

**MINUTES
INDIANA UNIVERSITY
BLOOMINGTON FACULTY COUNCIL
MARCH 23, 2004
BALLANTINE HALL 008
3:30 - 5:30 P.M.**

Summary of Actions Taken:

Agenda

1. Approval of Minutes (approximately 5 minutes)
December 2, 2003 (<http://www.indiana.edu/~bfc/docs/AY04/minutes/12-02-03.minutes.htm>)
March 2, 2004 (<http://www.indiana.edu/~bfc/docs/AY04/minutes/03-02-04.minutes.htm>)
2. Agenda Committee Business
(Professor David Daleke)
3. Question / Comment Period* (10 minutes)
(Professor David Daleke)
4. Peer-to-Peer File Sharing Policy Update (20 minutes)
(Professor Jim Patterson, Chair Technology Policies Committee and Mark Bruhn, Chief IT Security and Policy Officer, Office of the Vice President for Information Technology)
http://www.indiana.edu/~bfc/docs/AY04/File_sharing.doc
5. External Relations Committee: Review of Committee Charge (20 minutes)
(Professor Richard Nash, Chair, External Relations Committee)
<http://www.indiana.edu/~bfc/docs/AY04/ERCenabling.htm>
6. Proposed Conflict of Commitment Policy (First Reading) (20 minutes)
(Professor David Daleke, Chair, Research Affairs Committee; Professor Ted Miller, Chair, Faculty Affairs Committee, and Professor Ann Gellis, Associate Dean for Research Compliance)
<http://www.indiana.edu/~bfc/docs/AY04/circulars/B41-2004.htm>
7. New Business

ATTENDANCE:

Members Present: Moya Andrews, Bennet Brabson, Ann Bristow, Malcolm Brown, Bonnie Brownlee, David Daleke, Paul Elliott, Patricia Foster, Ann Gellis, Kathleen Gilbert, Laura Ginger, Michael Hamburger, Kevin Hunt, Margaret Intons-Peterson, Elizabeth Johnson, Bradley Levinson, Deidre Lynch, Murray McGibbon, Ted Miller, Richard Nash, Harold Ogren, James Patterson, Eric Rasmusen, Amy Reynolds, Barry Rubin, Dennis Senchuk, James Sherman, Sarita Soni, Herbert Terry, Larry Thibos, Thomas Walsh, Mary Wennerstrom, William Wheeler, JoEllen Baldwin, Jesse Nelson, Carla Thoele

Members Absent: Jeff Alberts, Ken Gros Louis, John Slattery, Neil Theobald, Joyce Alexander, Simon Brassell, Erik Bucy, Elin Jacob, Joss Marsh, Kelly Mix, Mary Popp, Elyce Rotella, Rex Sprouse, Holly Stocking, Celestina Wroth, Andrzej Zieminski, William DeKemper, Kimberley James, Jen Crompton, Casey Cox, Grant McFann

Visitors: Julie Knost, Affirmative Action; Mark Bruhn, Office of the Vice President for Information Technology

AGENDA ITEM #2: AGENDA COMMITTEE BUSINESS

DALEKE: Good afternoon everyone. I think we'll go ahead and get started. I am not Ken Gros Louis. Ken is at the, presiding at the forum on tuition and fees that's being held over in the School of Education and is being broadcast across the—actually it's being held in Indianapolis and it's being broadcast across the state. So he couldn't be here today. And since he's not here I'll step in and preside at the meeting.

We have a fairly brief agenda today so perhaps, although we started five minute late, we actually might end early today, I hope we do. But we do have some important things to discuss and we may get to action on one item. But I have a few announcements to make from the Agenda Committee before we continue. First of all as you know the ballots for the elections are out and they were due initially yesterday. We postponed that for a week because they came out late and we wanted to give people plenty of time to turn in the ballots. Please remind your colleagues about the ballots and have them turn theirs in, they'll have until next Monday to do so. Along with the ballot was a Committee Preference Form and also please turn that in as well. That goes to the Faculty Council Office. After these ballots are collected and counted we will have a series of elections of the new BFC members. The first of which will be an election of the Nominations Committee and once the Nominations Committee is then constituted we will then nominate individuals for the Agenda Committee and for the officers—the two of our officers will be, well I will be continuing, the secretary and the...

GINGER: Parliamentarian.

DALEKE: Parliamentarian, thank you...I was going to say Sergeant at Arms for some reason, I don't know why that pops into my mind.

GINGER: The jailor.

DALEKE: It's Laura's iron fist here sitting next to me—will be up for reelection as well as the Agenda Committee. So you might want to keep that in mind over the next few weeks. After that occurs then we will have, we will fill the committees, and then have an election for our UFC representatives. And so this will happen with the new BFC members.

I have a couple of reminders of some things that are going on. First of all April is Disability Awareness Month and the Office of Disability Services for Students is having a kick-off reception on Thursday April 1st in the Frangipani Room. And so you may have seen these orange flyers around and I encourage you to make your colleagues aware of that and also attend.

President Herbert's Inauguration will be April 15th at 3pm in the IU Auditorium and I encourage everyone to attend—it would be nice if the BFC was present in full force. If you have any questions about the other details please contact the President's Office, Kelly, or the BFC Office, or the IU Ceremonies Office.

The UFC met before the break and I'd like to give a brief report of some of the things that went on because they are related to issues that we talked about here at the BFC. First of all the Conflicts of Interest Policy that we had discussed and had made some recommendations on went up to the UFC and it was passed. There was an interim Conflict of Commitment policy that was proposed and will be discussed at the next UFC meeting, just because the current Conflict of Interest policy in the Academic Handbook contains the Conflict of Commitment Policy and so we had to have an interim if we were going to replace it. We will be talking about the update to the Conflict of Commitment policy later on today.

In addition, the Library resolution that we passed at our last meeting went to the UFC and was given a first reading which meant that it was basically put up for discussion at the UFC and again at the next UFC meeting, which is on April 27th, that Library resolution will come back to the floor for further discussion and perhaps a vote.

The Student Code revisions that we worked on so diligently and made a number of recommendations for changes, particularly to sections I and III and I believe some in section IV. All of those went to the UFC and because of some concern about section IV in particular that was set aside and the corrections or recommended changes to sections I and III were approved. And so part of what we had discussed at the BFC meetings went to the UFC and was approved. There was a continued concern at the UFC level about the length of our Student Code and an interest in making it shorter and easier to read. And so the UFC passed a resolution to approve the formation of a drafting committee that will work over this summer and present next year to UFC a new draft of the Student Code. Essentially they proposed starting from scratch and building it up from there. But I suppose that what it may end up being is a modified version of a couple of the sections of our current code. And again this will give them time to compare to other codes that are out there, like the one from Michigan that we talked about at our meeting.

Also, Bill Wheeler presented some preliminary data from the UFC Educational Policies Committee on an admissions policy review for the entire university—this may become a part of one of our discussions at a future BFC meeting. So far it's not officially on one of our agendas.

In turning to today's agenda we have, our first item will be a peer-to-peer file sharing policy update—I want to thank Mark Bruhn for coming back again. We put him off last time because of our extended discussion on some other issues. He and Jim Patterson will be presenting that. We will also have a discussion on the charge for the External Relations Committee; Richard Nash—I want to apologize again—this is the second time he's been put off so this is his third try at getting onto the floor. Since we have a light agenda we'll have plenty of time for discussion. Lastly as I mentioned earlier the proposed Conflict of Commitment policy will come to the floor. We have it listed as a first reading, depending on the discussion, and whether the Council feels ready, we may be able to vote on it today. If not, it will come to the next meeting, and keep coming to our meetings until we decide what to do.

So in terms of our upcoming agendas we have a number of things that will happen in our last two meetings of the year, so we only have the April 6th meeting and the April 20th meeting—two more for this year. And they're going to be fairly well packed. Some of them we will hear reports, but there will be a couple of action items, things that we need to deal with this year. So

on April 6th the Conflict of Commitment will come back if we don't approve it today. We will also hear a report from the Fringe Benefits Committee about the Family Leave Policy which is due for renewal this year—that's actually an item that the UFC has to approve but we are going to discuss it on April 6th. And then also the Fringe Benefits Committee will talk about the Fee Courtesy policy for other state universities. And this is so that the dependents of faculty could have a fee courtesy, for example, at another institution in the state. This is something that has been discussed for quite some time and I'm glad to see that they've come back to discuss it again.

We will also have a resolution that will come to us on House Resolution 3077, which is the International Students, Studies, and Higher Education Act. Some of you might be aware of this; this is a renewal of Title VI and it has caused some concern especially in the area studies program about the degree of oversight of the activities of the academic activities of those units. And so Deidre Lynch together with the Agenda Committee has been working on a resolution and we're going to bring that to the Council next time, on April 6th. There's going to be a substantial amount of background material that we'll post on the BFC website that's related to this and I encourage everybody to read that material before our next meeting, which of course will be in two weeks.

The Educational Policies Committee may have some additional work to be brought to us on April 6th, but that hasn't been settled. At our final meeting we usually have some reports that come every year and we'll see that again. The Diversity and Affirmative Action Committee will give a report and as well as the Faculty Board of Review and Faculty Mediation Committee. We might have some other action items that will come up at that meeting, but we will announce that at the April 6th meeting.

That's all I had for the Agenda Committee business. And I can see that I'm already out of order because that was number 2 on our agenda, and our item number 1 was to approve the minutes. If you'd like to, let's approve, let's go to approving the minutes and then we'll come back to the question/comment period.

AGENDA ITEM #1: Approval of Minutes

DALEKE: So the minutes you have, I hope you had a chance to read them, minutes of the December 2, 2003 and March 2, 2004 were posted on the web. Are there any comments or corrections to those minutes? Seeing none, all those in favor of approving the minutes say AYE [AYE]. All opposed [none]? OK. The minutes are approved.

AGENDA ITEM #3: QUESTION/COMMENT PERIOD

DALEKE: So now we'll move on to item three, the question and comment period. Herb?

TERRY: I'm the scheduling officer of my department and as a result I was here over the Spring Break correcting our proof. And a problem has emerged that I think is potentially a concern to a number of faculty, maybe a large number of faculty. It's a PeopleSoft problem. So I thought I

would share it with you; I tried to bring pressure to bear to address it quickly, maybe some of you will want to join me.

The problem is when I got the schedule two of our faculty members did not appear under the names I had submitted. These are both women. And they were women who have a professional name different from their legal name. The PeopleSoft program reaches back into the records of the Dean of Faculties office and regardless of what name the scheduling officer puts in will insert the legal name, followed by the legal first name, followed ultimately in the electronic version, by the legal middle name if there is one. I think this is potentially very confusing to students. If somebody says take Professor X's class and instead listed in the Schedule of Classes there is no Professor X. There is some possibility, at least this is what I think Roland Cote implied, that at some point in the future, transcripts may include names. And at least in my field it would help an undergraduate get into a graduate school if it appeared they had taught with or studied under Professor X, who is very distinguished and everyone knows, and not under Professor Y whom nobody knows. And of course some faculty have kept those legal names non-public for a variety of privacy related reasons.

What I've learned so far is that the basic answer here is that that's what PeopleSoft does. What I am hoping for and what I am hoping some here will urge is there's a way to put this off for a little while. Your scheduling officers can enter no name at all for courses at the moment and they will appear as blanks. You will have to put in a name of some kind no later than the 2nd or 3rd week of the fall semester, otherwise you won't get credit in great big university reports for the credit hours you've generated. So we will put the names of our faculty back in during the 2nd week in September if we must. But I am hopeful in the months between there and now that the PeopleSoft implementation committee can be convinced somehow that this is an important issue and should have a high priority among the many things we want fixed or changed in PeopleSoft.

I called this to the attention of Terry Dworkin because many of the people who are affected will be women. It is my understanding from rumor about this, but it sounds plausible, that the School of Music has a problem with this. They have a fair number of people who have had professional names for decades and teach under those names rather than whatever their legal name is. I have not bothered until she walked in of sending this problem to Moya, but she now knows about it, Don Hossler knows about, Roland Cote knows about it. They obviously think it's a serious problem but their inclination is to put it in the great big pile of other PeopleSoft problems and address it when resources and money permit. That's my comment if any of you wish to weigh in on this you can talk to me or you can talk to Don or you can talk to Roland.

DALEKE: Kevin?

HUNT: Is there anyway to just put the name that they prefer into Moya's database?

TERRY: Yes, and then their W-2 forms and everything else will come out that way.

KNOST: David, I've worked on this problem for a couple of years already. I don't mean to interrupt, but there is...this has come up because, well the issue of women's names prior to this. People would often get a degree in one name, they go through marriage as a changed name, but

they retain a professional name and so then it was coming through on address books and so forth. There is a preferred name field and that would be used. And it's not just for that, it's other people, like Jim, you probably show up as a different name on some things.

SHERMAN: But I like that.

KNOST: Terry Clapacs is another one.

SHERMAN: I have 20 identities.

KNOST: Right, so it's come up. There is a preferred name field. The last time I looked into it before PeopleSoft was implemented on HRMS they said that the problem was in maintaining the preferred name field. So what's happened is currently they are matching to whatever is the legally issued name field based on payroll and that's what's coming through. Once they have a more user-friendly system in which you can go in and change your own home address, emergency contact person, preferred name, then you would be able to do it. At this point I even looked into it—I offered to pay for someone to go in and enter preferred names to anybody. But in the complications of implementing all these systems, he's right, it's right way-low on the priority list. But it is one that's been out there for a number of years and a lot of people are aware of it and are looking at it. What I would say in support of this is that every time it comes up as a new issue should force it to a priority list because these priorities tend to be just dismissed. Other priorities take precedent.

DALEKE: Ann?

BRISTOW: I was going to say I thought that what Herb had been told was not correct in terms of it being the legal name, since I seemed to have morphed into a name barely recognizable to me consisting of a first name and a last name both of which I had legally dropped 17 years ago. But I must say it's a little disconcerting to hear that it's a known problem of 2 years because it is extremely annoying. I have called faculty records twice and been told about this preferred name field and then shared.

KNOST: It's not through Faculty Records, it's through HRMS through Human Resources.

BRISTOW: I thought it might have something to do with that.

KNOST: And in fact Faculty Records will, for their purposes and listings, change your name and HR will not. And they're taking it from payroll and they take it from whatever your name was when you entered the system. So when you were hired you may see that name following you for the rest of your life. I've really looked into this a number of times.

BRISTOW: My payroll name is correct. So perhaps Faculty Records may initially be able to get some name that's coming in. It's a mess and I'm very annoyed by this.

KNOST: Well I'm sorry Paul Eisenberg isn't here because his wife has had this problem for years and years and she had problems in particular because she went from an academic

appointment to a professional staff appointment and when that happened she was treated two different ways because Faculty Records is pretty good about just accommodating people and recognizing that this is an issue and HR basically says live with it. That's not to trash them, but I haven't had a lot of success in dealing with it. As I said I even offered to pay someone, an hourly, to go and type in preferred name fields, because I wanted to corner them and say how big of a problem this is. There's not that many people that use it.

DALEKE: Ann and then Herb

GELLIS: I just want to know, I try not to think about PeopleSoft as much as possible, but which of our thousands of committees deals with the setting of priorities for PeopleSoft.

DALEKE: For PeopleSoft? That had been the EPC, the Educational Policies Committee. This also can touch on some of the interests of the Faculty Affairs Committee which hasn't so far been involved. I suppose they're glad to not be involved in the PeopleSoft project. Most of it has been educational policy issues.

TERRY: Just to follow up, at least yesterday what I was told was that yes they preferred not to rely on the preferred name list because it was not maintained or was hard to maintain. But I was also told that even if they did draw names from that, that would involve a programming charge for PeopleSoft again.

KNOST: I have offered as an office to pay for this.

TERRY: To pay for programming?

KNOST: Out of my budget.

TERRY: You'd pay for the programming?

KNOST: They have to just hire someone to put it in.

TERRY: No, they have to write a program.

KNOST: Yeah but, it's still writing it once. It's not like it goes on forever.

TERRY: Yes it does.

KNOST: Well they want to hire...

TERRY: Every change we make to PeopleSoft

KNOST: Ted has been in on these conversations. How are these priorities set and how much importance is faculty issues?

MILLER: They are set by a very small group of people who meet in a closed room a couple times a month that decide what to do and that's the truth of the matter.

ANDREWS: And it's based on economic factors.

MILLER: Well who knows what it's based on?

NASH: Can we get Ann on that committee?

DALEKE: Ann, did you have another comment?

GELLIS: Well, I was really interested in the committee that Ted has mentioned and who's on that committee?

DALEKE: Is this the Academic Priorities Committee in PeopleSoft?

MILLER: No, no, no.

ANDREWS: It's not academic.

MILLER: HRMS has an Executive Committee, the HRMS Executive Committee and the membership of that committee is really focused on the head of the FMS organization, Art Lindeman, and the head of Human Resources, Dan Rives, are really the two principal people in that group.

KNOST: Well I will volunteer. I am having lunch with Dan Rives tomorrow and I will bring this up again on behalf of the BFC.

GELLIS: I was going to say that it seems to me that the Faculty Council could pass a resolution saying how strongly they feel about this matter and bring it to the committee and cc President Herbert.

TERRY: I think that would be an excellent idea.

GELLIS: The notion that this has been known for many years and that they refuse to do anything about it since it may affect a lot of other people but it primarily affects women, I don't know that we want to be back at the bottom again.

INTONS-PETERSON: I would like to second what Ann has said and to also share the fact that I changed my name sort of midstream and it didn't bother anybody. The Faculty Records office was able to take care of this, I got my check, appropriate checks, it's a PeopleSoft problem.

DALEKE: Barry?

RUBIN: If I recall correctly President Herbert is on record as saying that any such administrative problems that we encounter that gets in the way of us doing our day-to-day responsibilities are

things he wants to know about and he promised to deal with. So I would ask that we formally, the Agenda Committee at least, formally send a message to him that this is an issue.

DALEKE: Mary?

WENNERSTROM: I was just going to report the experience of the Music School since Herb mentioned the Music School and we've been dealing with this for the past three weeks. We have a lot of women faculty who have professional names who are now going to be listed under names unknown to any of the students or any of the people in the profession. And some of them have gone into hyphenations which has helped, some of them have legally changed their payroll names so that they will stay on. But we also have a number of men, I will just say, for instance Claude Baker who is the head of our Composition department; there are a lot of Baker's in the Music School and a lot of Baker's just in general, but his first name is not Claude and it will not show up under PeopleSoft as Claude and so nobody will know who it is they're enrolling for when he's teaching classes. In the past our Scheduling Officer has gone in and manually changed all these every single scheduling time to whatever the person wants their name to be, but this is now impossible and so that's what we've been dealing with in the past three weeks. And she has sent a note around to everybody saying this is how you're going to show up in the fall schedule. It's not an option that we don't put down anybody's name for these sections of Voice and Composition and whatever because there's a whole bunch of different sections and they have to have some name there. And so if we're going to pass a resolution I'd say it would not only be women and also men who are...

GELLIS: I know, I was just suggesting.

KNOST: One other comment if I understand this right. There is a name matching system in this, for the techies here you can help me on this one. There's a name matching system is why it's popping up like this so it's not just about the student side, that's why it's emerging out of payroll and HRMS because everyone has a name match and so it's pulling up only one name that can be used. Is that right?

TERRY: Yeah.

KNOST: And so.

WENNERSTROM: But it's pulling up a name that the students don't necessarily recognize.

KNOST: I realize, but all I'm saying is that the impact is across the board in the system. It's not just for scheduling.

DALEKE: Jim?

SHERMAN: Then I suggest that before the next meeting Herb and Ann together bring forward a resolution that's simple, straight forward, understandable, that we can pass without a lot of wordsmithing.

GELLIS: Four letters?

SHERMAN: I promise I won't change a word.

WENNERSTROM: Well can't we pass it now?

SHERMAN: Well we'd have to generate it.

DALEKE: I think that's a good idea, Jim. And I think if Herb and Ann can get something to the Agenda Committee even this week we can talk about it at our meeting and distribute it very quickly. There was another?

TERRY: We can.

SONI: I would suggest that we frame it as a student issue, not just a faculty issue because it does impact the students.

WENNERSTROM: It's very confusing.

SONI: And staff.

DALEKE: Ted?

MILLER: I would, I think just in the interest of fairness I would like to say that this particular problem I think reflects the fact that this PeopleSoft project that we're in the midst of here, well hopefully coming to the end of...is really a very complicated project. And in fact it has been split into two parts that are more or less independent of each other in terms of development—the SIS part, the HRMS part. And what we're talking about here really is something that has happened when these two parts have been trying to communicate. And really the development of these two parts has been pretty, they've been pretty separate things. And I suspect we're going to encounter a large number of these things when we ask these two sides to start talking to each other. We're probably going to see a lot of this stuff.

DALEKE: Are there any other comments or questions?

AGENDA ITEM #4: Peer-to-Peer File Sharing Policy Update
(Professor Jim Patterson, Chair Technology Policies Committee and Mark Bruhn, Chief IT Security and Policy Officer, Office of the Vice President for Information Technology)
http://www.indiana.edu/~bfc/docs/AY04/File_sharing.doc

DALEKE: OK. Well let's go on to the next item of business and that's an update on the peer-to-peer file sharing policy. Jim Patterson who is chair of the Technology Policies Committee will be presenting along with Mark Bruhn who is our IT Security and Policy officer.

BRUHN: I don't have any AKAs but sometime I wish I did.

PATTERSON: There's a lot of Jim Patterson's around here and we are different people with the same name. I'd like to introduce Mark Bruhn. Mark's the Chief IT Security and Policy Officer out of the Office of the Vice President for Information Technology. And the Technology Policy Committee first got notice of this I think last summer when things really started to get hot on the peer-to-peer file sharing. And Mark's office has been doing work on that. We have something we'd like to at least get a sense of the faculty of the five issues that are on the back of the handout that we distributed last time and also this time. But I think a good part of this will be educational. Before Mark really told the committee what really goes in with peer-to-peer file sharing we really didn't have a good sense of it. The other real advantage of having Mark here is even between last summer and now some of the things that were not doable back then are doable now and so he'll have a sense of what we can do if we do want to endorse some type of a policy.

And one of the policies does call for a faculty representative as well. OK, so Mark I'll turn it over to you.

BRUHN: Thanks, Jim. Where to start?

PATTERSON: You can start with the advertisements.

BRUHN: Start with the advertisements? Well we do have an educational campaign and I'm going to describe a bit of that as I go through here but behind you, I don't know if you can see behind you or not, there are three posters that we've been using. And hopefully you're seeing these around campus. But you know what we find when we put up posters like this that are colorful and interesting like this students actually take them and put them in their rooms. Now that's not necessarily a bad thing. Popular students they might get more eye-play that they would if they were in a Student Technology Center, I don't know. But we've had the one all the way on my left and the one on my right, we've had these for several years—colorful, MP3 in big letters. On this one, legal or illegal, two paragraphs that describe very briefly and you above all people will know how complicated these issues really are—legal or illegal very briefly describes each of those. And at the bottom the theme on those two is that it's your responsibility to know whether something you're doing is within the law, copyright law or not. The one in the middle is fairly new. We have various sizes of this, we have postcard size, we have this size, we have really, really big ones. When students move into the residence halls at Bloomington or at IUPUI they get an 8x11 size version of this in their network bag. So when they move into the residence halls they get a little network bag—it's got a cable in it, it's got a security CD which is maybe more important than this these days, they get a copy of this poster. And every student who moves into the residence halls gets one of these posters. So that's part of the campaign that we have going on right now. Before I forget, at the bottom of the white one and actually I think also on the sheets that you have, on one of the sheets that you have, there's a URL and that URL somewhere, in any case you can write it there.

PATTERSON: Top of the second page.

BRUHN: Top of the second page? That URL is filesharing, all one word, filesharing.iu.edu. And almost everything I'm going to tell you today in the next two and a half hours [laughter] is on

that website. So if you miss it here and you want to look at it in more depth, and please I encourage you to do that, go to filesharing.iu.edu and the information will be there.

I'm going to talk a bit about a tutorial that we put together and a quiz. The full tutorial is also on that website so obviously I'm not going to go through what the tutorial, what it's all about, but you can see that on that website. So very briefly I'm going to go through some of the things that we deal with in file sharing. But first, there's a nifty little drawing that Jim put together out of some convoluted drawing that I did on a wipe board somewhere else, in your packet. It's a very simple, and those of you that are in data comm or know anything about telecommunications, you look at this and it's simple enough to almost be incorrect. But, for the purpose of discussion I think it will work. And Kazza in here is spelled wrong, it's Kazaa if you want to know.

So what this describes is how a student here, it's almost all students in the residence halls, we do have occasion to deal with staff in offices, faculty in offices, that do download, but most of its done by students. A student in the residence halls on this campus, every machine connected to the residence halls on this campus has to be registered before it can be used. So a student brings a new laptop or new desktop to campus. They plug in to the datajack in their room. The only thing they can get to at that point is a web page on which they put their campus username and password. So they put their username and password on their, it authenticates their username and password and then it assigns their PC a network address. Until that network address is assigned they can't do anything but go to that registration page. So think about what we just said. They register their machine using their username. The machine is now connected to a username. Now all of the name problems notwithstanding we should be able to then connect that machine with that person, with that student in the residence halls. This is being done in all on-campus housing here in Bloomington including the Greek houses; it's also being done in Ball Residence and in the new facilities at IUPUI which are growing obviously. It will be done at Southeast if they go down that path as well, or any other campus that goes down that path, that registration process will be required in those facilities.

So this is what happens then if a student in the residence halls is using a file-sharing program like KaZaA or Limewire or iMesh or BitTorrent. There's a hundred of these now. They all pretty much behave the same way, interfaces are different. They connect their computer to the network again, registered beforehand or at that time. They start up their KaZaA application, their filesharing application whatever it is, the program, and immediately, unless they take specific steps, immediately whatever files they have in a certain directory on their PC are being shared to all the other users of that application on the Internet. So, if I'm a KaZaA user I burn my CDs, I've got you know 150 CDs, I burn all those CDs to my PC and I put them in a particular directory. I start up KaZaA. I make KaZaA aware of that directory, unless it's the default directory and KaZaA is already aware. Immediately all of those files are visible and downloadable by anybody else using KaZaA on the Internet. So I'm a KaZaA user. I am a big Steely Dan fan—that doesn't go over very well in undergraduate classes by the way, but it should play pretty well here—a big Steely Dan fan and I burn all my Steely Dan CDs, I start up KaZaA, immediately all the people using KaZaA who want to see Steely Dan and download Steely Dan files can do that. And we're not talking about just music files, we're talking about multi-media files; we're talking about movies, we're talking about viruses, we're talking about

just about anything that can be in a file, including KaZaA—you can get KaZaA from KaZaA. It's a recursive thing.

So given that every device on the Internet, every network connected device has to have a network address, has to have a network address otherwise it doesn't work, people who are downloading music from people on this campus, people elsewhere—so if we have another student at Stanford or we have somebody on a home computer somewhere on Insightbb or whatever—and they're using KaZaA and they download a music file from someone on campus here with the music file necessarily they are going to get the network address. All of the network addresses assigned to students and all of you on all of our campuses, the network address that you were assigned is attributable to Indiana University. So in the residence halls here all the network addresses are 149.159. something.something—that's the form of the IP address. So, if the RIAA, and this is where we get into some of this how students are identified, if the RIAA is

TERRY: Tell them what that is.

BRUHN: Oh, sorry, I may get it wrong in fact, the Recording Industry Artists Association

TERRY: Association of America.

BRUHN: Association of America, thank you. I always get that wrong. MPAA is easier. And we deal with them too. So the theory is, and a lot of this is automated now, but the theory is simply that someone has been hired by the RIAA to install KaZaA to use KaZaA to use Limewire, all the other applications, to look for shared files belonging to the artists that belong to that organization. So I don't know if Steely Dan—knowing Steely Dan they're probably not—but if Steely Dan was a member of the RIAA the RIAA represents Steely Dan as an artist, as artists, I'd offer Steely Dan from my KaZaA application, somebody in the RIAA is looking for Steely Dan. They get, in the program, you ask for a long list, you use search terms like Steely Dan or whatever the song is you are looking for, it lists them all; you choose it, you hit download, it comes to you—and this is where peer-to-peer, this is why it's called peer-to-peer, computer to computer, there's no server involved, there's no central authentication involved—it's personal computer to personal computer generally.

So when they get that file from my PC they necessarily get the network address of my PC. So now the RIAA knows that someone at Indiana University is sharing files that are, for which the copyright is owned by their artists, their member artists. Nobody knows exactly what the criteria is for them the RIAA to notify institutions; there is speculation. If somebody is serving 500 files that belong to RIAA members, or if they have 1000, or if it's certain artists; nobody really knows because they won't say what the criteria is, there's a lot of speculation. In any case, what they then do under the DNCA they will form a notice and take down message. So they have the IP address belongs to Indiana University. They go to any number of websites that will equate the IP address, the network address with the organization—so Arins.org, you can go there—arins.org or net—and you put the network address in there it comes back and says Indiana University has been assigned this set of network addresses. They go to the US Copyright Office web page and they look up the DMCA agent—Digital Millennium Copyright Act agent—on the US Copyright Office web page. That just happens to be me. This is where I need an AKA.

According to the Act then, they are supposed to, in order to get relief under the DMCA, they are supposed to send the take down notice to the registered agent. Now the registered agents email address is copyright@iu.edu on the webpage. So they have to form, properly form a notification, the DMCA has specific requirements about how the message should be formed. It says things in there like “under threat of perjury we swear that we represent the artists involved” and what have you, so there are things they have to say. They formulate that in an email and they send it to copyright@iu.edu. Now it comes into my mailbox, but I automatically have it forwarded to the people who actually deal with that in my office. So it comes in.

So in the documents that you have there is very detailed description but not complete, for simplicity it's not complete. A fairly detailed description of what we do when we get one of those notices. But very briefly, very briefly this is what we do. We get a notice; it's got the network address, it's got the date, and it's got the time that whatever the representative organization, whenever the representative organization found that material. So it's the RIAA. It's got the date that they discovered that somebody here was downloading something; the date and the time and they also list, not all, but a representative list of the materials that they found there, that they were able to download. So in our representative case they would list the Steely Dan files, several of them, or 10 or 15 of them—I don't think we've ever seen a notice with more than 50 or 60 listed—it doesn't matter how many.

In that notice the IP address, the date and the time. Now we take the IP address to go back to what I was talking about before, and again almost always students but not always; we take the IP address, we look in the, if it's 149.159 or one of the Greek houses or the residence halls at IUPUI, we go into the registration database and we get the username of that student. Then we send that student the entire complaint that we got from the RIAA—they need to see what we saw. There isn't any reason because the issue is not really ours, the issue is with the students, there's no reason to hold anything back so we send them the whole thing. And attached to that is a canned message and we tell that student to go to a tutorial that we add to them in Oncourse, it appears in their profile in Oncourse. They go to the—this is the first offense, sorry, second and third are different—for the first offense we send them to Oncourse. They go through the tutorial on Oncourse and they take a quiz on Oncourse. If they take the quiz within 24 hours, if they pass the quiz within 24 hours, that incident is filed away. We don't do anything with it, that's done. They've been educated. Now one of the things that...

SONI: You are assuming that they haven't bought the CD...

BRUHN: I'm getting to that. There's two things in the tutorial. One is that at the top of the tutorial it says, if you want to file a counter-notice, the DMCA allows for a counter-notice. If they think they have or if they have proof of permission essentially, they can share that with us. And then what we will do is we will send it back to the RIAA or the organization and we will say our subscriber wishes to counter-notice. Now here's the thing: when we send it back to the RIAA we have to identify the subscriber. That's a problem. No one has done this. No one has said ok I think I have proof. Now they will send back a notice and they will say well these are my CDs. Well, that doesn't make sharing that material on the Internet legal. So we have those things that we are able to take care of fairly quickly.

The second thing that's in the tutorial, it's in the quiz, it's a question in the quiz. The question asks have you removed all the materials cited in this complaint and all other materials for which you do not have permission to possess or share. If they don't answer yes to that question they fail the tutorial. So those two things are in the tutorial and in the quiz. Now I think the tutorial is actually really good. I think there's some really good information in there. Obviously our interest is in not necessarily protecting the student because it's really the students' situation to deal with, but our interest is in educating the student, giving them an opportunity to fix the problem as the complaint cites, and then we move on. Now that's the first complaint. If they don't do it within 24 hours we have to abide by the wording of the DMCA. In the DMCA it says we have to take the material down expeditiously, expeditiously. Now different places take expeditiously to mean different things. Several universities block network access for that student immediately and then notify them. We give the student 24 hours. If they don't take the tutorial and pass the quiz within 24 hours we do block their network access, whether it be modems if that's how they got, if that's how the sharing was happening, or the VPN servers, or in the residence halls, we do block their access.

If they take the tutorial and pass the quiz within 2 weeks after that again we remove the block, everything's honky dory. If they don't though the report goes to the Office of Student Ethics. That's the first offense. Second offense we do block immediately because as the offenses mount the institutions liability could mount. That's not clear, but it could mount. So the second offense we block immediately and then do the same thing, send the student notification they have to go through the Oncourse tutorial. And we also send a report to Student Ethics on the second offense. They can get their network jack back if they go through the tutorial and pass the quiz.

Third offense their network jack and access to the modem pool and access to the VPNs, again whichever was the medium used, they lose that privilege indefinitely. So if they live in the residence halls they will not be allowed to connect a computer that they own, a registered computer that they own, for the rest of their time that they are at the university. Now they can appeal that, there's always appeals that they can do. But our definition of expeditiously and our definition, or our interpretation of how the DMCA describes how we're supposed to handle subscribers, we think allows us to take those three steps—first offense, second offense, and third offense. And the third offense essentially is that they are done. Now, you know, five years ago or seven years ago, you know fifteen years ago that wouldn't have had a big impact on students' work. Five years ago, yes, it would have started having a pretty good impact and they would have had ok recourse; that is, they could have gone some place else to do their computing work. Now there's just no excuse. I mean there's an RTC, a Residence Technology Center, in almost every residence hall. The Greek houses have common areas. They can come to a Student Technology Center maintained by UITS on campus. They can do computing. They just won't be able to do it from the data jack in their room.

So that seems to be a reasonable step and satisfies, again, our interpretation—and when I say our interpretation let me just say that I'm not a lawyer and I've never played a lawyer on TV. We rely heavily on University Counsel and Dick McKaig and the Office of Student Ethics on all of this. This is, all this program has been put together with them as well. So generally that's what

we do as it relates to, that's how it's done, and how we respond to file sharing. And we should pause I think and see if there's questions about that. Yeah?

OGREN: Yeah, what are the numbers involved here? How many students have reached the third category?

BRUHN: We started, we haven't had the tutorial for maybe 3 semesters, but we started handling these complaints since 1998, which was when the Act was passed. And since 1998 we've probably had 4 maybe 5 third offenses. I think...

FOSTER: How many first?

BRUHN: I'm sorry?

FOSTER: How many first?

BRUHN: We probably handle, and this really fluctuates and we really don't know why it fluctuates, it's one of those other things that the RIAA and these other organizations get active sometimes and they're not active other times. We probably average 250 a semester. [End of Tape 1, Side A; some conversation lost] In April of 2000, in that one month we hit 350, in the one month. Hasn't happened since and we don't know why it happened in April of that year. So we do. Now second offenses we probably have, oh I don't know, 10 percent, maybe 15 percent second offenders. Yes?

HAMBURGER: You described scenarios involving students' personal computers, but I presume they can do the same thing using shared computer resources, storing files on CFS and other shared resources? Are students doing that and can you identify them when you get complaints about them?

BRUHN: Well it depends on the shared resource, but generally the answer is yes. If somebody places a file on CFS, because you have to log into CFS we know who you are. We know who put the file on CFS, even if it goes into Scratch—you know that 24 hour, which ends up being a lot longer than that, 24 hour space. Certainly if a student places a file or files in their own CFS account then we know who that account belongs to. If they go to a Student Technology Center on campus now a student has to log in to all those machines; they all require authentication. In the library they all require some level of authentication. So we go back into the log in records, the authentication records and if the notice says 156.156.something.something on such and such a date, at such and such a time, we take the date and time and the network address and go into the STC log in records and we can identify who is logged into that machine at that time.

Now here's a problem that we have there and that is that students still, this is a very general statement and it's not as it sounds, but we still have problems with students not logging out of Student Technology Center machines. So, and again this is the Office of Student Ethics and Dean of Students determine what to do with these things, but if a student comes back and says, you know I left and this thing happened at 3pm and I left that facility at 1pm. Well, they may not

have done the deed that we're digging them for, but what they've done is not logged out which is also a violation so they're going to get in trouble regardless, in some way.

In other areas if they put it in their Steele account, right the general academic machine, again you have to log in to Steele to place that stuff there. There are very few now, but there are still are some, there are very few areas on campus now where you don't have to identify yourself. One of the problems that we have is with graduate students sharing machines in a grad student office. So if 10 grad students share an office, they may share 3 machines in that office. And we have had issues related to that in the past and we just work through those. Right? I mean if you can't with reasonable assurance, if you can't place an individual with the act, then you just press on. You can't do anything with that. Now if we have a staff member involved, the notification goes to the staff member and it goes to the executive of the department that they are in. So if it was FMS it would go to that individual and it would go to Art Lindeman. If it happened in an academic department, an academic department or school, it would go to the individual and it would go to the chair of the department. It also will go to the Dean of Faculties Office; if it's a staff member it also goes to Employee Relations. That way everybody's apprised. If there's an issue it can be dealt with, and by the way, we don't get into that. If it's a student it goes to the Office of Student Ethics; now we may get technical questions about how and when and what have you and where the logs are and what does it look like and how does it work. But we make no judgments about guilt, all we do is we take what we got and we hand it to the Dean of Students. We take what we got and we hand it to the Chair of the department. And whoever's going to adjudicate that issue is going to have the material that we have. That's the way it needs to work. Not just with this but really any abuse of technology. If somebody sends a threatening message in email we're not going to make the judgment about what should happen to that individual.

TERRY: I have a question about the third offense. I followed you until the last sentence of your more formal presentation because you kept saying that the student registers their computer. But then in the very last sentence you said more or less that the data jack was registered. Which is it and depending on the answer in have a follow up question?

BRUHN: It's, the data jack is not registered, the network, the address of the network card in the computer is associated with the username.

TERRY: So then the students way of getting reinstated would be to purchase another computer.

BRUHN: No because it's also blocked at username.

TERRY: And change their username? That was my follow up.

BRUHN: It's difficult to change a username. In fact the office that they would have to come to to change the username is mine.

TERRY: What do you do when they get married?

BRUHN: Well that's another issue.

DALEKE: Dennis had a question.

SENUCHUK: It seems like a rather odd and expensive and time-consuming policing function that you're involved in here and my inclination would be to think about how can the university get out of doing this sort of stuff? What are the kind of legal liabilities of the university in connection with this? Why are we going through all this?

BRUHN: Well, for the purposes of the DMCA the university is defined as an Internet Service Provider just like AOL and AT&T and all those others. And as long as we don't pay attention to the content on our network we do not have liability. Now I say that pretty starkly, but I said before I am not a lawyer. And so what I'm doing is reinterpreting what we have been told by University Counsel. Now there are campuses around the country that have taken a completely different tact—smaller institutions that have more control over, have a smaller network and can have more control over content can do that if they chose to. We couldn't even do it technically. So we would not be able to tell based on what we do, the amount of traffic that we deal with—this network is just huge. And we could not distinguish between a Steely Dan media file going by anymore than we can watch an email go by—it's just not possible, we can't tell the things apart. It would just be, you just couldn't keep up with it. So because we are an ISP, an Internet Service Provider, and we don't monitor, systematically monitor content, our interpretation of the DMCA is that we are not liable for what students do on our network. A staff member using a machine in a department, a university owned computer in a department could be, could be much more problematic for us in that way. A faculty member same thing because that, as an employee of the university you are an agent of the university and that could be construed as acting on behalf of the university which could be a problem. Now I just said all of that and I have to say again that you know if you want a formal answer to that question, that question would need to go to University Counsel.

BRABSON: Mark, there are two questions. One is that what does the Student Affairs Committee think about this strategy? Have you talked to them? Have you asked them for their response to this particular set of rules and regulations? And the second question is this—if I assume in the world of music there are lots of available CDs, songs that are available that are indeed legal in some sense...

BRUHN: Public domain.

BRABSON: Public domain. Is it easy for a student to automatically identify the things that are legal from those that are not legal?

BRUHN: Well, that would call for some assumptions on my part. But if a file is called Black Friday, which is a Steely Dan song, if a file is called Black Friday it may in fact not contain that music file. It could be anything else. Right? So first off the naming is a real problem. Now the expectation is that the RIAA is not just looking at the names, they're actually playing the file and oh yeah, that's definitely Black Friday. A student that looks at that file and opens that file and listens to it should, now maybe not with Steely Dan, but should know then that that file is music produced by some artist and some label and that it's most likely copy-written, copyrighted. But

there's no simple answer to your question. The fact is that if there's a public domain file out there maybe a student wouldn't know that it's public domain maybe they would. I don't know.

BRABSON: So obviously there's room for an organization that does indeed produce music which is available and is not illegal.

BRUHN: Right, the example that we use is the Dave Matthews Band, a current band. On their website, at least it used to be this way I haven't checked recently, but on their website it said that recordings of their live music, their live music could be freely shared on the Internet. But copies of, recordings of their studio music, could not be shared. So if we get a complaint and the complaint says Dave Matthews, this song, this song, we're not going to know if that's live music or not unless we listen to the music which we don't have access to because we don't go to the student machine. So the student could then respond and say in the counter-notification process, could respond and say well right here on Dave Matthews website it says live music, this is live music. We would take that and send it right back to the party that complained who you would think would have known not to complain to begin with, but that's a different issue. So yes, there is an opportunity for a student to download something or share something that they think is in the public domain or they think is not copyrighted but it's their responsibility to know.

BRABSON: So, returning to my original question?

BRUHN: Which was?

BRABSON: Have you talked to the Student Affairs Committee and how do they feel about this?

BRUHN: We have sessions with the Technology subcommittee of this group periodically, we have sessions with Dean McKaig, with Gerry Olsen, and Pam Freeman. I don't know whose on the Student Affairs Committee that you're talking about

BRABSON: Well it's largely representing students and so they are, they would be extremely important group.

BRUHN: We also present to Dean McKaig's Student Advisory Group, we did that just in the middle of December.

BRABSON: My only suggestion would be then that maybe we take it on as something that we want to present to the Student Affairs Committee.

PATTERSON: Mary Popp has sat in on our meetings.

WENNERSTROM: Are you talking about our Student Affairs Committee because we just drafted the Code and we talked about it a lot and it's in the Code.

BRABSON: Good.

PATTERSON: Mary was in on our meetings.

BRUHN: Hey I love to talk I'll talk to anybody.

PATTERSON: We might just want to look at the possible approaches soon David.

DALEKE: Herb, one last question.

TERRY: I want to follow up on Dennis' question a little. What this is is an unfunded federal mandate. Do you have an estimate of what it costs us on an annual basis to comply with the Digital Millennium Copyright Act?

BRUHN: No, put me on the spot. I would, you know what a wag is right? So here comes a wag. I would estimate that it probably costs us \$75,000 a year to respond to this. So we have a full time staff member who does not do, allocated to this full-time, but really doesn't do this full-time because again it swings. We pay that person I think \$35,000 plus whatever his 80 percent benefits now. So \$75,000 is probably a high estimate but I think with supervision of that individual, other people who do things, you know me standing here in front of you, 75K? If that's quoted in anything I'm going to deny I ever said it.

DALEKE: This may be a good opportunity to move on to the next part of it which is the back page of your handout and that is the options that we have to address this problem some of which will entail an assessment of costs.

BRUHN: Well, let me correct something David just said. These are really not options for solving the file sharing problem. These may be options to reduce that problem but there's still speculation that anything that we do is not going to matter because you pay for something or you get it for free. You know, somebody said that at a conference I was in and somebody raised a bottle of water, right? So that's an example of something that you can get for free but people will gladly pay for it, as evidenced here by what you guys have done.

DALEKE: I didn't pay for this.

BRUHN: So you stole it? [Laughter]. So Penn State involved themselves, one of the first ones, the first one maybe, Penn State involved themselves with, as an institution, with an online music service. The revised, resurrected Napster is the one that they engaged in. What they did was they negotiated with Napster for a music service for the students at Penn State. The students at Penn State—some of them indicate that it's not such a great deal, some of them like it. But what they did was they negotiated with Napster and what they got for their students were teathered downloads. Teathered means that you download the music file to one machine and it can't go anywhere else. You can't put it on a CD, you can't put it on an MP3 player, you can't put it on another machine. If you download it to a machine it's teathered to that machine. They also get streaming radio, Napster streaming radio—I understand is very good—and they get, and this is an interesting thing, they get to download music files for 95 cents per, and/or pay 9.95 a month. Now you all could get downloads from Napster for 95 cents per, so I'm not sure how that worked into their deal. But there you go. If a student leaves Penn State they can't take those files with them. The teathered downloads, they can't take those with them is my understanding.

Now the University of Rochester also has now a deal with, I'm not sure if it's Napster, it may be. There may be other universities now that are working on this. So naturally we looked around and thought is there something that we should do. What are the things that we should consider doing? Well these five things listed here are the ones that we came up with. A group of us met, it's been I don't know how long ago now, but we met and discussed some of the things that we can do.

The first one is to do absolutely nothing. Our procedures are fine. It's not costing us an arm and a leg to respond. We're taking care of our obligations under the law as we understand them. We're educating students right and left, we hope. Our education campaign, the tutorial, what have you, it works. So we don't have to do anything. The things are unrelated essentially.

Two, we could investigate and review various music services. That is, we just evaluate some services that are out there. Napster, listen.com, iTunes, whatever—we evaluate them and then we turn around and we suggest to our students, that's all, we suggest to our students that we looked at these 10 music services and we encourage you to take advantage of them. That's all.

The third is that we engage in discussion specifically with a music service and we attempt having no leverage whatsoever, we attempt to get them to give our students a break on the cost. That's it. That's all of it. And you'll see that because that's all of it there's no leverage there whatsoever.

The fourth is engage in conversations and subsequently formally contract with a music service for students paying for it with a voluntary student activities fee. You all cringed I know when I said student activities fee, especially these days.

The fifth is that we do the same thing but we instigate a mandatory student activities fee and that's how the service is paid, that's how it is paid for. Now Penn State as it says here, Penn State allocated part of their Technology Fee for this. Our Technology Fee is done. I mean there is no lee-way. It is packed. If we did something like this with our technology fee—my boss, the Vice President, would even kill me for saying this in this forum—if we used this then we would have to remove services. We would have to drop some STCs, we would have to stop STEPS courses, whatever it is we would have to do. That, whatever we're providing for students would have to be reduced so we could do this other thing. That's just right out. That's just not going to work. And it says that right at the bottom.

Now those are the kind of options and you can see that they go from essentially nothing through a fairly involved engagement by the institution with a music service. We can stop for questions or I can tell you what I think we ought to do. What I think we ought to do, it's not my call, but what I think we ought to do.

DALEKE: Let's hear it.

BRUHN: I think that we ought to put a student group together with at least one faculty advisor and with me as an advisor, giving I have this wealth of useless information about this stuff. We put a student group together and we ask the student group to explore all of these options and

present the campus or the university—IUPUI in some way would have to be involved, it doesn't have to go there right away but it would have to be at some point—put a proposal together and bring it back and say as students of Indiana University this is what I think, this is what the student population wants to see us do, and this is what we propose. The students get to choose what to propose anyway. They are involved heavily. That was a problem at Penn State, students, a lot of students indicated that they were left out of that process and weren't happy about that. They get to go through this exercise right? They're going to have to look at RFPs or RFIs, they're going to have to bring in I would think music services to do dog and pony shows, to evaluate them, all of the things that we would want them to be able to do when they get out into the real world, they would have to do in this exercise. Whatever comes out at the end then, groups like yourselves take a look at it and decide where to go from there.

DALEKE: Any comments? Richard?

NASH: Is there anyway if we were to do that that one of the dog and pony shows could be KaZaA or would KaZaA be just totally out of the picture?

BRUHN: KaZaA, no, KaZaA is not a for-fee service. What were you looking for?

NASH: What I'm thinking about is, as I try to imagine the clientele of the next five or six years, that is kids currently in high school, I don't think any of your dog and pony show candidates are going to be nearly as attractive as KaZaA, are they?

BRUHN: Well, again, it's hard to compete with free. The theory is that some percentage of students would love to have something that's a legitimate source of music files. I don't know what that percentage is. It may be 10, it may be 75, I don't know. If we get, if we go through this exercise and we get some kind of a break. So if it's Napster, their normal cost is 9.95 and 95 cents. So if we got a price break from Napster that went to 4.00 and 50 cents, 4 dollars monthly and 50 cents per download, how many of our students would take advantage of that. This is the kind of thing that we would want the student group to assess as part of the exercise. But Napster is not a for-fee service and Charmin Networks who maintains Napster, they don't sell the product. What they do is they sell advertising in the product, they don't sell it.

DALEKE: Larry and then Herb.

THIBOS: I think your idea is a good one and I would put it to the student government as a problem for them to address. But I'm concerned more about the broader issue here, outside just music. We heard last week about the problems the library is having with the financial donations to Elsevier, the big publishing house for example. If they learn that IU is willing to voluntarily become a police force to enforce copyright law on behalf of the music industry might they say well how about doing that for us as well and monitor electronic journals for example. And keep track of who downloads those. I'm worried we're going to open up a can of worms here being a police force for all copyright holders not just for music. Do you see that as a problem?

BRUHN: Well, I don't know if there's a misinterpretation, maybe there is. If we engage in some way with a legitimate online music service we would not, in my mind, we would not then block

use of any of these other applications. So we're not, we're still not policing anything anymore than we are right now.

THIBOS: We're worried about it.

BRUHN: Right. We're fulfilling our interpretive obligations under the DMCA and we would continue to do that.

DALEKE: Herb?

TERRY: To comment on that for a moment, my guess would be that most information becomes digital—most of it is now one way or another. And so I would expect the copyright holders someday down the line will put their copyrighted works and books electronically and they'll find a way to charge you to open them. So I think we're headed down that path and the Congress of the United States may well extend the DMCA, that wouldn't be unthinkable. I'm inclined to do 2, I'm inclined to go along with your suggestion. But I'd like to know two things before I vote. Number one what's happening to the workload here, is it going up or down? You said there was month to month variation but can you tell if there's any overall trend.

BRUHN: No, no.

TERRY: OK.

BRUHN: I wish I could tell because it makes it easier for me to plan but I just don't know.

TERRY: Second question is related to that one. My guess is we're not too far away from the recording industry at least recording new music in a digital form that will require a key to unlock which would turn music into a subscription service. You don't go to the record store anymore, you buy the key. If that trend is coming then this problem ought to go down.

BRUHN: Except, well two things about that. The nefarious deed doers will win that battle. Right? So all the protection technologies to date have been almost immediately circumvented by somebody. Even the DVD thing when you just took the...well I shouldn't tell you this [Laughter]. Well, the second thing is that the music is going to be in these peer-to-peer networks so even if somebody buys a protected CD in order for them to listen to that they can, if you can listen to it you can get it onto a file. And it is simply as putting a line in from your CD player into your computer, right? So whoever comes out with that sucker is not going to matter. The digital protection isn't going to matter.

TERRY: The analog hold is what you're talking about?

BRUHN: Yes. Exactly. That's exactly right. So the music, the illegitimate sharing of music, it will continue regardless of what happens in the protection space.

DALEKE: So Jim is this a proposal that you wanted to bring to the Council?

BRUHN: Can I just add, sorry, one last thing. This is breaking news. Today the RIAA filed John Doe lawsuits against network users within 21 new universities. One of those was Indiana University. They have filed, in amongst the John Doe lawsuits they have filed individual lawsuits against five Indiana University network users. President Herbert and Dorothy Frapwell in the Counsel office received a courtesy heads-up notice from Cary Sherman, the President of the RIAA yesterday, late yesterday. Dottie called me late yesterday, while I was teaching. You know I chastise students, you probably do this to for having their cell phones turned on. There's a ringing in the room so I'm looking at them like alright who's the culprit and one of them points at my laptop case. That's just an aside.

So we received that courtesy notification. There wasn't any information about who, about when, or about what. All it said was as a courtesy, and in there it was very specific that Indiana University is not being targeted, as an institution is not a target of the lawsuits. There are individuals that are being targeted for lawsuits. It was actually a fairly, how do you put this?

BRABSON: Courteous

BRUHN: Courteous. It was a heads-up courtesy note. Anyway I wanted to say that and get that out. So we have not received any of those to this point but we will. And the filing of those lawsuits will be followed by, within some time period, subpoenas for the identify of the people that they filed the lawsuits against because they are John Doe lawsuits. Now let me just say that those subpoenas will probably come to me but those subpoenas will be immediately sent over to University Counsel and we will do what they tell us to do.

DALEKE: Jim?

PATTERSON: We'd like to get a sense of the faculty whether you like Mark's proposal. We wanted to introduce that to get a group of students together to let the students decide.

DALEKE: Bradley?

LEVINSON: It seems to that one of the fundamental questions that we haven't really raised here is what the relationship is to any of these music services and the instructional and research mission of the university and I for one feel pretty comfortable with what your office has been doing in compliance with federal legislation. And I feel comfortable with up to number two of your options here, that is to bring together a group that would investigate and review various music services. But personally I would not want to see anymore resources devoted to anything along the lines of contracting or seeking reduced fees because in my mind this is not as intrinsic an area of activity in relation to the mission of the university as some others may be. Others might have other opinions about that, but that's my own sense.

PATTERSON: It could be if you're a Music School student, it could be very important to you. It's like me using Excel files. But I agree with you, we shouldn't just automatically obligate student funds and that's why we'd like to put a group together of faculty and students to discuss these further.

TERRY: I have some reservations about making it a Mark, faculty, and students group. I would hate to bring back here a recommendation from a faculty-student group that we didn't like and we would vote down. So I would prefer that it be Mark and other staff people, and students and see what happens.

BRABSON: Sorry I missed the point.

TERRY: The point is I don't mind voting against something that a student committee has brought to us, we do that all the time. But I think we're conveying to the students the implication that if the faculty is involved at the committee level, or whatever you want to call this thing, then it's more likely your, it's going to fly through the university. I'd rather have the faculty review what the students recommend rather than be a part of the recommendation.

DALEKE: Although we do this all the time. We have faculty serve as consultative members on a number of committees and I would imagine that if it were to come to the BFC for a vote we would send it to our appropriate committees for review—so the Student Affairs Committee and the EPC, excuse me the TPC in this case. We would have an opportunity for review before a report came to the floor for a vote.

BRUHN: My thought was just the faculty member to guide the academic or to work on the academic benefit of such a thing. I'm...you know.

DALEKE: Ted, and then we only have a couple more minutes for this. Ted?

MILLER: Well I guess it's not really obvious to me that this is a matter where there is a strong faculty interest. I don't see why these ideas couldn't be given to the incoming IUSA administration and let the student government do what they will with them. They are quite capable of forming their own ideas about student fees and advocating for student fee activities. I guess it isn't clear to me why we wouldn't want to let them handle this.

PATTERSON: My only reaction to that is that they need help. And Mark's office provides a lot of guidance that really does assist. They may be operating on their own.

MILLER: They'd be able to figure out if they need help.

BRUHN: We do too. I've got other things to do.

TERRY: You wouldn't turn them down if they came and asked for help.

BRUHN: No, I wouldn't because I think it would be an important thing to get them some guidance on.

DALEKE: Any other comments or suggestions?

PATTERSON: I don't know where the faculty wants to go with this. I don't have a real sense. Do we want faculty involvement or not? Do we vote on that as an issue?

DALEKE: No I think that I would recommend something that Kelly just whispered in my ear that maybe what we can do is continue this by email. We've done this before with other issues and particularly to Jim since he is chair of the TPC and this has been a major part of their discussion at times this year. But I think it might, maybe addressing comments directly to you and also of course to Mark as people wish. But if we wanted to we could always continue this type of a discussion on our BFC mailing list. So we haven't used that very much for open discussions, but this might be a good opportunity for that.

PATTERSON: I may come with a proposal.

DALEKE: Yeah, I think so if you have a sense of some of the concerns already that have been expressed, whether or not faculty should be involved for example, the extent to which we should consider going down this list of options, and I think that gives us some place to start.

BRUHN: You mentioned I think some quick reservations or some concerns about the standard procedures that we have, I think is what you said.

LEVINSON: I am fine with those, but I think we should do as Ted suggests and really punt it over to the students.

BRUHN: OK. But if any of you do have comments on the standard procedures that we follow right now as it relates to responding to these notices then please do let me know that as well.

PATTERSON: Thank you Mark.

DALEKE: Thank you Jim.

**AGENDA ITEM #5: External Relations Committee: Review of Committee Charge
(Professor Richard Nash, Chair, External Relations Committee)
<http://www.indiana.edu/~bfc/docs/AY04/ERCenabling.htm>**

DALEKE: Ok, we'll move on to the next item on our agenda and that's the discussion of the charge of the External Relations Committee by Richard Nash, who is chair of the current External Relations Committee. This committee has a long history. It was actually formed from the Faculty Affairs Committee over 20 years ago and has had various duties over the years and I think that currently they are having some discussions on where the committee should go and how and what external relations really means. So, Richard?

NASH: I'm just going to stay here rather than coming up front. This is, you'll be happy to know that this is not an action item, you won't be voting on anything. We're actually looking for input. And I'm also hoping, heads up here to members of the Nominating Committee, the Nominations Committee that I think that the discussion today should help inform for the Nomination Committee when we think about how to staff the ERC in the future. I sent an email around back when we thought we were going to be on the agenda. And I'm guessing that maybe you may

have forgotten that so I'm just going to begin by reading what I sent to you. I apologize in advance for the flippancy I sometimes engage in.

This committee began life 25 years ago as an ad hoc committee—and I also apologize to those in the room who may actually remember the moments in history that I was getting second and third hand—as an ad hoc committee intended to lobby the state legislature during a time that was then thought to be a moment of crisis rather than a settled chronic depression. It was originally designated the Legislative Affairs Committee; subsequently that ad hoc committee recommended that a standing committee be formed with a new name and an expanded scope. Renamed the External Affairs Committee the committee was now charged with maintaining contact with the legislature, the Higher Education Commission, alumni relations, media relations, and marketing. For some reason over time as the range of the committee has grown, the size has diminished. The committee is less than half the size of what it once was.

During the same historical period external relations has become more directly recognized as a function of both the central administration and of individual units so that now there are various external relations officers on campus. About a dozen years ago there appears to have been a flurry of activity when a bill was brought before the state legislature to allow collective bargaining. At issue there, and I may be losing nuance in my simple articulation, was a bill where administrative external relations and faculty external relations may not have been thought to be in perfect agreement. Since that time, reading the minutes from that period is kind of interesting, since that time this committee has been relatively less active than in previous years. In the very recent past it has been inactive.

Now seems a particularly good time for BFC to revisit the question of how this committee can best be useful. The original charge of the ad hoc committee: meeting with selected legislators on matters of mutual interest, is in large part a role now played by AAUP's Legislative Committee. Once the External Relations Committee was renamed and revamped the lobbying role was significantly curtailed. At the same time the greater priority given to external relations at the administrative level creates some difficulties for the charge of this committee.

It is possible to imagine situations where the interest of the faculty and the central administration are not identical. But it is also very possible to imagine situations where the university is well served by having external relations coordinated through the central administration. President Herbert has recently identified team work as the approach he favors in developing relationships with both state and federal legislators. He has also articulated the importance of mission differentiation among the various campuses of Indiana University. Most recently in an email sent to faculty where he notes, “these missions must focus not only on the strengths and challenges each of our campuses faces, but also on the aspirations and relationships with local, state, and national, and international constituencies.” The ERC would like to invite discussion from the BFC on how Council imagines this committee being most useful in the near future. And I've suggested a few talking points that I hope you might consider. One: should the ERC pursue issues that have policy depth and that are likely to carry from one semester to the next? Two: do we think it would make more sense for ERC to merge with some other committee for the time period, which would effectively do away with it as a separate standing committee? Three: would it be helpful to structure the ERC to overlap with other standing committees where relevant

issues are anticipated? And those are just some options. One of the things that we became aware of this year was the degree to which over the course of the year the issues that seem to arise as likely places for ERC to be involved changed quite dramatically. This was a rather dramatic year, that year, in some ways. But also at the same time this committee was staffed with the ongoing project of ERC, being the Integrated Image Committee, which is people meeting to decide what color of crimson blends with cream and things of that sort and how to get the logos right. There is a wide range of available issues from sometimes quite minute issues about public relations to very serious and substantive issues about public relations involving seeking funding and support. And one of the things that seems to have become most obvious this year to the ERC is the need to have greater direction from the Bloomington Faculty Council about what kind of work this committee should be doing for the Council and what kind of organization would be most effective to help us do that work. And so that's what we're bringing to you now and asking for your comments, now and in the days ahead as second thoughts occur to you by email.

DALEKE: Any thoughts? Herb?

TERRY: A minor one to start with. I wouldn't name it a Legislative Affairs Committee. We just had the demonstration that the federal Congress and the President matter so I would hope that it would be crafted in some kind of governmental relations or governmental affairs committee that would focus on Indiana because that's primarily it's concern but have the ability to get involved in other issues should it wish to do so. The general comment would be that I think it's very important that the faculty work closely with the administration and that we coordinate our positions on most public issues. Team work will get us further than opposing each other. But I think there should be a formal mechanism by which the faculty can identify and if there are issues it disagrees with the administration speak up upon. So I think I would charge this committee with working with the administration and on its own to be on the lookout for governmental issues that might have an impact upon the Bloomington faculty. But give it the authority, should it wish to do so, to study any of those issues and bring it back to us and have us do something that might differ from the administration in rare occasions.

DALEKE: Michael and then Eric.

HAMBURGER: I think there are some very critical issues about monitoring the activities of the lobbying elements of our administration in Indianapolis and Washington making sure from our perspective that they meet with the academic priorities of the institution. I think there's going to be more and more efforts in those direction and unfortunately up to now seeming larger and larger gulf between the people who are doing that kind of lobbying effort and the academic infrastructure of the campus.

For example I think the process by which priorities for lobbying are set are quite opaque to most of the faculty and there's only limited avenues for us to get involved. A second related issue is that there are occasional times when the university takes a stance on a public policy issue. It was brought up to me recently when there was a statement about the liquor license for the Von Lee Theatre building. The announcement was made by the Real Estate, Lynn Coyne the director of Real Estate, about the university's stance on the liquor license. Particular details aside it's a good

question who makes the decisions on what public issues the university takes a stand on and in what way are the faculty involved in that deliberation.

DALEKE: Eric?

RASMUSEN: Does your committee find out what legislation is in progress that might effect the university? Do the lobbyists report to you on that?

NASH: One of the things, that was a learning experience for me as I went through materials it was discovered that at one time in the history of this committee that was the case and it's been about a dozen years now, as far as I can tell from the minutes and the record, that there's been that kind of coordination. There isn't now.

RASMUSEN: I wonder if even outside the conflict of administration and faculty whether the lobbyists or whoever they are would work a little harder if they knew somebody was watching them. So that would be something that I would urge your committee to ask for and to do it if they don't, the committee can do it themselves if the IU lobbyists won't help.

KNOST: Can I ask a follow up question? Richard are you saying that you don't? I receive on a regular basis bills that are being followed and I'm highlighted then as to ones that are related to Affirmative Action to send comment back. You're not receiving those?

NASH: No.

KNOST: That seems incredible to me. What I'm telling you I guess is that there is a fairly easy mechanism at which, at least at the state level, I don't get all the federal ones, at the state level, the issues should be coming through your email to at least the head of the committee where you can just say that these are active bills that we're following, here's the status of the bill, here's the ones that we think are going to get out of committee, and here's ones that if you have comments send them back to Don Weaver or whatever.

DALEKE: Kevin?

HUNT: Did I understand that you don't know what the lobbyists are telling the legislators?

NASH: We are not routinely being informed as apparently.

DALEKE: Ann?

GELLIS: Do we know who the lobbyists are?

TERRY: They're registered.

NASH: I don't.

GELLIS: Has anyone been placed on that committee?

DALEKE: One of the things that President Herbert has talked about of course is to redo, to reorganize the groups that do the lobbying for us both at the federal and at the state level and so far since Don's retirement there have been individuals that are doing it but I don't think there's been any formal reorganization. At least none that's been announced publicly. There's a lot of informal changes that have been made though.

KNOST: It's also, to be a little fair about it, I think it's easier in certain ways because I'm a more permanent office and whenever you have these faculty contacts it's easy for the list to get outdated. Obviously that can be the responsibility of one central office, but if it happened before and it's not happening now it may need a dual responsibility of making sure that that happens. I'm simply saying that it's available and there's no reason not to be included.

NASH: Well, and I think it gets back to part of the question that I'm bringing to the BFC about. Having this as a standing committee in some ways how do we best, how are we best going to situate this in such a way that we do have an ongoing relationship which at one point in the history of this committee clearly was the case. There was clearly an established relationship that was allowed to lapse.

DALEKE: Well I think one of the issues that has come up in just this discussion is that faculty have a difficult time inserting themselves in any legislative issue in which we have a real interest and particularly when it impinges on our academic mission. And I think it's extremely important that we find some mechanism that's a formal mechanism to make that connection with what our administrative groups are doing. Because they do a tremendous amount of this type of work it's just that faculty don't get involved on sort of the primary leads unless they are requested to for some other reason. But one of the benefits of this committee might be to facilitate that type of collaboration.

So it seems like there's an interest in continuing the committee in some form. Sorry Richard.
[end of tape 1 side B; some conversation lost here]

NASH: This is all good, what I wanted to get was I wanted to get what the members of the BFC envisioned of the role this committee will play and particularly for the Nominations Committee to be thinking about this as well in terms of how best to staff this committee. I do think it's going to be important to get a better system of communication between this committee and the central administration, which was again in the history of this committee and IU central administration, a role that has smoother in the past and I hope will be reestablished.

DALEKE: In this time of reorganization this is a good opportunity for us to establish those connections. Well, we will have this opportunity to continue this discussion again by email or directly to Richard and I think that at some point Richard if you would be willing to send us some summary of the things that you've heard about on email and what you've received and also what your committee has thought of this discussion I think we'd appreciate it. And it could be that out of this we may have a new charge for the committee.

NASH: Good enough.

DALEKE: Thank you and thank you for being patient and letting us bump you a couple of times. Any other comments?

**AGENDA ITEM #6: Proposed Conflict of Commitment Policy (First Reading)
(Professor David Daleke, Chair, Research Affairs Committee; Professor Ted Miller, Chair,
Faculty Affairs Committee, and Professor Ann Gellis, Associate Dean for Research
Compliance)**

<http://www.indiana.edu/~bfc/docs/AY04/circulars/B41-2004.htm>

DALEKE: Seeing none let's move onto the last item on the agenda and this is the proposed Conflict of Commitment policy. This has been reviewed by the Research Affairs Committee and the Faculty Affairs Committee but I think Ann's going to be presenting it. Ann, the floor is yours again.

GELLIS: Essentially what you have in front of you is the new university policy on Conflicts of Commitment is what had been section 6 in the old, right now the existing Conflict of Interest Policy. So the policy, the Conflict of Interest policy that was passed by the Board of Trustees in 2000 had, included in it a policy on conflicts of commitment. And what I have done is separated the two for a number of reasons some of which, in order to make it clear that what the policy on conflict of interest covered, and have it more apparent that there wasn't, that there were two policies. And it helped also that NIH has taken, has given guidance that it doesn't like to see the two policies combined; and since we like to make NIH happy it seemed like a fairly easy thing to do.

The only changes that I have made have been one, to use terminology, since we're not talking anymore, you will recall that the 2000 policy talks in terms of all employees and then have passed the Conflict of Interest policy to make that applicable to basically academic appointees. It's clear that we're not trying to cover staff in the policy. So I have changed the language that referred to either to academic appointees or to faculty, in some cases because when it comes to the day, one day a week privilege that faculty have to spend one day a week doing other professional activities, as I understand it from University Counsel, only applies to faculty.

And other than that I took out some things that were sort of language that I didn't think we needed anymore that referred to sort of the time that this was being passed and everything else is pretty. Oh, we had to change, you will recall that the university—the policy that we passed with respect to Conflict of Interest and Conflicts of Commitment in 2000 placed both the enforcement, the monitoring, the oversight in the Vice President for Research. And what I have done is to change that with respect to Conflicts of Commitment. Conflicts of Commitment are clearly something that it's unlikely that the Vice President for Research is going to have any idea what people are doing in terms of there meeting there school or other unit obligations and that this is clearly better monitored at the local level. And so we have sort of put the enforcement really back to the schools and to the departments and with general oversight in the Dean of Faculties office, which is where these issues probably would end up if there was a, if you have a problem. So that really are the only changes that we've made.

Again, and I think there are a few changes just to make it stand on its own. That is to take it from being a section six to a policy.

DALEKE: Larry?

THIBOS: This distinction between commitment and interest is it just that money is involved in one and not in the other?

GELLIS: Yes, it is. But Commitment is not only just money. Commitment goes to whether you are, what are your obligations to the university? Are you spending time at home sun bathing when you're supposed to be meeting with your students or teaching your classes or any of those things? So it's more oriented toward whether you are meeting your the expectations of your department and school as to what you are doing with your time. It is clear that in some circumstances you will have both involved.

DALEKE: Herb?

TERRY: I appreciate that this is mostly a restatement of current policy but I'd like to ask Moya, I think, a question because I want to know what the consequences of approving this might be. Do you think we're presently in compliance with section five? Or, if we passed this would the campus or the schools, or heaven forbid all of our departments, have to adopt Conflict of Commitment Policies?

ANDREWS: I don't know.

GELLIS: Can I answer that?

TERRY: Yes, I wanted her answer though.

GELLIS: The current Faculty Affairs Committee, I drafted a document actually probably two years ago dealing with the campus procedures and campus policies on Conflicts of Commitment. Right now it is with the Faculty Affairs Committee and the Research Affairs Committee and I'm assuming that our counterparts on the other campuses are doing the same thing. So that this, right now the answer to your question is as far as I know no one has done it. But it is making it's way through the governance process, at least here.

TERRY: Then a follow up question. Would that be enough? The way section five is worded. If we adopted a campus policy would that free the schools and departments from having to do anything?

GELLIS: No, it wouldn't. And what, if I remember what I wrote, that basically I had a list of maybe five or six kinds of conflicts of commitment that, you know, ought not to occur without someone, the Dean or the Dean of Faculties office, being notified. And the rest of it said that it was up to the schools to adopt policies. And so, yeah, this calls for the schools to adopt you know policies as to expectations. It's waiting really, it's like the thing with non tenure-track

faculty, it's waiting for the campus to sort of give directions to the schools to do something. I will say I can't think, I did say this at the University Faculty Council meeting, when this was originally at the University Faculty Council, Myles Brand wanted us to include reports to central administration by the faculty somewhat similar to the annual conflicts of interest reports and that the faculty council said no. That this is as far as they were willing to go. And basically it's left for the schools to develop some policies.

TERRY: Schools? If this is done.

GELLIS: Well it could be departments.

TERRY: Well that's what I wanted to pursue. If a school is divided into departments and the school adopted a policy can we stop there? Or is this worded in such a way that if the university

GELLIS: Oh yeah you can decide.

TERRY: If it's divided into departments the departments can act.

GELLIS: It's no, it's and it really is up to the campus, it would be up to us when it comes to the BFC to decide what is the right unit level.

DALEKE: Eric?

RASMUSEN: I'm confused now because at first I thought this was just kind of rewriting and dividing this into two parts but now it sounds like this is a huge amount of committee work and processes at the school level. Which is it? Is it a whole set of new policies?

GELLIS: It's not new. It's been there since 2000. It's just that we haven't done anything.

RASMUSEN: Oh, so we're violating current policy.

GELLIS: I don't know. It depends on you know the wheels of progress are fairly slow. I've had that draft memo before the Faculty Affairs Committee for over at least 18 months or so.

RASMUSEN: So there are no existing current school levels like Business School or Arts and Sciences policies? There will have to be some whether we pass this or not.

GELLIS: Yes.

DALEKE: Elizabeth?

JOHNSON: Could you talk a little bit more about section four where it talks about compensation? What does that mean in relationship to the point number four in the preamble?

GELLIS: There was, are you talking about the 20 percent rule?

JOHNSON: Yeah.

GELLIS: It doesn't exist.

JOHNSON: That doesn't exist and so conflicts, section four, if you can't determine it on the basis of how much money is earned from outside activities, but what's that unless required by law, is there, is that just in case that there is a law?

GELLIS: In case there is a law.

DALEKE: Larry?

THIBOS: A couple points about clarity of wording. I read part two, "Academic appointees may not use university resources in the performance of outside activities." I get caught when I see "and obtaining appropriate permission." Appropriate permission for what? To not use university resources that doesn't make sense. So that couldn't be it. And then there's some clarity in there too. So you need to get permission to actually engage in the activity?

GELLIS: No.

THIBOS: I don't get permission to not do something.

GELLIS: You may not use university resources.

THIBOS: Without compensating the university, but it says "and" obtaining permission, do you need or?

GELLIS: First it should be "without appropriate permission to use them and compensate them."

THIBOS: That's a confusing statement.

DALEKE: Yeah, I think we're referring to two different parts of the document, that's a part of the preamble that you're and then there's a section two.

GELLIS: I will have to make it clearer but let me make it very clear that this is based on state law, this is not a negotiable.

THIBOS: Maybe you can just clarify it?

GELLIS: I will try to come up with something.

THIBOS: And the second point of clarity in number four and I've read it several times, this is still in the Preamble, and it needs to be stated in plain English. Although my real philosophical point is that I'm concerned that we are setting ourselves up to make a policy statement here that

is unenforceable and would be seen widely by the faculty as unreasonable. Let me give you an example. I am a consultant for a company. They want to use my brain of course, but my brain is intimately connected to my computer. My computer is owned by the university. My computer software is owned by the university. So I can't actually be a consultant unless I can use that computer. Do I really need to get permission from the university to use my computer to be a consultant?

GELLIS: Yes, under state law.

THIBOS: Under state law I have to.

GELLIS: Yes.

THIBOS: And who do I approach for that permission?

GELLIS: Your chair or the dean.

THIBOS: And if the Dean gives me that permission whom do I compensate?

GELLIS: You work that out with the Dean.

THIBOS: By what formula?

GELLIS: You may be, whether the Dean asks you for money, we don't have a formula or anything else but I'm telling you that on this specific provision this is going to stay because this is what the state law requires. And unless you, and let me tell you the Trustees will not take any change in this whatsoever. So yes, I mean I understand, and I get this all the time. Well what if I use my pencil while I'm...we're not being ridiculous and there aren't people spying on you and so on. But if in fact you are doing consulting work and you are using your computer then under state law you are required to get the university's permission and compensate them; now no one, you know the dean is going to say well, how you know, how much do you use it and in what way and so on and they may you know, and probably the dean says oh that's nothing go ahead. Otherwise they might say well maybe you should have a separate computer and do it or do it at home or something. I think, I don't think that the administration or anybody else has anybody else has any intent on sort of coming up with a set formula and a group of policemen. On the other hand there is a state law that is very specific and this is what it requires.

DALEKE: Ann?

BRISTOW: Ann, you were explaining to us earlier that we have this one set of policies that deal with financial conflicts and this basically deals with our time. Is there any room anywhere for distinction between compensated outside activities and uncompensated activities? That is if one serves as an uncompensated officer of a professional association does it require these same sorts of?

GELLIS: Well, you know it's a, I think that's a good illustration or example. One reason why you want to separate financial conflicts of interest from conflicts of commitment. That is, you may work on a board voluntarily and it doesn't affect your research or anything else. So it's not a conflict of interest. But if in fact you are the head of a board and you spend 90 percent of your time there and you just come to the campus simply to teach your classes or whatever and you're gone as soon as they're over. Well then that might be a conflict of commitment because you're not devoting, so I don't know.

BRISTOW: It certainly is easy to understand how it could be abused. What's easier for me to understand are the infinite number of instances in which it isn't. And I'm just trying to look for the case of all of those other instances require specific approval.

GELLIS: Right. But none of these require approval.

BRISTOW: Well this point two that confuses me in that regard.

GELLIS: Which one, on the preamble?

BRISTOW: Section two.

GELLIS: So, well this is.

BRISTOW: Do I need the permission, does a faculty member need the permission of a dean to serve as the secretary of a professional organization?

GELLIS: No, no, no, no, no. There's nothing in here that says you need the permission. I mean.

BRISTOW: Well what does that say?

GELLIS: It says shall be permitted to spend one day a week on professional activities other than university activities.

TERRY: No, two.

GELLIS: Oh, section two. No, no. You just can't use university resources.

BRISTOW: Well, I assume you know that most people use their offices, use all the things you've been talking about when they're serving as an officer of a professional association or some other activity.

GELLIS: We try and I won't even say enforce. We try to get people to understand that you know we're not interested whether you use your computer to send an email to say you know we're going to meet on Saturday the 14th or you know sort of incidental quick stuff that people do in conducting their, in conducting their lives. But I cannot phrase it in any other way because it is the law. The law says if you pick up your pencil and you write something and you say here I'm

writing something as a consultant the law says you're supposed to tell your dean and compensate them. Do you think I can? I can't say, I can't tell you.

BRISTOW: When there's no compensation involved?

GELLIS: No compensation of what?

BRISTOW: Money.

GELLIS: Money from whom?

WALSH: You're not being paid to do the work.

GELLIS: No this has nothing to do with money. This has absolutely nothing to do with money. If you do anything whether it's calling your dry cleaner on the phone using the university phone you're supposed to, in theory, get permission and pay for the phone call. So, it has nothing to do with whether you do good works, bad works, indifferent works. You're not supposed to.

DALEKE: I think we have time for just two more comments before we will have to adjourn so Ben and then Deidre.

BRABSON: I'm sorry I could see one possible area of confusion and that is that the university of course asks you to do three things: teaching, service, and research. And as part of your duty in some sense to the university you are obliged to serve as president of the organization that you are, from a professional organization.

GELLIS: That.

BRABSON: So it seems to me that in that case you are going to be...

GELLIS: This says the performance of outside activities.

BRABSON: So this is not, our example is a bad one. Being president of a professional organization is not an outside activity.

GELLIS: Is part of your university activities.

BRABSON: That is a university activity. Ok. Good.

DALEKE: Deidre?

LYNCH: No I'm fine I was going to be sarcastic.

DALEKE: Let me point out that we would need to make the unprecedented move here to extend the meeting by vote or I'll give you another option and that is that this was the first reading of this document and as you can see it's well worth continuing the discussion and if we do nothing

on this point, on this agenda item today it will continue on to the next agenda on April 6th. So which of those two options would you like? Bradley, did you have a last comment?

LEVINSON: A move that we adjourn.

GINGER: Second.

DALEKE: So if I don't hear any other objections than we will mandatorily adjourn and we'll take this up again at the April 6th meeting. Thank you everyone.

Adjourned 5:32 pm.