on this. I am not at all convinced that we cannot develop standards even for research and scholarship for these people because I think if they are going to do the kind of job in teaching that they are supposed to be doing, they are going to have to be involved in research. Maybe not entirely the traditional sort, but research which is perhaps equally useful _____ and I think without it_____. I am not convinced we can't develop standards which are perfectly respectful academically and perfectly in line with traditional university procedures. I could be a little more flexible in the way they are applied and this can include publications, it seems to me, which would relate to the actual procedures going on, much as in the field of education. A lot of the publications deal with this type of thing. I don't see that there is any necessary contradiction there at all.

SCOTT: I am very sympathetic to the number of committees that have worked on this and looked at it and I do think that it has moved several steps toward recognition of the need for the protection of academic freedom in clinical faculty. Let me give you an example. Let's suppose that I am the clinical professor of cardiology in the medical school and I am given a five-year contract. One of my responsibilities is to direct the cardiology clinic in X hospital. Those of us who have done a variety of different kinds of teaching know how long it takes to get some kind of new procedure involved, especially in a clinical-like operation. By definition of the AAUP standards, a professor is given a year's notice before being dismissed. Before being given a dismissal notice it takes a year approximately in the standard way that we do it now on review. That gives this person three years to decide whether or not even in the first or second year they want to implement some kind of new and innovative, much less, controversial way to run the cardiac clinic in X hospital. Let's suppose that I have two children and a new mortgage. What do you think is going to be their decision about how far they are going to go about implementing some kind of a really radical new decision about how to run that cardiology clinic?

PETERS: I have a question that I would like to ask Dean Lefstein. I am little puzzled by your tight linkage of clinical supervisory experience that some of these people obviously do and the clinical rank. In my own mind, those are not so tightly linked together. I think, as has been mentioned already, of people in our Division of Education on our campus that they are involved in something comparable to that kind of clinical educational experience, but, we don't think of them in terms of clinical ranks because they have research obligations. So, I would appreciate your enlightening me by telling me why those need to be or are so tightly linked together.

LEFSTEIN: I am not sure I completely understand your question.

PETERS: My question is why would people who are engaged significant in clinical educational supervised area experiences have to have clinical rank? Why couldn't they also have that kind of primary teaching responsibility, have research obligations and be eligible for tenure?

LEFSTEIN: This follows up the question regarding whether or not they could be appointed on a tenure-track. There are some law schools that I think that have done. The vast majority have not. The reason they have not is that the kind of scholarship that typically is performed by law school faculty is something that you simply don't have the time for when you are daily involved in the supervision of students and with our clinical faculty really work through the summer months because we operate the clinical during the summer because we typically have cases that have got to be covered in the summer months in court. We continue to continue covering those cases with the faculty and students. The upshot of this is that, it leaves very little time to do the kind of in-depth scholarly research that is typically done by the rest of the faculty. Having said that, I want to be clear about one thing and that is that we do have, like every law school dealing with their clinical faculty, a publication requirement. We ask them to do publication of some sort. It is not necessarily precisely

the same kind that the rest of the faculty may publish. They may publish in a clinical law review, they may publish teaching materials which are for clinical teaching. We do have expectation for publication, but it will usually be something somewhat different. Under this proposal, we would interpret that publication requirement that would be expected of them as being complimentary to their teaching function. That is the reason why putting them simply into the tenure track creates all kinds of problems for them and for the institution of the Law School.

WARFEL: I was going to try to respond to Myrtle's latest concern about the cardiologist. Regarding this document, in defining the clinical ranks more clearly, we have tried to make it clear that people on the clinical rank tracks are involved heavily in teaching in the clinical setting. In the course of doing that, they do some professional work. But, it is not that they are in the lecture hall talking about what might happen in the clinics. They are actually at the bedside or in the court or in the doctor's office or watching the nursing students practice their skills. This is something that takes a tremendous amount of time. They don't have time off to write publications, although some of them manage to, but that isn't what they are really hired for. They are hired to watch the students develop their practical skills in that professional service setting.

Myrtle, your concern, I think, was bordering on the other side. So, on one side we have a problem because they don't have time to do research. Then, on the other side of it is, 'well, maybe they are not doing enough teaching. Maybe they are really concerned about just being the physician, being the cardiology clinic administrator.' I think we can air on both sides of that in the definition. I think the heart of it is your supervising the student in the clinical setting. Yes, they will do some professional work, but if they do much of it independent of that clinical teaching role, then if we use ranks appropriately, we slide out of the clinical rank track and into the geographic full-time which is another rank that is in the School of Medicine. So, if what you are primarily doing is hiring a physician who is going to do a little bit of teaching, you use this rank over here. If you are really hiring the labor intensive clinical supervisor, you are here. And, if the person has a significant amount of

research productivity, you hire them over here. Again, be clear about the categories and use each category appropriately.

BRAND: This is an important set of topics so I am letting the discussion continue even though we have business to undertake.

GREENEBAUM: One thing that is different in these contexts is that the law lawyers, the doctor, the nurses, and the social worker have ethical obligations and support for their exercise of independent judgment that comes from professional sources as well as from our academic discipline. I think that is a factor to consider in this area that we haven't focused on very much.

***McBRIDE:** I am going to speak to some different points because I am part of the health science-related schools. When you are thinking about clinical ranks, originally it was for the medical school, but the need for this in the School of Nursing is tremendous. I want to thank you very much for broadening your conceptualization to health science-related schools.

I would like to speak on behalf of the 51 percent and not the 60 percent that is proposed. I believe, since you already have a guarantee of other faculty linked with the tenure-track faculty in setting the actual number, that seems to me that putting together a policy statement, we want to allow as much flexibility without having to come up for discussion everytime you would like to consider things differently. It seems to me that 51 percent reaffirms that the core of the school of tenure-track faculty, but I am speaking now very specifically about my own school. We need the maximum freedom in terms of clinical ranks . Let me explain some unique features of my own school where this becomes particularly important. One of the decisions that that School of Nursing reached a number of years ago was to in fact say that you could not be on the tenure-track position if you are not

doctorally prepared. That doesn't sound to some of you in your fields like a big dramatic statement to make. But, I will tell you in my own field, when I started teaching the masters was a terminal degree within my own field. It moved towards the doctorate. The decision to in fact say you could not be on the tenure-track if you were not doctorally prepared was part of my own school's very strong commitment to in fact enable to participate the fullness of this university's mission rather to research and service. It was my own field, in fact when Governor Bowen was Secretary of Health and Human Services, his _____ research within NIH to in fact reaffirm that research within nursing was an important role. I tell you all of this because, while that is true, we need maximum flexibility with the total school to meet the needs of the total school. I am not just talking about Indianapolis. I am talking about all campuses collectively because right now when we think of clinical faculty, we do it in terms of the numbers totally within the system wide school. Within that we still are having an enormously difficult time getting doctorally prepared faculty for the tenure-track positions. I have been at Indiana University since 1978 and I have never seen a search and screen process that ever illicited double digit numbers for any position. We got up to even nine candidates who were doctorally prepared, who met all the criteria for any position on the tenure-track. We considered this the new age. It is 0.5 of all nurses who are doctorally prepared. We, in fact though, have this enormously high teaching mission that increasingly is connected to partnerships in clinical and community agencies. So, for us the clinical ranks is enormously important. For us to have the maximum flexibility it would be enormously desirable.

When I look at the Strategic Directions initiative, particularly some of the encouragement to move towards departmentalizing so that they are doing demonstration projects and you are _____ to teaching in the real life cutting edge _____ and practice. For us that would be cause for the need for maximum flexibility in terms of clinical faculty. I would say to you that clinical faculty, full-time appointments, gives us an ability to, in fact it is stability, and an richness. We use an enormous amount part-time people but that is another issue. But, for us to be able to have the maximum flexibility in that respect, it would be terribly important.

One of the reasons I believe that practice profession also needs clinical ranks, and not everybody would be tenure-track, is that you have the normal possibility within the practice professions for the practice to change rapidly that there are new emergent specialties. Let's just pretend that money is no object and you had everyone tenure-track, full-time position. There has to be some cap. You would in fact not have the capability within that kind of faculty mist for the practice professions to actually address very changing practice conditions. So, I would say that you have, in clinical ranks, a wonderful combination of both the flexibility that you need to address very quickly changing health care delivery system and, at the same time, a whole new array of ways of doing of business that add a dignity and an honor to individuals who are most concerned. For us, we may think _____ professions and not unlike your own field, if you have lab experience. So, if you are a basic scientist, you might easily think that we are like a lab experience. One of the things that I want to underscore for you, yes, the practice is our lab experience, but one of the things that a faculty member in those situations, and they are _____ in social work, is that you have addressed the politics of the setting on which the practiced is located. There is a dimension to delivering the laboratory experience. That is simply not true if you think of us as no more or no less than a lab experience.

One small thing, and this is not my main point, but I think to the extent that you say that this position should not be connected to research at all, I find that untruly tight. I would prefer it to say that an appointment of advancement of rank must be based largely or primarily on performance in teaching and service. I hate to say that you should not do individual research. It is not in keeping with one of my basic beliefs and that I truly believe employers _____ four different kinds of scholarships and for us in clinical ranks one of the most important kinds of scholarship is a scholarship of utilization. How do you incorporate best practices into the practice setting -- have students in there so they can see the practice settings. So, I feel there is a scholarly dimension that is actually rather unique to the clinical faculty position and to say that person does not do individual research, to me is

problematic. I would be glad to answer any questions.

BRAND: Thank you. I'll take a few more comments and then we need to move on.

LOHMANN: This last point that you just made brings me back to the point that the dean of the law school made a minute ago. Perhaps I am misunderstanding something here. I take it you heard the dean of the law school's response to the question Why do you _____ that activity to the clinical ranks? Part of your answer was, these people also do research. I am simplifying what was said, but I got the gist of that. That seems to me to be an argument in the opposite direction. It goes back to the point that Mr. Baldwin made before. If we have tenure-track librarians who do a very different kind of activity from what faculty members do, I don't see anything about when librarians come up for tenure there is some category since they don't do teaching Could you tell me what that category is?

***BALDWIN:** The major thing is job performance. (COULD NOT UNDERSTAND) Documentation _____ your service and professional development.

***LOHMANN:** Service in a professional development job performance. Here we have some criteria that, to us as faculty members, sounds a bit strange. They are not teaching, research, and service and yet librarians have tenure-track positions. Why can't we do the same thing for clinical faculty? It seems to me your arguments are pushing in that direction rather than in the direction of 'we need clinical faculty members without tenure.'

***BRANTLINGER:** Aside from the nursing school in which people come in with different credentials for clinical versus tenure, is that the case in the law school or the medical school that you could have a different credential? I also wonder whether there is a difference in salary and status. I would imagine 'yes, clinical is not going to have as high of status.' Then you are going to have to ask the question 'Is there a difference in gender between a clinical and tenure-track person? It somewhat _____ of a second-class citizenship role that may be assigned to certain individuals. I think that does happen in the

School of Education and that is why I am not in favor of clinical ranks in the education school. I think we could integrate supervision, teaching, research, and service very nicely for all of us and not separate the roles.

WARFEL: I think with the language in the handbook that we currently have the clinical ranks are used in a variety of ways -- sometimes inappropriately. If we, as a faculty governance body, can improve our definition of the clinical ranks, the expectations we have for the those people, their rights and privileges, some protection for their academic freedom, if we can make these improvements, we will then be at a point where we can stand back and say, "Okay, now that we all understand what the clinical rank is for, what the tenure-track rank is for, let's look at gender, equity issues and see what we have. Right now, it is vague and a "muddle." So, step one is to get everybody to agree on what the ranks are and what they are for. Then, we can address who is in them and why.

BRAND: Let me pick up with Professor Lohmann about the librarians for a moment. This is just a factual background statement. Many major research universities do not put librarians on tenure-track. The reason is because they don't have the full array, and in particular they don't have the research requirements, and it has been found that they can't pass through the normal promotion and tenure process; therefore, they don't have any longevity to speak in the positions. It is usually a few years up and out. In order to create longevity in librarian positions, many research universities have moved away from the tenure-track positions. In fact, many who have placed librarians in tenure-track positions are backing off from that now. I am not suggesting we do that here, but this is just a factual statement.

MANNHEIMER: I am curious as to the economic implications of this. I have no idea whether that means we take part-time people and collapse them into a fewer number of positions and save money, spend more money.

BRAND: Angela, do you care to address that?

McBRIDE: I see those as separate issues if I understood you correctly and that is, you were wondering in the _____ clinical ranks would that lead to, in practical terms, combining a number of part-time positions together.

MANNHEIMER: That is just an example. Is it an attractive thing for a school under RCM to point of “We can make some money on this” or “No. It is going to cost us money, but the long-term impact on educational programming is worth it.” That is my question. I don’t know.

***McBRIDE:** It is hard for me to respond. In some ways we are talking about apples and oranges because I think that in my own school, which if you will recall entering into practice is at the undergraduate level -- associate degree and baccalaureate. We have increasingly, I won’t say that we had students who were not as cooked as some of the other professions where the degree is post-baccalaureate, and yet if you look at hospitals these days and some of the situations the students are in, the _____ level is getting higher. So, because of that, we need to have that kind of critical teaching in the setting that is taking place. I think some of that kind of part-time need for that is going to be there. The biggest use I see of the clinical faculty, the richness that it would bring for my own institution is the more we think of the clinical faculty positions as full-time faculty positions with a premium _____ person doing teaching and service for the institutions and the school actually becomes more connected to the clinical and community agency in terms of some provision of services. This is going to make my own practice profession richer. It is to be able to do some of that, for me, is the biggest reason for wishing to go in this direction. I would say that our clinical faculty, in terms of salaries, are not that different for educational preparation than _____. To make it successful, I think, in order to be comparable with education professional experience, the more we make sure that role is not a second-class citizen.

***LEFSTEIN:** Let me see if I can respond very quickly to a couple of questions that I think were asked which were linked to the law school. First of all, the qualifications of those who are doing clinical work, all of them have an undergraduate degree and a JD degree. They have substantially comparable credentials to the rest of the law faculty. The salary scale is somewhat less than what is paid to the tenured and tenure-track faculty. On the issue as to whether or not what I have been saying argues in favor of appointment on the tenure-track, let me try to clarify what I am saying. The dossiers of the clinical faculty were put into the tenure mode _____ very different from the dossiers of our tenured and tenure-track faculty. The reason is that their scholarship is different. It is less theoretical, it is less _____, it is less extensive. It is much more practice-oriented. The reality is they are doing different kinds of publications and different kinds of teaching and it makes all together perfect sense for our law school, as I think it does for the vast majority of law schools that have clinical positions, to put them on long-term contract that assures periodic review, but it also gives them a feeling of security which is important to them.

COFFIN: I would like to make two comments. One, the document we have in front of us is a major improvement over what we looking at last year in terms of what it does in terms of protecting people in clinical ranks. It is clearly a major improvement over what we had. My fear, I suppose, is that we don't do something this year to move this thing a step forward that we are going to lose our opportunity.

The second point I would make is, there are actually two resolutions here. I think they need to be read in concert. The first resolution discusses the purpose and uses of academic ranks. I think that, while we hadn't talked about, **(COULD NOT UNDERSTAND)** the clinical rank issue, I think it is important for us to understand the we are really talking about two things here. This other resolution requires an annual report on every campus to discuss how academic ranks are being used with a variety of _____ and a lot of detail and that report is required to involve the faculty governance while he is on the individual campuses. This gets into some of the broader issues of the use people who are not

tenurable positions. I frankly think that it should be possible to develop a system by which people who are in what we think of as 'clinical' positions, are tenurable and that there ought to be a way to encourage that. I am also concerned that if don't do something that adds to the protection that they have this year, we are going to have this idea three years from now until the youngest person in this room retires. We may anyway. My feeling is that I am inclined to say that I think this is a step forward and I am inclined to support it. I am also inclined, having said that, to say but let's continue looking at alternatives and ways to change in the future.

***LAFUZE:** I was probably one of the strongest critics when I first came on when I heard, and especially through last year's comments, and I will have to say everything in me agrees 100 percent with Myrtle. However, I made sure that I was in on the conversations. In terms of some of the things that have come up -- gender, equity -- is one of them, and it's partly Kathy Warfel's careful explanations of those kinds of things, I only take that as one example. I know there is no one at the University who is more concerned about those things than Kathy. I have attended the meetings. I think the law school was probably making its case before I actually came on to the Council. I hear Don and I think it is always scary when we have such deep convictions about who we are as tenurable and tenured faculty. It is very difficult to risk stepping beyond that and hearing the well-thought, careful preparation that has gone into this in this last year that I have been part of and to ignore the needs that we hear so eloquently expressed, I think it really touches on the issue of where the university, with all our traditions, all our concerns, that I hear Myrtle express reaches out and meets life as it is and in every area of our life it is very, very difficult. I think what I am saying is what I am hearing from Don, the careful work that I know has gone into it before I came and was still shaky, I have seen closed much tighter with something that is much more carefully thought out, much more carefully presented and I would hope comes close to meeting the concerns of the School of Medicine, the other health agencies that Dean McBride has alluded to. I hear that argument for the first so eloquently presented today. I think that in the Faculty Affairs meeting that we had last

Friday I did hear the 40/60 percentage and I heard what Dean McBride had to say, but I do see where, if we go to the 40/60 percent, that causes us to catch our breath a little less. There is a waiting there that provides some safety, and believe me I realize we are stepping out into the world, but it does provide for that perhaps a little more than the 49/51. I agree with them on that. There comes a point where we have to take life by the horns and say, "Here's where we are. What do we do?" I think the fact that it has taken the three years is not a small thing. I heard the dean of the Law School say it is so hard to do. Like other issues that we deal with, it ought to be hard. It ought to be very difficult and we ought to be communicating very closely but somehow it has to be possible to go one step further.

BRAND: This will be our last set of comments and then we are going to draw it to an end..

SCOTT: I would like to address a couple of things that have not yet been addressed. One has to do with the notion that the control would still be in the hands of tenured faculty in this proposal. I think that is illusory at best for two reasons. In the first place, as has been pointed out, we have not considered in this proposal all of the varied other faculty on all of these other ranks. If the issuance of _____, privileges, and the like to whomever the local unit wished, overnight the control of the unit could be in the hands of people other than the tenured faculty as is already the case in some units.

Relative to the control issue, we sometimes out of the very best motivations for collegiality and good feeling give away some of, not only our rights, but our responsibilities that later we wish we had not. That has happened in two units that I know of. When the tenured faculty said, "Yes, of course, we want our colleagues who are not tenured to have full working rights and privileges with us." Then, when administrators later increased those numbers and/or for a variety of reasons suddenly the control passed out of tenure-track faculty overnight.

The second point I would like to make is the notion that the traditional faculty can't change. I find that a little strange because the biggest change in most of our lives was the acquisition of a Ph.D. You know how long that takes? Two to three years. I don't believe we couldn't do it again if new needs emerged in our departments.

***SCHERER:** I haven't heard anything yet from the professional schools which _____ me that at least the majority of these positions could not be tenurable perhaps under slightly different rules than most of us carry out now. We now have a lot of people, not only librarians, on a lot of campuses who do not get tenured (COULD NOT UNDERSTAND) strictly traditional people do. I don't see any reason why we can't adjust that to take care of at least the majority of the people classified as clinical ranks. I still support this proposal because it is an improvement. I still think we have to go further and we have to further by a long mark, but I don't want to underline the statement that appears in the communication from the secretaries of this organization and that is that the present document does not take into account the problems which will result if we don't have anything in this document which deals with the problems of multi-campus schools. There is nothing in here, just take an extreme example, which prevents a multi-campus school from having totally non-tenurable faculty on one campus and just a sufficient number to make _____ reside in the whole school. Just to take the most extreme example, I don't suggest this would be done, but I am suggesting that there is a real problem here and _____ with matters of this sort between the intercampus school and individual campuses. This is really not addressed at all in this document and I hope it doesn't go ahead without eventually addressing this (CHANGED TAPE AT THIS POINT AND MISSED THE LAST STATEMENT)

GREENEBAUM: _____ Dean McBride addressed the issue to a degree in speaking about the nursing school situation. I think you all know our E-mail addresses and how to find us. We particularly would like help on this issue. Kathy and I will come up with what perhaps will be our final draft on the schedule advertised, I hope. That will give an

opportunity for others to propose amendments if they are not satisfied with they way we cope with it.

***FINEBERG:** I want to cover three issues for information in this document. First of all, with regard to the salary levels, at least at the medical school, a clinical rank faculties salary is certainly approached if not equaled in many instances to the tenured and tenure-probationary category. Their salaries are based primarily on their clinical activities in generating funds, and patient care activities which then generate a substantial portion of their salaries.

As to the point about promotion, clinical rank faculty are promoted. They are promoted by the same tenure/promotion committees that promote tenured and tenure-probationary faculty but the criteria are different. They do not include research as a mandatory portion of that promotion process.

As to the fears about governance, this document does deal with that to a significant extent. The document states that the campus governing body will be in fact equaled by the tenured or tenure-probationary people in that the University committees will be governed _____ will not include clinical rank faculty. So, I think that this document has attempted to include the elements that would provide some security and some _____ for next year _____ without knowing what we are doing.

BRAND: Thank you. The next time this will be available for vote. Today, as it were, we had the philosophical discussions that provided the background for your thinking about this and for your voting next time. The final document will be made available by the co-secretaries and if you have some objections or changes, be prepared to make amendments and also be prepared to vote on it. Let us move on to the next agenda item.

AGENDA ITEM 5 INTELLECTUAL PROPERTY POLICY

BRAND: Myrtle, will you make this presentation?

***SCOTT:** I apologize for Fred Cate, our chair, who is at this moment teaching in the law school and therefore could not be here. You have the document before you, Circular U11-96 in its most recent modification. For those of you who have not been through 16 _____ of Intellectual Property let me give you a brief background.

In about 1990 or 1991 IU hired its first Technology Transfer officer who began to draft policies in this area. The reason we hired a Technology Transfer officer is because in the 1970s two trends had begun that would have eventually important implications for Intellectual Property. In the first place, universities' needs for monies escalated and in the second place, companies began to also downsize and often the first thing companies gave up was their research and development or R and D operation. Soon these two groups discovered each other with a new revenue veil in front of their eyes. The companies hoped they could buy their R and D cheaper from universities and they could produce it internally. Universities hoped they could obtain additional revenue buy selling professors' ideas. So Technology Transfers offices sprang up in some universities whose purpose it was to "broker" faculty ideas to companies and "broker" company needs to faculty for them to do research on. On the face of it, it might be argued that universities have always worked with companies to do some of these things, but there were several things that were new. One, the scale of this "brokering" escalated many more *steamingly* candid faculty, for example, and, two, some universities began acting like companies making many and fairly rigid employee-type rules governing the sale of professors's ideas.

The good news is that by the time IU got into the game some of the better universities had already discovered a number of mistakes in their technology transfer strategies and were pulling back substantially. For example, the documents that we saw from Harvard, _____, _____, and Stanford were of this type. Quite clearly, there were a number of substantial faculty issues here so in 1991 this University Faculty Council formed a Task

Force on Intellectual Property and charged it with generating policies on intellectual property. This multi-campus, multi-school group worked for about a year and it was decided that a) because this area was so new, and b) because it was so complicated, the best strategy was to start with the seven principles upon which policies could subsequently be built.

In 1992 this University Faculty Council approved this set of four basic principles of intellectual property. For the next several months a working group composed of UFC members, administrators, and Trustees convened and examined these principles.

In 1993 the Trustees approved the principles with some slight modification. A statement of procedures, that accompanied these principles, called for the establishment of two committees: 1) an Intellectual Property Policies Committee that would recommend policies to the University, and 2) a Technology Transfer Advisory Committee (this was a modification of an existing committee) and their purpose was to give day-to-day advice to the Technology Transfer Office in light of these principles and policies.

Finally, in the Fall of 1994 George Walker appointed the Intellectual Property Policies Committee with Fred Cate as the chair. That committee has been working diligently since then and Fred's area (he is a Professor of Law) is Intellectual Property Law. He served on the original Task Force. It is that committee that presents these policies to you today. They are built very directly on the earlier principles which you and the Trustees have already approved. They take the next step or two (baby step maybe) toward developing our policies for Intellectual Property at IU.

Let me call your attention to five things that are different between the principles that you have seen and these policies. The first thing this set of policies does is fold in students. That was one of the most frequent questions of us is, What if one student on a research project is actually an employee and is, therefore, governed by these principles and the

other is not, how do you handle differences in intellectual property of rights and responsibilities? So, all students are now folded in. That is under 1.A.

The second thing that this document does that is different from the principles is it clarifies the definition of intellectual property. That is in 1.B. Before the major criticism had been that it define things by giving examples and now it gives the definition and then add the examples.

The third thing this set of policies does is it puts in a more specific procedure that is addressed to, what I would call, rogue faculty. We learn as we worked on these committees that some faculty will go off on their own and arrange for “deals” that are detrimental, probably to the faculty member, but also the University. Item 3.D. is an attempt to bring all such faculty under the fold.

The fourth thing that it does is that it talks about revenue distribution more specifically as you see in 5.A.2.

Finally, it clarifies the role of each of the persons or groups who will play some role in the development of an intellectual property set of agreements and operations as you see in 3.C.1.

These are the major things the document is presented to you today from the Intellectual Property Policies Committee.

BRAND: The document is open for discussion. Clearly a lot of work has gone into this.

***OLMER:** Myrtle, I have the same question as I asked Fred Cate at the PFC meeting before and this had to do with the extension which the information sought and provided by undergraduate students, graduate students, and staff, in particular technical staff. The

answer I heard _____ was that these groups were not consulted and did not participate in this document. I must say I had great misgivings about a university policy which affects all those people but yet only one group participated in the development and writing of that policy.

SCOTT: Yes, I think those were legitimate questions, Cathy. I heard a slightly different answer than you did and I think what I would say is that the two committees on which I have worked have had that kind of input in only a semi-systematic way. Remember, this was originally a faculty commission charged by the UFC and gradually Trustees and administrators and others have folded these other groups into it. After you raised that question, Fred has now sent these documents in a formal way to all of those organizations that you mentioned so, we are expecting input back from them we hope soon.

***OLMER:** It is very important that they not feel that this is a _____.

SCOTT: Yes. I do too.

HOLLANDER: I raised to this question to the Agenda Committee, but for the record I want to re-raise here the special circumstances of the Ft. Wayne campus where there are Indiana University faculty whose intellectual property rights are assigned to Purdue University under the campus governance agreement. Some provision for that needs to be made in this document.

BRAND: Is there someone from IUPUI who can answer whether the Purdue faculty assign their rights to IU on this campus? Does anyone know the answer to that? *[No one was present to speak to that.]* I assume the committee will look at that as well.

PETERSON: I have another issue and it is because I have an incomplete understanding of these exceptions that are listed in 1.B. There are exceptions for certain works that are

traditionally accepted as contributions by faculty members. Can you tell what the circumstances are for those works as opposed to other intellectual property that might be produced under other mechanisms?

SCOTT: That was one of the most difficult challenges from the very beginning, Dick, and that was defining what applicable ‘intellectual property’ meant. Universities argued that they wanted to continue to be academic institutions. Remember, that was part of the principles. And, as such so called ‘traditional’ works of scholarship, monographs, plays, research articles, and the like were thought to be appropriately treated as they had been. That is, owned by the faculty member herself or himself. But, universities also argued that sometimes they pour many thousands of dollars into a professor’s laboratory or into other special kinds of activities and, if they could re-coup some of those costs, in the event that something sellable emerged from those, they probably ought to do it. That is what led to the establishment of this policy is the determination of activities where significant university resources had been used while still trying to leave _____ activities and procedures and products that were more traditional works of scholarship or creative activity and the like.

PETERSON: I have one, and it is hearsay information at this point, and I wish Becky Porter were still here because I believe she is the “hearsay” that I received this from. I believe at one time she reported to me that a copyright for book that had been written remained with the university rather than with the authors. I assume that would fall under this particular scope of 1.B.

SCOTT: Copyright and patents and all those kinds of things are part of intellectual property law. I am sorry that Fred is not here to talk to that because he has some special understanding of the differences between those two and other intellectual property agreements.

PETERSON: As part of that copyright, as I understood her to be talking about at that time, the money came back to the university rather than to the individual.

SCOTT: I think that varies as a function of what it is. If it is a traditional piece of scholarship, like for example a research article, actually the copyright is owned by the journal to which you send it in my discipline. If it is not, then it resides with the professor. On the other hand, if you sell a book about the Kennedy assassination that becomes a best seller with which you had an agreement with the university, then there is a sharing of revenue.

BRAND: It is possible that a faculty member could work under a contract with the University, for example, producing a certain kind of _____ using university resources and doing it on behalf of the university in which case the university would own the copyright. So, there are special arrangements but by and large the traditional materials, as they have always, will remain with the faculty member.

***MANNHEIMER:** I have two questions. What about somebody, Eric Segal, the author of Love Story who have may have cranked out what was not perhaps considered traditional work of scholarships, or in general, someone who pursues something _____ in his or her field but profitable using university resources? The second question is how fragile is this entire structure to legal invasion? If having pursued all means of appeal specified in 8.G the aggrieved faculty member says, "I still didn't get a fair shake on suing" What happens?

SCOTT: To take the second question first, extremely fragile as is the rest of our life these days. Let's kill all of the lawyers! Sorry, Ed. *[laughter]* To respond to your first question about the Eric Segal example. That is why we worked so hard to put into this traditional kinds of activities. If Segal wrote this book at home on his computer, it belongs to Segal. If he wrote on his university computer at night, incidences like that are in this "gray and fuzzy" area. Universities in the past have said to themselves, "In order not to constrain faculty from productivity and particularly not to stampede them into going to their garage and setting up their private companies, we want to work cooperatively and we are willing to

let go an occasional Eric Segal book in order to have a broader conjoining with other faculty throughout the university.” So, it is sort of like, we are in this together. We have to trust each other. The main principle is to exclude those works that are traditional scholarship.

I should point out one other thing that Myles mentioned and that is the additional in 1.B.3 -- these things called “institutional works.” We had to be very careful not to use the words “work for hire” which means the university might say to you, “I need this job done. Will you do it?” “Yes, I will and here are the arrangements under which we will work.” Because, the United States Supreme Court has specifically excluded one class of employees in the United States from the “work for hire” doctrine and that is university faculty members because of the nature of their work and the development of ideals and creativity. The University still has sometimes these needs and so these were called institutional works. That is a contract that you work out with the university before you do the piece of work.

***COFFIN:** I think this is generally an excellent document but I have one question. How do we incorporate in it some of the things that are coming out of Distance Education (COULD NOT UNDERSTAND) When we were on the Business Education Faculty Advisory Committee we talked a number of similar issues. Some of the things that came out of that _____ recommendation were not quite consistent with this. I think it is going to be essential to try to make sure that all of these things wind up saying the same thing.

SCOTT: So do we. Distance Education, software, and those kinds of things are so clearly in the fuzzy area that this committee said, “We don’t enough to make specific rules.” We have had some conversations with Dean Krendl following your committee’s good offices and she had agreed that the policies to be put into place for the Distance Education efforts for IU will follow the adoption of these principles by the UFC and by the Trustees and will be consistent with them. If I understand her correctly, she is thinking about those activities more under Institutional Works. But, I think also now thinking about those things much more following your committee’s discussions, as traditional faculty work.

COFFIN: (COULD NOT HEAR)

SCOTT: That is right and who controls it..

COFFIN: Right.

BRAND: Are there any other questions?

GREENEBAUM: I think one of the things that is clear is that both faculty and administrators need education about the right questions to ask as they engage in these activities. They have always been the right questions to ask, but for various reasons it hasn't been quite so pressing to ask them, but with the creation of ARTE, with Distance Education coming more into the picture and other new activities, it becomes all the more important to ask these questions. I think the great virtue of this document is that it does frame the questions that need to be asked. It won't keep people from getting into trouble if they don't ask them. I think this is among one of many matters in which new administrators need education and orientation as they take on their roles.

SCOTT: One final thing. Please feel free to speak to Fred Cate whose E-mail address is FCATE about all of these things that you have raised. I have picked up on the student, staff, and things and also Steve's notion about Fort Wayne and, Myles, your notion about here at Indianapolis. But, anything else you want this committee to consider, please let Fred know or me.

BRAND: Myrtle, what is the timetable on this?

SCOTT: We hope to bring this back to you at the next UFC meeting in March for your action, so it is important that this gets discussed on your various campuses.

***FINEBERG:** I hope that some of our work in Distance Education can be incorporated into this. In fact, we have dealt with many of the same issues and I think we came up with some reasonable burning solutions (COULD NOT HEAR)

SCOTT: Thanks, I think I have them and if I don't, I will call either you or Don and get the most recent version. Thank you.

AGENDA ITEM 6: TRUSTEES' PENDING RESOLUTION ON GRADING POLICY

BRAND: Moving on now to the Trustees' pending resolution on Grading Policy, Professor Olmer would you like to speak to that?

***OLMER:** Yes, thank you. (COULD NOT HEAR) You have two documents before you, Circulars U12-96 and U14-96. Circular U14-96 indicates two resolutions brought forth, I believe, by Trustee Richardson and their approval of this proposal _____. To the best of my knowledge, they have not been voted on by the Trustees but will in fact be brought up at their meeting later in March. Comments from this group will be _____ by that group. The UFC Educational Policies Committee (EPC) held conference calls and my co-chair of the committee is Beverly Ross from IUPUI. The document before you actually represents quite diverse opinions among the Educational Policies Committee. What I would like to do is to address these two pending resolutions. First one and then the other and then we can comment on these. I also realize that the faculty senates on other campuses have also been discussing these and have formed resolutions on their own campuses and I hope they will have an opportunity to speak to this as well.

The first resolution regards grade inflation and basically states that people who within a department should have discussions of what the grading policies and practices are down to what the grading policies are (COULD NOT HEAR) submitted to the Dean of the Faculties

Office as well as other central location within the University. Everyone on the EPC felt that, first of all, it would be almost impossible to get faculty within a single department to agree upon a single set of grading policies which would _____ and it would be at the level of specificity that we suspect the Trustees would like to see although we don't know this. In particular, we also acknowledge that faculty have the right to set their own grading policies and grading _____ according to whatever criteria that they feel appropriate for the circumstances. The circumstances can be undergraduate versus graduate level courses, lower level undergraduate courses, upper level graduate courses, and usually faculty have their own criteria as to what grading policies of faculty ought to be. Within the department _____ that different grading policies _____. While we warmly dealt with the Trustee's interest in these academic issues, and I mean that, and we feel that it is not possible and not appropriate for faculty to develop such a single policy.

On the other hand, we do think it is healthy for departments to regularly engage in discussions of _____ policies and faculty are _____ to better inform faculty in their department of what is going on and also to _____ younger faculty or _____ faculty into the fold. We encourage such discussions to occur on a regular basis but we do not endorse a motion that we shouldn't be a written policy within the department that states what their grading policy and _____ should be.

The second pending resolution before you regards Grade Indexing and this is the issue on which there was the broadening range of opinions within the Educational Policies Committee. As many of you may be aware, the Bloomington Faculty Council voted two years to institute internal grade indexing on the campus. Since that time, there have been discussions with the Registrar as to the best _____ to implements of internal grade indexing. By internal grade indexing we mean is that this new information would be available to students on their grade _____ semester as well as on their internal grade transcripts which they request from the Registrar's Office. For example, what we want is for transcripts they request be sent to a graduate school or professional employer. Much of

our time (**COULD NOT UNDERSTAND**) spent in discussing in faculty what information should be provided that is not already provided. The main purpose for internal grade indexing is provide a context in which the student can better understand the meaning of the grade. Whether the need of the student _____ in a particular course is a good grade or a bad grade. Whether that grade might be indicative of talent in that area or perhaps the lack of talent in that area. Whether the student might be wise to take additional courses or not. A "D" is not necessarily a good grade or a bad grade. It depends upon the content. So, what we wanted to do is to provide information to the student that we show (**COULD NOT UNDERSTAND**) .

Given that preamble, the actual decision as to what information should be provided to the students _____ have the context for the grade is a _____. At present, the Bloomington EPC and the Registrar have agreed upon the information which appears on the second side of Circular U12-96. This is for revealing complete information so that the student is made aware of all his grades which are given in a course. The student knows, for example, _____, We would also provide an index. This would be two numbers separated by a slash. The first number would be the number of students in that class who receive a grade higher than the student, and the second number would be total number of students in the class. So, by a quick look at this index, the student will be able to see where they stood within their class. There are many models for grade indexing. The model presented by the Trustees is in fact an older model which the EPC on the Bloomington campus abandoned about a year ago because we felt that it did not provide sufficient information to the student and, in particular, it was in error in the type of information that it provided to the students in the medium grade range -- the D and C grade range. We felt, after all the lengthy discussions, the best way to proceed was not to try to dispel the information down but rather to provide the entire set of information.

On the other hand, other IU campuses, and I hope the representatives are here today, have discussed grade indexing and, from their point of view, are not persuaded that grade

indexing is a good thing to implement. The University Faculty Council's EPC, therefore, suggests the four suggestions at the bottom of the page. The first of these is that the decision as to whether a campus would implement grade indexing or not ought to be left to the campus. If the campus has decided to implement grade indexing, then that campus should decide the type of information that would be provided.

We also suggest that the Bloomington campus is strongly supported and encouraged in moving ahead with grade indexing as soon as possible and that the other campuses be regularly informed about how internal grading is being implemented on the Bloomington campus and the _____ progress of the effect that it is having with our students so that at a future time each of the individual campuses can decide for themselves whether grade indexing is something they want to implement on their own campuses and, if so, which forms of information they want to provide. Again, while we warmly welcome the Trustees' interest in such matters, we feel first of all that grade indexing ought to be left to the individual campuses and that the form of all grade indexing ought to be left to the individual campuses.

BRAND: Are you proposing any action at all?

OLMER: We did not have any specific resolutions in mind but we are _____ these documents _____.

GREENEBAUM: Or there could be a motion to approve the report.

OLMER: Yes.

***COFFIN:** I have a question just in general on grade indexing and that is that it seems to me that for statistical purposes you would never do this in classes _____ in

science. It could be information that becomes meaningless. I frequently teach a cross list of undergraduate and graduate courses and I may have as few as three or four graduate students in the course and it is not at all clear to me that providing grade indexing on four students tells anybody anything. The sample is too small. The sample is too random. The _____ may be too random. In any _____ however this gets done, if it gets done, if it is a good idea, I would like to see some minimal class size on which it is done and I personally would suggest 30.

SPECHLER: I favor this idea and welcome the leadership of the Bloomington Faculty Council in moving towards grade inflation. *[laughter]*

BRAND: Do you have anything else to day?

SPECHLER: Yes. Grade inflation is on my mind and you will hear a little bit about that in a minute. I welcome that leadership because I think it will shame the rest of us into doing what we should have been doing a long time ago and that being more revealing, more collegial about our grading standards. Of course, it will go part of the way towards answering the selective grade inflation issue which I believe is quite serious as between schools and departments on our various campuses. I am in favor of leaving it to the individual campuses and I intend to fight for this on the IUPUI campus, but it does raise some intercampus issues. There is, of course, the system school issue. Many students who are primarily Bloomington students enrolled in the summer at IUPUI. There are students who transfer from one campus to another and it is our intention, the intention of the Strategic Directions Charter and of the Trustees, to promote those transfers from campus to campus. I expect that if the Bloomington campus goes ahead, and I hope they do, that they will request this information from IUPUI that will begin to provide information that will lose our fears about this kind of grade indexing. Now, of course, I don't think this goes nearly far enough to deal with the underlying problem which is selective grade inflation and competition for enrollment on the basis of grades. It is not impossible for a department or a school to agree on a grade policy. Our department has discussed it and

has agreed on a broad grade guidelines. Indeed, I think it will be a weird department around the University that would allow a professor to come in giving all A's or all F's. You do have a grade policy for extreme situations which occasionally arise.

My question is, if you are going to publicize it to the students, and I think that is a good idea, why not publicize it to the taxpayers and to the public in the State of Indiana? That is accountability and it would have the effect, I am quite open about this, of revealing those courses where the grading standards are very different from the norm. Now, I have to confess that I have inflated my grades. I confess and I will tell you why I have inflated my grades. Because in a study in my school I found out that the grades in my department (Economics) were about eight tenths of a grade below the average of some other departments whose students were no better than ours. We were faced with a situation where students are coming into economics, (not the easiest discipline, but perhaps not the hardest either), and they could expect a much less favorable addition to their GPA than students in these other departments which will remain nameless for the time being.

Now, that discourages students from coming into what we believe is an important discipline and I am sure you believe the same about your disciplines. It is naive to believe that students do not think about their GPAs. Their GPA determines their acceptability to our medical school, to our business school or any other undergraduate curriculum and to many other schools in nursing competition for those places that _____ and students rightly concerned about their GPAs and often tell me that they are looking for an easy course. What do I mean by an easy course? You all know what that means. That means one where you can get a high grade with relatively little work. Now, I have inflated my grades in order not to penalize students from taking a relatively hard program, relatively hard discipline and to allow me to raise the standards in the course without penalizing the students from following along in this respect. I did that only after I pleaded with my faculty colleagues in the school to have a school wide grading policy and showed them the tremendous difference between the grades of departments and others. They turned it down. They want grading standards to be professor specific. I think that is wrong. Their names are not on the degrees. These are IU degrees or possibly IUPUI degrees, IU

Kokomo degrees, IU Northwest degrees. It has to be the effort of our faculty as a whole. We are the ones as a whole who should set these standards. I believe that this selective grade inflation that goes on at Indiana University is working to lower academic standards around the university. That is something we should not tolerate as faculty. So, in conclusion, I welcome this initiative. I think it is long overdue. I think we should go much further in this direction for accountability and for the sake of raising academic standards throughout the university.

BRAND: Are there any other comments?

MANNHEIMER: It is my lucky day because I find myself agreeing with Marty Spechler on two important issues; first, on clinical ranks and now on this without your _____ verbiage, well-chiseled arguments, I simply concur.

CARR: (could not hear) I don't think I can, Steve. Although, I must say that Marty's speech does give you a clue to nostalgia. Twenty years ago, when I first served on the Bloomington Faculty Council, we had another _____ [laughter] separated bi-weekly on the probably _____ with grade inflation. A few years later _____ retired and we are still talking about the same problem. I hope they do recognize that one thing that was absent from Cathy Olmer's presentation and that is the fact that this is not dealt with in the context of grade inflation. We had on the _____ talked about the problem of grades and I believe we came to a very realistic conclusion. That as much as I would like to go along with what you are saying, Marty, I think there are practical reasons why it is just about impossible. I don't think in this group, as illustrious as it may be, that we could come to any sort of agreement about a grading policy. If we break into disciplines, I must say that I am astounded that the economics department will be able to do this, but I can tell you from my own experience in the French department, it would be an absolute impossibility by one colleague who just raised an A+ to a B+. _____ what we do understand in a department what we are trying to get across grade indexing. That is to say the grade has a

meaning solely in a concept. We assume when we see a grade on a transcript now that an A _____, etc. They have absolutely no idea that the assumptions may be right _____ more than likely _____ because that range is not uncommon. We don't know if indeed this is an extremely difficult course in which that B+ is a remarkable grade or if that B+ is a regular B+ whatever that may be. This is what grade indexing is meant to do. It is to put that grade into some sort of context with the pieces of information that were felt to be useful for interpretation of that grade. The usual recommendation that we see by the Trustees is repeating essentially the recommendation made _____ retired. *(Could not understand)* _____ very upset by the notion of grade inflation and decided that we could curve grade inflation by providing an index. That is what you see in the Trustees' resolution. *(Could not understand)* That index, as Cathy mentioned, is fine when giving the top grade. It is meaningless once you get below an A. The other grades have absolutely no significance once you adopt that single index. We discussed this problem for literally months to find that information which would give the context necessary for the implementation of grade and that is what Cathy brought our attention on the first _____. I don't think we will curb grade inflation. I don't think we ever will, if it does exist as some it does. I refuse to accept this but it does one thing. It gives the grade meaning and that is all we are trying to do here. I hope that we can lay grade inflation aside and look what is being suggested in the context in which it is being suggested.

BRAND: Let me take this occasion to relate to you some conversations I have had with Trustee Richardson who made these recommendations and what he intended. There may be some misinterpretation or there may not be of what he intended. One of his purposes is to provide a form, I think Cathy said this, for discussion of grading policies. At least in my experience it is rare that there would be serious discussion as to opposed to passing comments, serious discussions within a departmental context about grading policy. Trustee Richardson was very adamant in his point that it is the guidance of the individual faculty member that is at issue and not mandating any outcome. So, there may have been some interpretation that he wanted certain distribution of grades. And, perhaps he does or

did, but that is not what this resolution reflects because he recognized, I believe, that that is within the purview of faculty. Finally, when you talk about policy for grading, it is not just grade distributions -- A's and B's or grade inflation. There are other issues that are relevant in grading policies. For example, fairness in the way you grade individuals. Consistency or there is some group that is **(CHANGED TAPE AT THIS POINT)**

OLMER:

BRAND:

BALDWIN:

KEEN: _____ discuss these issues, but this debate reminds me **(could not understand)** language and for some _____ attempting to create perfect language in which each symbol or verb has one _____ meaning. If we could do that, we would solve all of the problems of philosophy. **(COULD NOT UNDERSTAND)** for good reason. There is no way to give perfect information about any word or symbol and _____ indexes might give more information _____ more clear about **(COULD NOT UNDERSTAND)**. I think part of the reason we do letters of recommendation and provide _____ description and discussion of what we do is some of us have to provide that kind of information.

BRAND: Professor Marker, I have to recognize you and then we have to move on.

MARKER: Just one comment. I was on the BFC EPC and there were students on this committee and I think they were very supportive of the plan that Kathy and Dick have laid out here. I don't think you have to worry about these transcripts going outside of the university. The person who wants the transcript is the student. The student can send this "internal" transcript to anyone he or she chooses. I think the interesting _____ is what the good students are going to do when they have this information and certainly if this context

for the grade shows the student got a high grade in a very tough _____, I don't think there is any way you could keep the students from sharing this information .

KEEN: I questioning about perspective employers, schools, etc.

MARKER: The student can furnish that, along with other kinds of things. I just think that politically to try to get this passed in any type of group _____ transcript is becoming impossible, but if you leave up to the students, (COULD NOT HEAR).

BRAND: We need to go on to another issue, indeed which is an action item issue. That concerns the Proposed Early Retirement program. Is it Jim that is going to make the presentation?

ZIETLOW: (COULD NOT UNDERSTAND) Given the time, I think you all have copies of the Early Retirement Proposal. By looking around the table, because of the lack of **self-relevance**, of most of us sitting around the table, it will affect only those who have been hired on since 1989 and I don't believe any of us fall into that category.

BRAND: Speak for yourself. *[laughter]*

SHERMAN: As many of you know, the old plan that included the 18/20 policy had to be abandoned unless the university be abandoned. We sort of put on the books a new policy, although it had no specifics. It wasn't substantiated in any way. We thought, "Well, we can take a little while to do it because doesn't matter. People coming form 1989 won't be retiring yet." Now that it is seven years old we really had to think about it and replace the old policy with a new one.

The new policy has basically 12 percent kick in to TIAA / CREF as opposed to 15 percent in the old policy. To supplement that 12 percent, this is the adoption of an "early retirement" plan. It basically kicks in another 2.12 percent of salary each year and allows

that person to realize that money as soon as they turn 55. Before age 55, you can do what you want with the money in terms of where it is _____ TIAA but it isn't yours. You can play with it as "funny" money but until you stay here and you are 55, it is not your money. If you leave at age 53 to take another job or do something else, you don't take the money with you. It is an incentive for early retirement because at age 55 you can realize this money and have a pot of money that you can travel on or do whatever you want with, whereas without this, you don't have access to your TIAA funds yet and you are stopped without any financial support for retiring. So, it is a way to make it easy for people to retire. If you look at the specifics, in order to get this policy in as quickly as we can, we have to catch up those people since 1989. We don't have that money in their accounts now. Fortunately, this money has been kept aside. We managed to do that. It is there. So, we can kind of kick it all in but we can't because of IRS guidelines. You can't kick in all of this money at the same time. Originally, there was a five-year phase in. We decided we could really do it in three years without doing much, if any, violation to IRS policies. There might be one or two cases on campus that are going to be problematic, but we thought kicking it in earlier was worth dealing with those one or two cases. As a policy, it makes sense. It gives people an option.

I guess I would just like to use a minute to bring up what I see as two things that you might want to consider. One I consider a problem with the current plan and that has to do with leave of absence. There is a statement in here which says, "following a period of 24-consecutive months of unpaid leave, the Participant shall be considered terminated for the purpose of determining vesting under this Plan." People pointed out to me that we have lots of instances of faculty members -- good and true -- who have been granted unpaid leave for working purposes like _____, working for the state, job _____, headed an NSF director for three years. John Ewing in the Mathematics Department now has a five-year leave to do good work and the university supports it. Does that mean that we no longer want to encourage people to do things like that? I think the university has no obligation to give unpaid leave past two years, but if it does it think it is a good purpose for

doing it. If it thinks it is good purpose, I can't why they would want to divest someone from doing it. I would simply strike that and say of the University wants to give unpaid leave of absence then they must have good reason of people to stay vested. We have been thinking about that or other ways to solve it and suggest _____. I think as it is it could create problems for people that we don't want to see _____ vested.

The other comment that I would make about this is what I consider _____ unstated and either intended or unintended effects of this policy. It gives people a way to retire early. It also gives the university a way to keep people here. If you are here for 20 years and you got an offer somewhere else, they may give you a higher salary but you are kicking back a lot of money. It is not your money anymore if you leave. It is not like TIAA that travels with you. This money doesn't travel with you. I suspect that it will make it harder for people to leave the university, but in the same way it might alter the university policy with regard to meeting outside offers. Some people like the fact of meeting outside offers, some don't. I suspect that this will make it less necessary to meet outside offers because you already have leverage in keeping people here. Will that reduce our average faculty salary which is already among the lowest in the Big Ten? I don't know. I am just asking you to think about these things. I suspect the committee has thought about some of them.

DOWNES: One of the things that we ought to be aware of in here is that this particular proposal was developed by a task force set up by the _____ committee. Although many people in here are not members of what I call the "Class of '89," the task force was heavily laden in favor of people who are part of the "Class of '89." This was the proposal which they selected from a number of alternatives that were presented to them. There were a few gray birds like _____, _____, and myself on that committee. We followed, I think, exclusively the lead that was provided by people who were part of the "Class of '89." Yes, it does hold people here at the age of 55, but those of us who have been imprisoned by 18/20 and who face temptations from other universities will understand that it has, certainly in the case of many of us, _____ the advantage of the university to

stay even though our reason for staying has less to do with that than continuing to be helpful for 18/20 _____.

What I am hoping is that we will move with something like a speedy deliberation to approve this plan because I think once the specifics of the plan become part of the package that we can explain to new recruits, I think it will be a powerful incentive for them to seriously consider Indiana University as a place to live out their careers.

SHERMAN: Michael, what is your feeling about the 24-month option?

DOWNS: It sounds to me to be quite arbitrary. If Dan Rives were here, Dan can't be because of a personal tragedy, I am sure that he would be perceptive to reconsideration of that aspect of the plan. _____ legal difficulties with it, I don't think it is presented_____.

BRAND: Michael, Let me ask you about a process issue. Suppose this group now approves it, what happens then? Where are we in the process? Al, do you want to speak to that?

RUESINK: I wrote to Dan a few weeks ago and said essentially we would like to move along on it, but if we don't move along at the February meeting, what happens next? And, I received from Dan a short E-mail stating: "A delay by the UFC would postpone _____ university administration reviews and _____ which would delay the actual contribution, which delays the greater potential earnings that individuals could receive. I purposely have not taken this to higher administrative levels within the University to give the UFC an opportunity to review and respond. I do not know how long it will take for final approval."

BRAND: But, Al, consider just the 24-month option right now. Can this group approve conditional upon the committee going back and looking at that additionally?

DOWNS: That is exactly what I was going to suggest. What we do by insisting on delaying because of that provision is putting money in our colleagues pockets, putting it in a place where they can develop their own retirement package. I hope we don't do that. I think that the Fringe Benefits Committee can sit down with Dan and, if there is a way that this can be done, we can bring that part of it back later for additional consideration. If the body were to approve it with the proviso that we look at that particular part and bring it back, I think that would be a safeguard. It would guarantee that an important element would be looked at and we can begin the process of passing this up through the administration to get it in place.

BRAND: Shall I take that as a motion of the committee?

DOWNS: Please do.

BRAND: I assume there is a second?

LOHMANN: I second that.

(HAD TROUBLE WITH THE TAPE AT THIS POINT AND IT PICKED UP WITH PROFESSOR LOHMANN SPEAKING)

LOHMANN: _____ four percent into a separate TIAA / CREF account for everybody in that group is not an expensive problem. We are already doing it.

PATTILLO: I may be entirely misinformed or wrong, but it was my understanding that there were some federal _____ requirements that required 100 percent vesting after seven years and it could either at one time or on a graduating basis. Is that not accurate?

DOWNS: Certainly in the presentation that Dan made to us, that is not a problem.

BRAND: I ask this to be a friendly amendment to the motion that you will double check that?

COFFIN: Yes.

UNKNOWN SPEAKER: (Male) I think that applies to primary retirement (could not hear)

BRAND: We will double check it to make sure we don't go wrong here.

PETERSON: When Jim was mentioning the tie the university, I assume that he was reflecting only until age 55.

BRAND: One more comment and then we will go for a vote.

SPECHLER: I have a question. At age 56 or 57 will the person continue to receive 2.4 percent into the early retirement? And, at age 70 and age 75?

SHERMAN: As long as you are employed by the University.

SPECHLER: If you are employed by the University even at the age of 75 you will continue to get early retirement benefits which you passed up 20 years ago?

BRAND: There are tax implications to that too. I would like to hear from someone call for the question.

UNKNOWN SPEAKER: Call for the question.

BRAND: All in favor, please say Aye. Opposed? Hearing none, it passes. I would like now to move into Executive Session.