

**MINUTES  
INDIANA UNIVERSITY  
BLOOMINGTON FACULTY COUNCIL  
APRIL 6, 2004  
BALLANTINE HALL 008  
3:30 - 5:30 P.M.**

**Summary of Actions Taken:**

The Council entertained four action items. First, the proposed Conflict of Interest Policy was approved. Second, a Fringe Benefits Committee recommendation to extend the Partially-Paid Family Leave Policy for three more years was approved. Third, a resolution related to HR 3077 was approved. And finally in new business a resolution regarding access to the IU Research and Teaching Preserve was approved.

**Agenda**

1. Approval of Minutes (approximately 5 minutes)  
March 23, 2004 (<http://www.iub.edu/~bfc/docs/AY04/minutes/03-23-04.minutes.htm>)
2. Agenda Committee Business (10 minutes)  
(Professor David Daleke)
3. Presiding Officers' Business (10 minutes)  
(Chancellor Ken Gros Louis)
4. Question / Comment Period\* (10 minutes)  
(Chancellor Ken Gros Louis and Professor David Daleke)
5. Proposed Conflict of Commitment Policy (Action Item) (20 minutes)  
(Professor Ann Gellis, Associate Dean for Research Compliance, Office of the Vice President for Research)  
(REVISED: <http://www.indiana.edu/~bfc/docs/AY04/circulars/B41-2004.htm>)
6. Fringe Benefits Committee Updates: Family Leave Policy and Proposal for Indiana Tuition Exchange Program (20 minutes)  
(Professor Elyce Rotella and Librarian Moira Smith, Co-Chairs, Fringe Benefits Committee)  
<http://www.indiana.edu/~bfc/docs/AY04/circulars/B44-2004.htm>  
<http://www.indiana.edu/~bfc/docs/AY04/circulars/B45-2004.htm>
7. Resolution on HR 3077: International Studies in Higher Education Act (Action Item) (20 minutes)  
(Professors Deidre Lynch, David Ransel, and Jeff Wasserstrom)  
<http://www.indiana.edu/~bfc/docs/AY04/circulars/B42-2004.htm>
8. Educational Policies Committee Resolutions (Action Item) (10 minutes)  
(Professor William Wheeler, Chair, Educational Policies Committee)  
<http://www.indiana.edu/~bfc/docs/AY04/circulars/B43-2004.htm>
9. New Business (15 minutes)

## **ATTENDANCE:**

Members Present: Jeff Alberts, Moya Andrews, Ken Gros Louis (through agenda item #6), John Slattery, Neil Theobald, Ann Bristow, Bonnie Brownlee, Erik Bucy, David Daleke, Luis Davila, Paul Elliott, Patricia Foster, Ann Gellis, Kathleen Gilbert, Laura Ginger, Michael Hamburger, Kevin Hunt, Margaret Intons-Peterson, Elin Jacob, Elizabeth Johnson, Bradley Levinson, Deidre Lynch, Murray McGibbon, Theodore Miller, Richard Nash, Harold Ogren, James H. Patterson, Mary Popp, Eric Rasmusen, Amy Reynolds, Elyce Rotella, Dennis Senchuk, Herbert Terry, Larry Thibos, Thomas Walsh, Mary Wennerstrom, William Wheeler, Celestina Wroth, Andrzej Zieminski, JoEllen Baldwin, Jesse Nelson, Grant McFann

Members Absent with Alternates: Robert Kravchuk for Barry Rubin; Brett Anita-Giller for Kimberley James

Visitors: Moira Smith, Co-Chair, BFC Fringe Benefits Committee, Professor David Ransel, Professor Jeff Wasserstrom, Professor John Hanson, Steve Hinnefeld

## **AGENDA ITEM #1: Approval of Minutes**

GROS LOUIS: Nobody can fake this voice that I have so I'll stay with you as long as I can but I'm just getting over something so I may have to leave a few minutes early. David tells me that the minutes were just posted this morning so you probably have not had a chance to review them accurately. So let's defer them to the meeting on the 20<sup>th</sup>.

## **AGENDA ITEM #2: Agenda Committee Business (Professor David Daleke)**

GROS LOUIS: With that I'll turn to David with the Agenda Committee business.

DALEKE: My first announcement is that the elections are now complete for next year's BFC. And our current Nominations Committee just met and put together nominations for next year's nomination committee. That's the first of a couple of elections that we're going to have to run this spring with the new BFC. We will also have elections of the officer's for next year and the Agenda Committee and then we'll move on to electing our representatives to the UFC. So that those new BFC members be aware that there are a number of ballots that will come your way.

I'd also like to announce that the IUSA elections are complete; they were complete before our last meeting but I didn't announce that. The new student body president is Tyson Chastain, the new student body vice president is Jesse Laffin, student body treasurer is Gwen Hobbly, and director of operations is Scott Norman. So we congratulate them all on their election. In addition this means that Casey Cox and Grant McFann are going to completing their terms this semester with us—I see that Grant is with us, but Casey is in class as usual. Casey may make it to the 20<sup>th</sup>, but we want to congratulate you on some very good work this year and thank you very much for attending the BFC meetings as regularly as you have, that's been very good. [Applause]. And in that context I want to point out that the current and past IUSA student officers did a very good job in communicating their views about the student athletics fee to the Board of Trustees. In fact the Trustees made a mention of that; not only did they say that the emails were to the point and professional but that they were also very convincing. So again I want to congratulate you on a job well done.

President Herbert's inauguration is coming up on April 15<sup>th</sup>. I just want to remind everyone. I also would just like to make a brief point that we have a few retirees who will be, a few members of the BFC who will be retiring this year—Moya Andrews, Ben Brabson, and Ann Bristow. I think Ken's going to say a few words about them in just a moment so I'll just leave that as an announcement.

I have a report to the Board of Trustees meeting that was held on Thursday and Friday. As you may have read in the paper they approved the 10-year capital plan and also approved the tuition increases in the budget for next year. They, in addition to that, President Herbert proposed the creation of a new Vice President for Government Relations and that was, that position and the person, Thomas C. Healy, was also approved. Before the vote on the tuition and fees for next year President Herbert withdrew the proposal for the athletics fee, the \$30 athletics fee, and proposed putting together a committee of students and faculty to review the budgetary issues of the Department of Athletics and to evaluate other potential mechanisms for making up the shortfall other than a student fee. That committee was put on a very short time line and is due to report to the President at the end of April. We have submitted names to, or will submit names to

Ken, I actually have the list sitting on my computer but I haven't sent them to him of nominees for that committee. These people will be individuals who also serve on appropriate BFC committees so that we have liaisons with our current process for evaluating student fees.

The Board of Trustees will also see at their May and June meetings the Conflict of Interest document and Student Code revisions that we passed here; those have gone through or are going through the UFC process, and once they are completed there at the UFC level they are going to go to the Board of Trustees. I will report back what I know at our next meeting about that.

A few comments about today's agenda; I want to make a note about an issue that came up during the question and comment period last time on PeopleSoft names. A resolution was put together as recommended by some members of the Council. It was put together by Herb Terry and Ann Gellis and was presented to the Agenda Committee. The Agenda Committee discussed the issue and with some information from a number of sources we decided that it really looked like we needed to study this a bit more and to collect some more information about the details of the issue. As a result of that I spoke with Don Hessler and asked him for a report from the PeopleSoft executive committee about what are some of the current concerns with the PeopleSoft project, current fixes that are on the list of things to be done. As you know these are prioritized, most of them cost some amount of resources, either people and/or money. And to make the types of corrections that we had been proposing would require that we really look at those priorities and make a decision as to where we place this particular issue in the list of priorities. Don has presented similar lists to us in the past particularly in the Educational Policy Committees or the Academic Priorities Committee I guess of the SIS project had a list of educational policy issues related to PeopleSoft that they presented to us last year. And I think we reviewed that again earlier on this year but I think this is a good time for Don to come back to us and give us an update on those priority lists. And so he's agreed to do that at the April 20<sup>th</sup> meeting. And so in essence we will postpone this issue until April 20<sup>th</sup> if that's ok with everyone.

A note about the Fringe Benefits Committee report today there are actually two items on the list. One of them will be an action item, that's on the Family Leave Policy; that's up for renewal this year and so the BFC needs to vote on that so that our decision can then be passed up to the UFC for final vote. The fee courtesy issue is necessarily an action item.

The other point I'd like to make is that we will see some new business today. The Long Range Planning Committee has prepared a resolution on access to the Biological Preserve; that information will be handed out to you during the meeting. At our upcoming meeting on April 20<sup>th</sup>, which will be our final meeting, we will hear a report from the Diversity and Affirmative Action Committee and also a report from the Faculty Board of Review and Faculty Mediation Committees. We will also hear a report from the committee that establishes the test for English proficiency for AIs. This is something we asked them to do last year, to report back to us at this particular meeting on their, the status of that test.

Ok. And that's all I have for agenda committee business.

**AGENDA ITEM #3: Presiding Officers' Business (10 minutes)**  
**(Chancellor Ken Gros Louis)**

GROS LOUIS: Thanks, David. Just to remind you a week from tomorrow night is the annual event in honor of retiring faculty. It's at Alumni Hall. You all should have been invited if you

haven't already. It starts at 5:30 and ends at 7:30. The program is short; it will be about 20 minutes long. As in the past it always amazes me of the faculty members retiring the average number of years they've spent in Bloomington is 33. There are some schools that hire individuals after their professional careers are over, for the last 10-15 years before they retire. But an average of 33 is quite remarkable. We have something like 3 of them are over 40 years and 7 or 8 are between 35 and 40 years. So if you're able to come it will be nice to thank them.

Also after the last BFC meeting on April 20<sup>th</sup> there will be a cocktail reception at my house at 4965 Heritage Woods Road. You'll get an email invitation to this with directions to the house for those of you who don't know it. And feel free to pick up your spouse on the way, or leave your spouse home if you want, it's up to you. We'd love to see your spouse as well, or friend, or partner; so do come on the 20<sup>th</sup> and it's a chance to round out the year in a nice manner.

David mentioned there are three members of the Council who will be retiring from the Council this year. I'd like to say a few things about them even though one of them, Ben Brabson, is not here. He's not here yet, right? He and his wife are leaving today on a long trip and I wasn't sure when. My wife ran into Cynthia Brabson yesterday and she said they were leaving today. David saw Ben on a bicycle at about 1 o'clock, probably biking to the Indianapolis airport. In any case it looks like they have gone. But first of the three people, and I'll take them in alphabetical order. Moya Andrews has had Council service for several years before she became the Dean of the Faculties. She served during that time on the Faculty Affairs Committee, External Relations Committee, the Faculty Board of Review, but I think most importantly since 1999 as Dean of the Faculties has provided this Council and the faculty as a whole with significant guidance, help, and support for faculty activities and to try to help faculty do what it is that they want to do. And I think the campus, and I'll have an opportunity to say this at greater length on other occasions, the campus owes Moya a great debt of gratitude for the way in which she's illustrated, exemplified the kind of administrator that I think the faculty on this campus like to have and deserve to have. So Moya we thank you very much for your service. [Applause].

Ben Brabson, as I say is not here, has served nine years on the Council during which he served on 19 different committees. They include the Chair of the Fringe Benefits Committee, but also several occasions on the Student Affairs Committee. Several terms on the Fringe Benefits Committee, probably his longest tenure. But also the Agenda Committee for one term, Library Committee, EPC, Nominations Committee, Travel Committee, AI Affairs, and Instruction Committee. And Ben I think many of you know not only from his activities on the BFC but also his activities over the years at the AAUP, has served the campus in a matter analogous to Moya. As Moya being I think an exemplary faculty administrator, Ben has been an exemplary faculty member. As I've said at other occasions there are those faculty members who make up an academic community and those faculty members who make an academic community. And Ben is certainly in the latter category. And even though he's not here let's give him a round of applause in absentia. [Applause].

And then Ann Bristow. If history were to be written of the BFC Ann could write it because she has served 39 years, oh I'm sorry 19 years. [Laughter]. Sorry Ann. It seems like 39 years. 19 years of Council service in which time she served on 60 different committees—some of which of course don't exist anymore. But that lack of existence having nothing to do with Ann's service. But she has been five different terms, for example, on the Agenda Committee. She was chair of Budgetary Affairs, she was chair of Faculty Affairs, but also Issues of Confidentiality and Privacy, Nominations Committee, Campus Computer User's Committee, Affirmative Action

Committee, EPC, Fringe Benefits Committee, Merger, Reorganization, and Elimination Committee, Research and Development Policy Committee, Constitution and Rules, Faculty Mediation Committee, Information Technology Council, and the Technology Policy Committee. It is probably the years that I'll most remember are the times that we spent when she served on the Agenda Committee, '84-'86, '89-'90, '90-'91, '91-'93, '95-'97, all of which years it was my privilege to meet with that group every other week and to share both public and private, open and confidential, and even secret information. Ann I'm sure will have a good history of the BFC when the time comes to write it. But Ann you've really been a model member of the community, like Ben. And Ann too, like Ben, has been very active in the AAUP over the years and in fact has volunteered to bring together the archives to the extent possible of the AAUP for the campus. And the challenge for that is that each AAUP president holds onto the material that is collected during his/her presidency. And so Ann contacting the various presidents the presidents will say oh yes I have that in a box some place. The other challenge of course is that some of the AAUP work, especially Committee A, is confidential to the extent that the organization does not want to reveal the names of individuals who may have been involved in mediation disputes with departments or schools. So part of the challenge is what goes into the archives for the AAUP and what is archived but not made available for some period of time. So Ann for all of your work on these many, many committees—many of which don't exist—but especially your work on the Agenda Committee and the AAUP we thank you very, very much. [Applause].

Moya and Ann is there anything you'd like to say in self-defense?

ANDREWS: No thank you, I think you've said it all.

GROS LOUIS: Ann?

BRISTOW: The very first meeting I recall attending, I think I was subbing for someone; the Chair of the Budgetary Affairs Committee was to give a report. The chair of that committee was Ken Gros Louis and the report had been misprinted and instead of saying 1976 it said 1076 and as he approached the podium he said "well our first recommendation is no funding for the central administration's cathedral." I thought this is going to be an interesting place to serve.

GROS LOUIS: That was the year there was talk about replacing the old chillers for the chilling water system. And Bob O'Neal wanted to replace them and it became sort of a joke between the Budgetary Affairs Committee and Bob that "old chillers" were referred to as a senior faculty member. And Bob didn't know we were joking I think initially, if you remember Bob he would take things seriously. So we said whatever you can do for old chillers we thought was a good thing to do. The old chillers had provided great service to the campus over the years, they've done some wonderful work, and anything for the old chillers would be something we'd all find very moving. In any case, with that...those old chillers by the way were replaced and are now the old chillers, even older.

**AGENDA ITEM #4: Question / Comment Period  
(Chancellor Ken Gros Louis and Professor David Daleke)**

GROS LOUIS: We'll turn now to the question/comment period. If anyone has any comments or questions of the Agenda Committee or me? Herb?

TERRY: Since my comment last time started the issue of the PeopleSoft handling of names I just want to express the hope that we don't just get a report at the April 20<sup>th</sup> meeting, but that if we conclude there's a problem we have an opportunity to express our will with regard to that problem. Since this is the last meeting of the Council of the year, certainly in my department the concern over the matter is still high and I hope we'll address it rather than just get a report about it.

I'd also like to take the point; I guess a point of personal privilege. I'd like to commend the chancellor and the students for heading off the diversion of all the available mandatory fee money to the Department of Athletics. It's not that I have anything against athletics, but I do think there are probably other ways to address their financial needs and many valuable academic things, including the collegiate readership program, were in danger of being pushed aside because of the combination of the four percent gap and the athletics request for funds. My impression at least was that that was on a pretty fast track and I appreciate Ken who met with the students quickly, reacting to that and urging the President to find a way to find other ways to address the athletic department needs. So thank you.

GROS LOUIS: Let me add to that. There are two steps in the process. The first step is between Judy Palmer and Terry Clapacs to review the Athletics Department budget, make recommendations about what the two of them see as the issues, and to come up with some options. The second step is for the committee that I will appoint to review those options and look at other options and then as David said make recommendations to the President by the 30<sup>th</sup> of April. My hope certainly is that we will come up with other options, but not have one of those options be the elimination of any men's sports. I think when I meet with the committee initially, they're not appointed yet, but when I meet with the committee initially I'll say that as far as I'm concerned all options are open; except I would hope that the committee would not recommend the elimination of any men's sport. I don't know how you feel about that but I just think there are certain things that we should take off the table. That's the one I would take off the table.

The floor is still open for questions or comments. OK.

**AGENDA ITEM #5: Proposed Conflict of Commitment Policy (Action Item)  
(Professor Ann Gellis, Associate Dean for Research Compliance, Office of the Vice  
President for Research)**

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

GROS LOUIS: We'll move to item five which is the second reading of the proposed Conflict of Commitment policy and I'll turn to Ann Gellis.

GELLIS: I made my presentation as to what this draft revision is; it's basically what we had in section 6 of the Conflict of Interest blue document from the 2000 Conflict of Interest Policy. And I simply put it in different format so that it stands on its own and is its own, as a policy. I tried to tinker with the language in paragraph 2 in the preamble and on the back to make sure that what we're talking about is helpful. And I did not get any other emails so I, to the extent that there are comments or other suggestions they weren't made to me, but I'll take them now.

DALEKE: I think it might be helpful Ann if you give us a bit of clarification based on the UFC's actions. The UFC had passed the Conflict of Interest policy and had as a result of that action asked that the Conflict of Commitment policy be extracted from that fairly much in tact and then

at the April 27 meeting consider that for approval as an Interim policy. The question remained open about whether there would be any further changes to the Conflict of Commitment policy that that might take place at a later time. So the document that we have in front of us would you consider this to be the extracted Conflict of Commitment policy or is this a revised Conflict of Commitment policy?

GELLIS: Right. It is the extracted. It's only been revised sort of, the language changed only to make it stand on its own since it had references and it was written to be a part of the other document so those were the changes that were made. Basically I think the UFC was nervous that there would not be a policy on conflicts of commitment if they simply approved the new, the revised Conflict of Interest policy. So we are going to, we hope to enact this so that we have a Conflict of Interest and a Conflict of Commitment policy just separated.

DALEKE: I'd also like to make it clear that if we approve this it has to go, it then goes to the UFC. And the UFC has the final authority over setting this university-wide policy and that's what will happen with this document one way or the other. Ted?

MILLER: My understanding from the UFC meeting was that, and I think this is what you are saying Ann is that this document was going to be viewed as an Interim Conflict of Commitment Policy and that the Faculty Affairs Committee was going to be asked to review this Interim Policy and then propose perhaps an unchanged version that would be the final policy. And I'm hoping that that's still the plan that we have; I think the Faculty Affairs Committee should look at this before it is approved. Because the development of this policy was really not in the hands of the Faculty Affairs Committee originally and I think this is actually a fairly important policy that should be considered by the Faculty Affairs groups around the university before it is actually, sort of, officially made the policy.

GELLIS: I don't have any problems with that in any way. That is, we can adopt, the UFC can adopt this as the Interim Policy on Conflicts of Commitment and it will go to the Board of Trustees and the two will be one; I mean that they will work together. However, I just want to make, and I have no problem in having the Faculty Affairs Committees both or all the campuses look at what they just passed and see whether they would, how they would want to change it. But I want you to know that depending on what those changes are, I mean everyone should know that then you would be basically intruding a new policy to go to the Board of Trustees. And that's fine but it may not be as easy as you think. But I have no problem with it.

GROS LOUIS: Mary and then Herb?

TERRY: Yes I have a question also based on the UFC meeting. If I remember right one of the impetus for this change was to leave the Vice President of Research in charge of the policy on Conflicts of Interest and to move the Conflict of Commitment somewhere else. And I think there was a discussion at the UFC that we would do that by putting it under our Dean of Faculties. But when you talk in here about local administration the other campuses would put it under whatever they had that was a local parallel.

GELLIS: Yeah, although, generally yes it would be the Vice Chancellor for Academic Affairs on the campuses.

TERRY: It's a point I just wanted to make clear I don't know that it requires any kind of an amendment but to just let the record reflect that the administration of this will run through the Dean of Faculties on the Bloomington campus because that's not mentioned anywhere in here.

GELLIS: And the reason for that is that, that is that's it's more likely that the chairs and the deans and ultimately the Dean of Faculties are going to know more about faculty members' activities within the university and outside the university than the Vice President for Research would know.

GROS LOUIS: Mary?

WENNERSTROM: Could somebody explain point four in the preamble? We talked about this a lot at the school level and besides the problems with point 2 that we talked about last time about university resources which we won't get into again here, but using your studio or your office to have profit-making ventures. Point four about having a day a week to do professional things; no one is quite sure what that means. Whether that means that you can just not show up one day a week of a 5-day week or that means that you can be gone for 2 weeks out of the semester? Or what that exactly means?

GELLIS: This is a long held tradition across, as far as I know, all research institutions is to provide faculty with one day—and how that's defined is different. But basically every university whose policies I've looked at all have this one day a week provision; it's traditional and the notion is that you are supposed to go out. The idea behind it is that this gives you an opportunity to go out into the world, work with other people in your field, do perhaps consulting in your area, or for example if I were to use it perhaps even do consulting or maybe I'd like to work in a law firm for a day so that I can keep current. And the notion was that by giving faculty that one day a week would result in sort of cross-cultivation and it would inform your teaching and your research from basically your experience in dealing with the world outside. And that has been a solid tradition that I don't want to be here when anyone wants to get rid of it.

WENNERSTROM: The question is how it's defined?

GELLIS: It's defined as one day out of five and does not include the summer months if you're on a 10-month appointment.

WENNERSTROM: Well I'd just say that this is the single most problematic thing that we have are people who work Saturday and Sunday for instance in the Musical Arts Center and they think that that means that they should have, you know, Monday and Tuesday off in recompense and then have another day off. And those people who only teach Tuesdays and Thursdays does that mean that they don't come in Monday, Wednesday, and Friday and then they get another day off.

GELLIS: In theory, wait. If you read it, it says the university's long standing policy permitting full-time faculty to spend one day per week on professional, but not necessarily university activities. So that this doesn't say you get one day off no matter what so you can go garden. It doesn't say that you get one day off so that you can go operate a business, a flower shop—unless perhaps you are a horticulturist. So it's not supposed to be something that simply says because we're trying to compensate—you know I worked hard on Saturday and Sunday so therefore you know I should get a little extra time here—that is not the function of the rule. We all know that

we can find examples of which people do use it for non-professional reasons. But the language of the policy itself is limited to professional activities.

WENNERSTROM: Well I guess the people that are speaking about this think it would be better to talk about a semester long thing because if you're gone for a whole two weeks doing consulting or doing something, but it's not a day a week it's a cumulative.

GELLIS: Well it is possible to figure out how many days out of the year you have and then to bunch them and assuming that your chair or dean is agreeable. That is, it may be that what you have to do; you've been called upon to evaluate some program. You go there but you can't make the evaluation in 1 day, you need 3 days. No one would say don't take the 3 days because you haven't accumulated...you know. So you can bunch them. But I think if you were to bunch them, I think in many schools, if you were to bunch them for 2 weeks or 3 weeks you, without telling anyone, then that would be a problem.

WENNERSTROM: Well I'm just saying if some groups don't look at it that this is the kind of questions that have come up.

GROS LOUIS: Eric?

RASMUSEN: I'm wondering if the existing rule has ever been enforced in any outrageous cases? Have you ever heard of anybody being called on the carpet because they were gone 10 days out of the month?

ANDREWS: I have heard of people being called on the carpet because they've been gone for long periods of time without notifying anyone. However, the equivalent of one day a week loosely defined for other professional kinds of activity which are enriching to the faculty member is generally received favorably by the administration. So it's only very rarely that people abuse it. Most people are quite happy to operate within the general guidelines of the policy and the university is not in my knowledge found this to be disadvantageous.

RASMUSEN: What I was getting at is that the university is being extremely lenient in enforcement. It may not like it when somebody's gone, but unless you are totally outrageous you're not pursued? Would that be a fair statement?

ANDREWS: Would you like to respond to that?

RASMUSEN: Let me put it a different way. We have not heard of any abusive cases of the administration persecuting faculty for valid activities.

ANDREWS: It has not been a problem. We have a very ethical faculty. And we have not found that people abuse this. There have been occasions where people have been cautioned but generally speaking the faculty understand the purpose of this policy and operate comfortably within it.

GROS LOUIS: Yes?

THIBOS: It's true that the 20 percent rule is described in some detail in the Academic Handbook.

GELLIS: Yes, it's no longer. It's simply an administrative practice.

THIBOS: But it is written down?

GELLIS: Well, I don't know if it is. It may be taken out of the new handbook?

THIBOS: Was it taken out of the new handbook?

GELLIS: I don't have my handbook with me but

THIBOS: The danger is that if it's just folklore and not written down anymore nobody will remember what the 20 percent rule is as a proper noun. It needs to be written down. And there are practical reasons why that's important too because sometimes funding bodies that are sponsoring research in which a faculty member from one university is acting as a consultant at another university requires to see a written policy saying that that is legal. So I have been requested for example by the National Institutes of Health to show written documentation that Indiana University will allow me to have at least 20 percent of my time to consult with on a research grant, on some other university. So it's very important to me and other researchers.

ANDREWS: It is written down.

GELLIS: The 20 percent that's used here is a limit on how much money you could earn. That is, this is a limit that says may not use the limit on a percentage of compensation that can be earned. It's not the 20 percent referring to the day, how many days a week you get, that you can do professional activities outside of the university. There had been an administrative practice saying that basically you could only make up to the amount of 20 percent of your salary. Now what this document did in 2000 is to say there is no longer any limit on how much money you can make on the 1 day a week. So this basically has no, this basically leaves you free to make 1 million dollars.

ANDREWS: Well not exactly. If we do strictly enforce the policy that you cannot make more than 20 percent of your salary, for example, in the summer session. Or there are, in terms of the salary cap that is scrutinized very closely by our office.

GELLIS: But that's coming from your teaching here.

ANDREWS: Right, if you are teaching here but you can overload which is greater than a certain amount but the external part you have made more agreeable.

GELLIS: But you could go out and teach at Harvard and if they wanted to they could pay you 1 million dollars.

ANDREWS: For one day a week.

GELLIS: For one day a week.

ANDREWS: Well, the consulting, it's mainly consulting. The teaching at two institutions at the same time is a little problematic; I don't think that's a good example. A tenured faculty member here is not regularly, supposed to be regularly teaching at another institution.

GELLIS: But you can imagine that somebody who does not teach at IU during the summer teaching at another institution.

ANDRWS: Could earn more than 20 percent of their salary.

GELLIS: Could earn more than 20 percent.

ANDREWS: Quite right, quite right.

GROS LOUIS: Dennis?

SENUK: First off, I would like to say a basic point. I was wondering about the phrase in there earlier that's not enforced because of inequitable impact.

GELLIS: That's no longer in there.

SENUK: Oh, I'm sorry. I thought it was related to the 20 percent.

DALEKE: Yeah the 2000 policy is in your packet only as background information. This is where the current draft in yellow came from.

GELLIS: I think it is important to recognize that when the 2000 policy was being drafted that the university through administrative practice was limiting what you could get as earnings, as compensation, to 20 percent of your salary. So that when they drafted the document they put in lots of language saying in every way that they could that we were making a big change in the way these outside earnings, how much outside earnings there could be. The theory was that, I don't want to confuse you anymore.

GROS LOUIS: Yes?

NASH: Ann, I came to understand the need for a Conflict of Interest policy largely in terms of the idea that significant financial interest could affect directly the quality of the research being done.

GELLIS: Right.

NASH: I'm trying to imagine in the Conflict of Commitment policy, would there ever be a situation, can we imagine a situation where it would rise to the level of a conflict without having already come up on the screen as some sort of unsatisfactory review of teaching or service or research. That is, in what way, we're talking about commitment of time.

GELLIS: Right.

NASH: That is, if somebody is spending time on things other than their university appointment activities but they are performing their university activities satisfactorily. Is that a conflict?

GELLIS: Of commitment? No. As long as the faculty member is meeting—what this policy said in 2000 was that we want the units, you can decide on each campus can decide which unit makes the decision, what, either in the schools or in the departments, what expectations that school, that department had for its faculty members. So for example, a school or a unit may have some kind of language about being available to meet with students—not just simply coming in and teaching your class. I mean, that’s one example. So as long as you are meeting those obligations that’s fine and then you have no conflict. Where do we see the conflicts? Generally when the faculty member has done something that has caused the faculty member not to be around a lot or sometimes we see conflicts of commitment in fact come out of the conflicts of interest. That is if you have someone who is doing consulting 9/10 of the time they are probably making enough money from their consulting activities to trigger the Financial Conflict of Interest. And at that point one might, as you are looking at the documentation in terms of coming up with how to deal with the financial conflicts, you know then you say Oh, this person is out 90 percent of the time. And basically what we have done as I have said is gone back to the school and said hey you know did you know what’s going on? Sometimes, in any particular department being gone 90 percent of the time might be just fine. I mean I’ve heard that argument from music.

WENNERSTROM: Not from the students.

GELLIS: I’m not sure I have an answer to what your question is.

NASH: Well I guess the real push behind my question was can we imagine a conflict. It seems to me in conflict of commitment we’re talking about time—whether people are here doing their job. And it does seem to me what is not explicitly stated here but what seems to be implicit is that one can do more than the work you do for IU so long as you do the work for IU.

GELLIS: Right.

NASH: So that in order to have a Conflict of Commitment don’t we have to show that there is some compromising of the expected duties, the duties that are expected by IU?

GELLIS: Right. I think that’s right. But I think, again, it’s probably in most instances its best dealt with at the local level and if it was egregious it would probably ultimately come up through the, perhaps the Faculty Misconduct Procedures.

GROS LOUIS: Herb?

TERRY: I would just like to point out that I think that this is not the place to rewrite the Conflict of Commitment Policy. As I understand it, the only purpose of this is to make sure that there’s the document around that you need to hand to a funding organization that says that you can spend 1 day out of 5 or 20 percent of your time on that project. And this would be the document I presume that one would give. The only substantive change from the current policy is who administers it—it goes from the Vice President for Research to the Dean of the Faculties, at least on this campus. And it’s an Interim policy, giving us plenty of time to reconsider the substance of it down the line. Absent this I don’t think we have a Conflict of Commitment Policy because I think we replaced the current Conflict of Interest Policy, which included the Conflict of Commitment Policy, with the revised Conflict of Interest Policy.

GELLIS: I keep on saying this because I do not think that the Trustees are not going to have something to say about this—on both documents. We ought to know that we're not quite through the process.

DALEKE: And I just want to remind you as Herb has said that this will go to the UFC and the UFC Agenda Committee will then decide what to do with it, either send it to the Faculty Affairs Committee which I predict is likely, or to bring it right to the floor of the UFC. But my guess is that it will be reviewed by the Faculty Affairs Committee before it goes to the Board of Trustees or to the floor of the UFC.

GELLIS: You are talking about a new policy?

DALEKE: Well it's possible—the new policy will definitely go to the Faculty Affairs Committee—but it could be that the Agenda Committee would ask the Faculty Affairs Committee to review it before it gets voted on. It's always a possibility.

THIBOS: I'm still just a little bit confused. Will this policy in the end, end up in the Academic Handbook?

GELLIS: Eventually yes.

THIBOS: Eventually it will. Because on page 110 we do have something that says Conflict of Commitment and there were about 10 things listed. So I thought that was the policy.

GELLIS: Yes. It is.

THIBOS: It is? And that's where the 20 percent rule is stated as well.

GELLIS: This is section six of the policy that was in existence from September 2000. This is the policy that exists right now. This is the policy that governs what you do with our outside activities right now. When we get through the Board of Trustees we will have a new Conflict of Interest policy but we certainly are not going to get the Conflict of Interest policy through the Board of Trustees unless we also have a Conflict of Commitment part.

DAVILA: And why would that be?

GELLIS: Because the Trustees and, at least under Myles, the administration, was very interested in making sure that there was some, that the schools were sort of monitoring whether people were in fact performing their university activities. And they are very concerned about the issue of resources.

GROS LOUIS: Further questions? Are you prepared to vote with the understanding that the UFC Agenda Committee, if you approve this, will either send it to the Faculty Affairs Committee or take it directly to the UFC? If so all those in favor say aye [AYE]. Opposed? [none]. Abstentions? [none]. Thank you.

**AGENDA ITEM #6: Fringe Benefits Committee Updates: Family Leave Policy and Proposal for Indiana Tuition Exchange Program**

**(Professor Elyce Rotella and Librarian Moira Smith, Co-Chairs, Fringe Benefits Committee)**

<http://www.indiana.edu/~bfc/docs/A Y04/circulars/B44-2004.htm>

<http://www.indiana.edu/~bfc/docs/A Y04/circulars/B45-2004.htm>

GROS LOUIS: Next to item 6 which is the Fringe Benefits Committee updates—the two items that David mentioned before.

SMITH: My co-chair Elyce Rotella asked if she should come up here with me and I said as long as people don't start whipping things so please don't start that. We'll start with the Family Leave Policy renewal. Time is short on this one so I'll be brief. Briefly, the Partially-Paid Family Leave Policy allows academic appointees a partially paid leave in three cases, or in two cases: either for the birth or adoption of a child either by the appointee or by the appointee's spouse or partner, or for the serious health condition of a spouse, a child, or a parent. Partially-paid leave is for up to 15 weeks or through the end of the semester, whichever comes first and during this leave you are paid at 2/3 of your regular salary. The understanding is that you will continue your research and service obligations during that period. And this policy has been in place since 1998. It was renewed once in 2001 and it will expire in June 30 of this year unless the Trustees vote to renew it and so that's what we're here for today basically is to make the recommendation that it should be renewed for another three years. I should explain that the Fringe Benefits Committee is really just looking at this as a stop-gap measure. We want to have time to look at the policy more closely. We began looking at it early this semester but, the IUB committee and also the IUPUI campus committee. And both of the issues found that the issues were a lot more complicated than we realized at first and we both agreed that we needed more time to look at them more closely before we got around to making any more recommendations or changes. We didn't want to rush into any recommendations before the end of the semester. So the recommendation is that the policy will be renewed as is for another 3 years but with the addition that the UFC and BFC be charged how the policy has been implemented on each campus, analyze its effectiveness, and propose any changes or recommendations. And that's all I have to say about it unless you have questions or want to talk further?

GROS LOUIS: Yes?

LEVINSON: I'm wondering if the language of the policy actually now printed in the Handbook? Or where the policy is in fact available because I recall I first learned of it a couple of years ago when I happened in a communication with Bob Eno happened to mention to him that you know when my child was going to be born in February that I was not going to be making the Faculty Council meetings perhaps as regularly as I would have liked and so forth. And he happened to say oh by the way did you know about this. And what he sent me essentially was the link to the minutes of that meeting in which the policy was approved. And I started talking around to people and it didn't seem like anybody knew that this policy existed. And I understand why some would not want to widely advertise it.

ANDREWS: No that's not the case.

GROS LOUIS: It's in the Academic Handbook.

DALEKE: It's on page 98 of the 2001 version of the Handbook.

SMITH: But that does raise one of the issues we discovered which was that widespread knowledge, or accurate knowledge of this policy doesn't seem to exist on the campus.

GROS LOUIS: Moya?

ANDREWS: Usually we talk about these policies at chairs meetings and hopefully the idea is that the chair or the administrative assistant in the individual department or in the smaller schools the dean's office, will approach faculty members who could use these policies. The Family Leave Policy is used most effectively and most often by women who take a maternity leave, a medical leave for the first part of the delivery and early period after childbirth and then supplement it for the rest of the semester with a Family Leave. The policy is very helpful in that regard. It would be my recommendation to the committee that efforts be made to change it to 100 percent rather than 2/3 of the salary. I think then it would be used and be more useful to faculty members. But at the moment it is used primarily to extend the maternity leave; though we do have occasional times when faculty members are glad to have this leave because of care of a child or parent who is seriously ill. We have the data in our office. I think 11 people availed themselves of it last year, if I recollect. But I do think it's a very important policy and one that really needs to be preserved and maybe extended because it does give faculty members that flexibility to take care of their family obligations. And it helps us retain faculty members because these kinds of policies do help retention.

I just want to remind everyone that the red book, the Academic Handbook the last edition was 2001. It's reprinted every 5 years by a university-wide committee because the little red book contains all university-wide policy; and this is a university-wide policy. Many of you will have seen in your departmental offices a large book with a picture of the Sample Gates which is called the Bloomington Academic Guide which contains all Bloomington policies. And it is reprinted every 5 years. But in the interim our office updates every change that occurs on the web so that any changes that occur within the period before hard copies are reprinted is always immediately posted on the web so that that's the way to keep current. But always remember the little red book is system-wide policies and the big book with the Sample Gates on the front, the Academic Guide, are the Bloomington-specific policies. It took me years to find out the difference between those two so I always take any opportunity to point it out because it's helpful to know which is which when you are trying to look for things. The Guide is Bloomington; the Handbook is university-wide.

LEVINSON: I just wanted to follow up and ask, I can't recall does the policy also include language that would include the grieving of a lost immediate family member, in other words if the language is just provisional to the care of?

ANDREWS: The care of.

GROS LOUIS: Herb?

TERRY: I agree very much with the wisdom of just adopting this for another three years given the expiration date but I do have a question about current implementation that might go to the question of proposed changes down the line. As you read it you talked about this benefit including faculty and spouses. Over the last few years we've made, with the support of the Trustees, a number of efforts to extend spousal benefits to domestic partners. And so I'm just

wondering what current administrative practice is if it's not a spouse but a domestic partner that's coming under this policy.

ANDREWS: It does include domestic partners and we have had a number of instances where domestic partners have taken advantage of this policy since the Trustees have passed that more recent policy about spouses and domestic partners.

SMITH: We had discussed whether or not to amend the language of the policy to explicitly include that but we decided that we didn't want to get into that because it would just get out of control perhaps.

ANDREWS: All those policies were automatically updated in that last Trustees' motion.

RASMUSEN: Does this come from school budget or does the university kick in funds?

ANDREWS: This comes from the school budget.

RASMUSEN: I'm kicking myself; I could have been on leave right now.

GROS LOUIS: David?

DALEKE: I just have one minor change in the second paragraph University Trustees should be Board of Trustees.

GROS LOUIS: Any other comments on this? If not all those in favor of the motion say aye [AYE]. Opposed? [none] Abstain? [none]. So we'll go on to your second part.

SMITH: So the second part relates to the Fringe Benefits Committee's eternal mission to improve compensation and benefits of faculty at no cost. I've heard it said, maybe it was in this body some years ago that other institutions are amazed that we manage to get our appointees to work so hard for so little. So the Fringe Benefits Committee tends to think that part of our mission is to change that—or at least change part of that.

The proposal now that's been kicking around for a few years is to set up an Indiana tuition exchange program. It's meant to address a couple of problems that exist now. First of all that IUs compensation and benefits package is not always competitive with the institutions we compete with which poses a problem when you're recruiting and a problem of retention of faculty. There are some areas of our benefits that it's very difficult for us to improve coverage, for example with health care we have a mandated cap on rises in university health care costs; so we can't very well improve the benefits in that area so we went looking for other areas. And then more broadly in the state you probably know about the Indiana brain drain problem; there's a problem of keeping college graduates, Indiana college graduates in the state. We think that this proposal would go some way to addressing all of these problems.

Part of the reason we have had trouble recruiting against other competing schools is that other schools offer a higher percentage of tuition benefit than we offer. And in other cases the schools offer tuition benefits that are fully portable. That is, you can use them at any school of your choice. Whereas here at IU your fee courtesy is only applicable if you take courses at an IU campus. You can't go anywhere else. So the proposal is to change the current tuition benefit so

that it is portable to any other public school in Indiana—either a two-year school or a four-year school. This will of course require cooperation with those other schools, the schools would work together to come up with some way of exchanging credits so that if our employees send spouses or children or themselves to another school in the state those schools may then send their people here and we'll work out some way to exchange the value of tuition courtesy so that we come out close to even, hopefully.

Now the Fringe Benefits Committee is not about to recommend exactly how to do that because one thing we found when we looked into it is that all of the schools, even just looking at schools in Indiana, have different ways of accounting for tuition benefits. And it's just a headache to even think about how they would work them out. But we firmly believe that if the will is there to make this happen then smart people will find a way to make it happen. So we haven't, we deliberately have not gone into details about how to do that, we leave that to better minds than ours to figure out.

We think that this will be, this will have a number of good benefits, this kind of proposal. It will, well first of all, it will enhance the benefits package and we think at relatively low cost. In that employees—this would apply not just to academic employees but all employees—employees, or their dependents, or their spouses or partners, get a much more and diverse range of educational options within the state that they can go to. You might think well why would somebody choose to send their children to a school besides IU. There are all kinds of reasons. I recently had someone tell me that his son had decided to attend business school at Purdue instead of Indiana because Bloomington had too many trees. True story. So that's one benefit.

Another benefit is that this would keep Indiana children in Indiana when they go to school, when they go to university. And we think that will help, if they stay in Indiana for college chances are they are more likely to stay after college as well so we think it would help the brain drain problem for the state. And finally, this exchange, if it were to come into being, it would promote cooperation between the schools in Indiana and we think that's probably a good thing as well. Now this is just up for your information at the moment. And that's all I have to say at this point.

GROS LOUIS: Ted?

MILLER: How would the Fringe Benefits Committee move forward with this idea? Is there a mechanism in the state that would facilitate working on this idea?

SMITH: A mechanism in the state?

MILLER: A mechanism, you know, some way to get the schools together to do this?

SMITH: To be quite honest we believe that the way that this will happen will be if presidents of the various schools agree that this is a good thing and if they agree amongst themselves then it will happen. But if not, then it won't happen. So I guess we're starting here to get the word out and if we think there is support for this kind of proposal then perhaps it would move on. By the way we also know that there's likely to be very strong, very enthusiastic support from Human Resources on this, so it doesn't just affect this group.

GROS LOUIS: Herb?

TERRY: I have a question actually for you. I've been here a long time I think I've seen this proposal once or twice before and I'm trying to remember why it died the last time. Was this one of these things that President Beering objected to? She just said that it might be something that the presidents would have to agree to or did we actually cost it out at some point and discover it was not capable of being implemented for cost related reasons?

GROS LOUIS: My recollection was that the concern was the balance of payments. The, I don't know how they did random sampling or whatever but I think more students go to one institution than another. We're really not talking about...we're really talking about West Lafayette and Bloomington. Not many IU, some but not many, IU faculty students go to Ivy Tech for example. The reverse would be true. So fundamentally it's really West Lafayette and Bloomington. There was a time, some of you know, when Wisconsin and Minnesota had a reciprocal agreement. And that stopped because there were more students going to Wisconsin than were going to Minnesota. And that's my recollection, maybe others can remember better, but that's my recollection. No one could agree on, and if the balance of payment was not right who was going to pay to make up the difference?

LEVINSON: I'm wondering if anybody here knows what the status is of the 26 million dollars that IU received under the latest Lilly grant and whether this proposal implicitly or perhaps even explicitly is indicating that, or maybe it should be made more explicit, it's indicating that in fact that's the monies from which the new tuition exchange program should be drawn from.

GROS LOUIS: Nothing definite in the funding yet. But IU is eligible for 26 million, we don't have 26 million. Secondly it's 26 million in one-time money so while some of it, some or all of it, can be deferred into endowments, short of endowments once its spent its spent. But again, are people who know these things would have to figure out what size endowment would be necessary to make up any imbalance in payment. And frankly if this is existing in good will, especially between West Lafayette and Bloomington, it might be that that won't matter. That the amount of funding may not factor into it. And unlike many states Purdue and IU have quite distinctive missions. Unlike Michigan, Michigan State and Iowa and Iowa State, which are essentially the same, not the same, but almost the same programs. So they both have engineering at Iowa and Iowa State. So in terms of the large schools we're really talking about engineering being the main attraction perhaps at Purdue, for Indiana perhaps business, music, and journalism being the unique attraction here, since West Lafayette obviously has a good, but not as good as ours, arts and sciences school. Much less good than ours actually. [Laughter].

Let's go back to Ted's question. Is this something, Moira, that you would forward to the President on behalf of the committee with the request if he wishes to discuss it with the presidents?

SMITH: Do you think that's the appropriate way to do it?

GROS LOUIS: Or you could forward it to me to forward it to him.

SMITH: I like that better.

PATTERSON: I just wonder about the balance of payments if it might be more palatable if we sold it as a percent basis so if more wanted to come to Bloomington and you want to trade with another university you might not get 100 percent, but they could get a big part of that. That might

be more sellable because that would alleviate that problem and it might give some benefit then to an IU employee.

GROS LOUIS: As you know the in-state tuition is about the same, it's not that far apart.

PATTERSON: It would be just like a pot of money. You could go against that pot of money.

OGREN: I was wonder what the history of the difference is between Purdue and Indiana here with the 65 percent compensation and whether or not that's an issue your committee was thinking about equalizing or not.

SMITH: Ideally of course we'd like to equalize but our guess is that in the current fiscal climate that's going to be a very hard sell.

OGREN: Well it must have been for Purdue also, but how long ago was that passed at Purdue I wonder?

GROS LOUIS: I'm not sure.

SMITH: I could find out.

GROS LOUIS: Other questions or suggestions?

THIBOS: Just a comment strategically I wonder if it would make sense to try to go slowly with a staged introduction of such a policy. Instead of trying to take on the difficult task of convincing four major universities and several minor universities to all agree simultaneously which sounds like it would be completely impossible, why don't you start with one and if it works and there are not major balance of payment problems arising it could expand more slowly and begin to engulf the whole state.

GROS LOUIS: This could be a three to five year experiment.

SMITH: In fact our original scheme was an exchange program with all the CIC schools but we scaled back from that for exactly that reason. Perhaps we should scale back further.

GROS LOUIS: Not surprisingly the CIC as many of you know has an exchange of faculty and there's a balance of payment rule that once you get past +3, if you get three more than anybody else has, stop. Most people in the CIC go to Michigan or Northwestern and so they're always at max, +3. Other suggestions? Yes, Elyce?

ROTELLA: I just wanted to throw just a little bit in here that this really isn't reinventing; this isn't inventing anything from scratch. There are many, many, many other tuition exchange proposals out there. Lots of other schools and lots of other states have figured out how to do this. We figure if Illinois can figure out how to do this we ought to be able to figure out how to do this. The places that we compete with do this all the time. And it's true this has been for years and years and years and nobody's been able to figure it out how to do stuff so that IU and Purdue can get together. And this is why we have the sense that if someone—we have seen on the Fringe Benefits Committee that things that seem to be impossible to get the details settled on when somebody like the President or the Board of Trustees says make it happen, it turns out to be

possible. And so we're looking to bring this idea forward and then have somebody with that kind of clout say make it happen. Because we're convinced it can happen because it happens all the time all over the place.

GROS LOUIS: Thanks very much.

**AGENDA ITEM #7: Resolution on HR 3077:  
International Studies in Higher Education Act (Action Item)  
(Professors Deidre Lynch, David Ransel, and Jeff Wasserstrom)  
<http://www.indiana.edu/~bfc/docs/AY04/circulars/B42-2004.htm>**

GROS LOUIS: The next item on the agenda is the resolution on HR 3077, International Studies and Higher Education Act. Deidre?

LYNCH: I'm just going to speak very briefly and since I'm right across from the microphone I won't go up to the front. And I'm going to speak very briefly because we have three directors of IUB area studies programs here: John Hanson, the director of African Studies—who is not on the agenda but who would like a chance to respond to the emails Professor Rasmusen has been circulating on the BFC listserv—and also David Ransel the director of the Russian and Eastern European Institute, and Jeff Wasserstrom, the director of the East Asian Studies Center.

And I'm going to defer to their expertise and not talk very long at all. Though I do want to stress that I think this is an issue that affects all faculty because it's an issue involving very fundamental principles of academic freedom. As the preamble explains, a piece of legislation has now made its way from the House of Representatives to the Senate and it's legislation that has the very lawful objective of reauthorizing Title VI funding, which since 1959 has been funding for area studies programs in the United States. One of the things that has worried many people, including the AAUP, including a number of professional organizations about the terms in which Title VI is being reauthorized, is a particular section in the House of Representative Bill 3077. And that's Section 633, which has to do with a politically appointed advisory board that will have as its mandate the making of recommendations that will result in the growth and development of international education programs at the postsecondary level that encourage diverse perspectives and reflect the full range of views on world regions, foreign languages, and international affairs.

Many people have pointed out that there's something quite loaded and potentially dangerous about the language of encouraging diverse perspectives and reflecting the full range of views. They've also worried, they've also pointed out that there's something very worrying about the composition of this politically appointed advisory board. It would have 7 members; 3 would be appointed by the Secretary of Education. Of those 3, 2 would represent federal agencies that have national security responsibilities. No other kind of area of government is mentioned, even though you can imagine international studies programs have big impacts in areas like commerce, economics, etc., etc. But the only explicit federal agencies, the only federal agencies explicitly mentioned are those that will have national security responsibilities. So those are the three appointed by the Secretary of Education.

This is a very cumbersome board. Two will be appointed by the Speaker of the House of Representatives and two will be appointed by the President Pro Tempore of the Senate. One of

the worries is that the board's recommendations will not be subject to review by the Secretary of Education, even though of course Title VI is finally something one would think of as falling under the jurisdiction of the Secretary of Education. Now as you know I'm just an English professor and you know this because all I do at the Bloomington Faculty Council lately is act as grammar police. But I, as I said at the outset, I think this has really important implications for all faculty because it sets a dangerous precedent for federal intervention into the content and the conduct of education—into matters of curriculum, into matters of faculty status. In the hearing that established this bill, a hearing in the House of Representatives, where Stanley Kurtz of the Hoover Institute, whose work Professor Rasmusen directed you to in one of his emails. One of the things that Stanley Kurtz said in his testimony was that, you know, it is naturally and right and proper that projects funded by Title VI are governed according to standards of free speech and academic freedom. Then he continues, "free speech however is not an entitlement to a government subsidy." But according to that logic any public university is not a place, since we are publicly subsidized and subsidized by government, in other words, according to the logic set out there any sort of free speech is to be considered a luxury and not something the government should be paying for. So I wanted to turn it over to my area studies colleagues and then I'd like to begin, if it's ok with Professor Hanson, with Professor Hanson, who I think wanted to respond specifically to some of the ways in which African Studies as a discipline has figured in these days.

HANSON: Thank you for the opportunity to speak before the Bloomington Faculty Council. I will try to be very brief because I think the issues that have been raised by Stanley Kurtz really are a side bar to the issue you ought to be considering today and I think that David Ransel and Jeff Wasserstrom can speak to the larger issues.

And what is before you is this House HR3077. Both nationally and locally allegations of a campaign by the Title VI African Studies directors to boycott or to harm the National African Language Resource Center at the University of Wisconsin at Madison have been inserted into the discussion as an example of the kind of behavior that requires a review by a national advisory board. And perhaps you have read Kurtz' articles and they give you a sense of some of the allegations. As Director of the Title VI funded African Studies program here at Indiana University I assure you that there is no formal or informal campaign to boycott or to harm the National African Language Resource Center at the University of Wisconsin at Madison, or even to shun it's director, Dr. Antonia Schleicher. The Indiana University African Studies program is working collaboratively with the Wisconsin center on a range of projects; we've collaborated with them in the past and we're collaborating with them currently.

I personally have a very cordial relationship with Dr. Antonia Schleicher. She was at Indiana University last year and I'll be going out to Madison in just a couple weeks time to visit her center. And I'm not alone among area studies directors in Africa to have such a relationship. Indeed the other directors have joined me in writing the various persons to rebut the allegations that there is such a boycott or effort to shun Dr. Antonia Schleicher. I do not want to take up the limited time that we have here for this consideration of HR 3077 to respond specifically to the charges that you read, and they're abundant, in the writing of Stanley Kurtz. Let me reassure you, however, as I alluded to just briefly, that I have ample evidence of collaboration between IUs African Studies program and this National African Language Resource Center at the University of Wisconsin at Madison. I could also provide specific information to rebut Kurtz' assertions that the Title VI directors met secretly to come up with this campaign; there is no campaign so obviously we never met secretly but I could refer to, he talks about a meeting that

happens in November 2001, and I have specific information to rebut those charges that he has there. Finally I could comment and also contextualize some of the charges he has leveled against Dr. David Wiley who figures so prominently in his writings if you've read them. What Kurtz' writings reveal I think is that there is a misunderstanding or at most a disagreement between two directors—Dr. Antonia Schleicher on the one hand and Dr. David Wiley on the other. And I would urge you that this personal dispute between the two of them not divert you from the larger issues associated with HR 3077 and the questions of academic freedom. Indeed I would suggest to you that a national advisory board could not resolve a faculty dispute between two people on different campuses. You all laugh because you understand that this is what we're talking about here. It's a he-said, she-said in this context. I join my colleagues in advocating the passage of the resolution before you. I suppose I should ask if there are any questions before I step down.

DALEKE: Eric?

RASMUSEN: Since I sent some of this around you might want to write something up on the web because I tried to do a web search to see if anybody was responding to Kurtz' allegations and couldn't find anything. I'll help you put some stuff up if you want.

HANSON: Sure we haven't specifically, I mean there have been some things put on the web in terms of general issues but we've been writing to the policy makers. This has come up and we sort of responded to those who requested, but that's a good idea.

DALEKE: Any other comments? Thank you.

HANSON: I'll hand it over to David and Jeff.

RANSEL: Thank you for your intention. I want to emphasize first of all that we are not opposed to this Bill, the Bill itself. We are opposed to the advisory committee and we want to make that very clear because this Bill is very important to our programs here at Indiana University. We have seven Title VI centers at Indiana University and it brings millions of dollars each year in student support. And so this, we are very much in favor of the passage of this Bill but without this attempt to politicize this program by adding an advisory committee. And one of the things that has come up in the discussions of the people who are in favor of this advisory committee and who dominated the hearings in the House was that there wasn't adequate advice, there wasn't adequate review of these programs. That's simply false. There is rigorous peer review of all these programs. There is monthly, sometimes virtually weekly reporting of all the activities in these centers, in fact my staff's time is taken up, a great portion of it is taken up in making regular reports on what we do and when we submit applications they are subjected to very rigorous peer review. And so there really isn't any need for an advisory committee of this sort.

But most disturbing is that this push for an advisory committee has come from a very narrow band on the political spectrum and they have made no secret of their intention to move first on Middle Eastern Studies centers but then on the rest of them once they get their foot in the door. And they very cleverly appropriated academic rhetoric asking for a diversity of views, for balance, like Fox News, and very cleverly used them in order to insert themselves into this process and to affect the curriculum. And essentially their objective, and they made no secret of this, is to de-fund some of the major centers who do not tow the current administrations' political program. And they have called anybody who disagrees with that program Anti-American and branded them with a number of other very unattractive labels. But their point is rather silly,

really. Because what do they mean by diversity, by balance? I mean fine we're all in favor of that, but in a university it has to be research-based, it has to be peer-reviewed; it just can't be anything.

We have a speaker in Indiana on the Holocaust, do we then bring in; do we have to bring in a speaker of Nazi hygiene theory in order to balance it? If we have somebody who speaks against racial discrimination do we have to bring in racists to speak in favor of racial discrimination? I mean it's an absurd standard. The arguments they have used against, in particular the Middle Eastern Studies centers, but now it's gone over into the African Studies Centers and it will go on from there—in fact, everybody is vulnerable. My area of research and the Russian and East European area has in some ways been the most cooperative with the government all along, but we also are vulnerable because there's a discourse out there that we failed to predict the collapse of the Soviet Union. We took the Soviet Union as a real polity and tried to analyze it in the usual way, instead of just condemning it out of hand. And so everyone is vulnerable if this kind of intrusion, this kind of political intrusion, comes into the process of university funding.

Well one of the arguments they use very much against the Middle Eastern Studies centers, which were their first target, is that they failed to predict the rise of militant Islamism; and so prediction becomes the standard by which you judge the quality of these programs. Of course if the people in these programs predict that we will be greeted by hostility when we go into Iraq, they are called Anti-American. If they fail to predict accurately exactly what will happen then they are told they are bad predictors and they should be gotten rid of on that basis.

In other words there's no way to win this argument with a highly politicized and polemical crowd like this and to have them intrude on the process of research and teaching in the university is extremely dangerous and it takes us right back into the McCarthy era. And so I hope that you will support this resolution to keep this advisory committee from being established as part of this legislation. Are there any questions? Thank you.

DALEKE: Thank you.

WASSERSTROM: Well I think you have all the issues and main points before you, there isn't much more that I think I need to add. One thing I will add is a couple of the other organizations that are concerned about the particular part of HR 3077 that the motion speaks to—the American Library Association and the Association for American University Presses both signed onto the letter that the American Association of University Professors sent on expressing their concerns. The Association of Asian Studies and various area studies programs have been very concerned about this, which is perhaps not surprising. Critics of the advisory board include such noted elements of the, such radical forces within the, American media establishment as USA Today, which wrote in an editorial that Congress' heavy handed approach causes more problems than it solves. And it sets a dangerous precedent that could invite congressional meddling in other academic affairs. And I think that's clear. And the clearest issue for this particular body is the issue, the broad issue, of academic freedom.

In the specific issue of what area expertise can bring to helping to understand America's place in the world and at the broadest possible sense American security, it is also chilling because one of the most important things to come to terms with right now is to figure out the sources of anti-American sentiment of various sorts within different parts of the world including, though it's not the hot-spot at the moment, places like China, which is what I study, and not just North Korea

but also South Korea in differing ways. And if you are afraid of being seen as anti-American by trying to understand what makes anti-Americanism tick, then I think this is a terrible thing in the long term.

Another thing that's sometimes misconstrued is that training people in area expertise, not enough people who are getting federal funding go directly into the American military or into national security activities. That's been one of the charges brought against the supposed non-working Title VI. But I think again that's a very narrow construction of how area expertise helps with the broadest notion of American security because there are all sorts of ways that somebody can take area expertise gained through a foreign language, area studies fellowship, which I received and I'm not sure, many people within the area experts within IU received, can go on to do activities in the public sector in universities or in the private sector that in some way benefit American understanding of different parts of the world in ways that could help resolve security matters—whether that's in the form of our writing or teaching and so forth. So that's again another misconstruing of the situation. But I hope you will support this motion. Any questions?

SENCHUK: I certainly support the resolution but I do wonder about the suggestion that you would call upon President Herbert to represent the opposition. Can I have a reaction to that?

LYNCH: I don't know, can we do that?

SENCHUK: Are you making a request of him or are you charging him with that? How does that work?

WASSERSTROM: Well that might be more for the policies within this. I would certainly like to be at a university where the president of my university saw this as a very worrisome thing and I think there is a need for the university administrators to do it because I think to some extent faculty, and certainly area studies programs in fact in general, may seem in some way self-interested. So I think it is important for the administration to do it. But I didn't frame the resolution.

LYNCH: No, no. It just seemed as if, I mean part of, it's amazing to me how few people have heard about this and I think one of the reasons, I think it should, I think that President Herbert should know, there should be some mechanism to let President Herbert know that we now know. That was all I was thinking of when I was framing it. But can I make a friendly amendment to my own resolution? I'm worried about my first sentence.

DALEKE: Sure.

NASH: Are you correcting your own grammar?

LYNCH: I would be more comfortable with it if I had said "whereas section 633 of HR 3077 poses a danger of the very principles of academic freedom"

DALEKE: Thank you, I actually wrote that as a note.

LYNCH: OK. Thank you. Then I wanted to add to Professor Wasserstrom's list of groups that had likewise expressed their opposition to that provision our own Graduate and Professional

Student Organization passed a similar resolution quite recently. Right, Kelly?

KISH: Yes.

DALEKE: I would just like to answer Dennis' question. Any of these types of resolutions that we forward to an administrative body really is our opinion—this is the opinion of the Bloomington Faculty Council. They accept it is as such.

TERRY: I have a technical questions that will help me assess the consequences of supporting a resolution. To start with, if this is not reauthorized Title VI goes away. Is that correct?

WASSERSTROM: Yes.

TERRY: So somehow we must get the approval of the House of Representatives or Title VI dies?

LYNCH: It's in the Senate now.

TERRY: Right, but we must get congressional approval. Is that correct? Otherwise Title VI dies.

DALEKE: Yes.

TERRY: So ultimately the Conference Committee or something will have to get the House to go along with this. Number 2, where does it stand now? Is it Senate committee? Is it?

DALEKE: It's in senate committee.

TERRY: And Number 3 then, are the representatives of the area studies programs telling us that from their perspective this is such a significantly important principle of academic freedom that if not taken out they're comfortable with Title VI dieing.

WASSERSTROM: Well I can speak most easily to that since my center wasn't funded.

RANSEL: Well right now it's in the Senate; Senator Kennedy is going to fall on his sword in order to stop it he said. Senator Clinton is also going to oppose it. And they are trying to get more support and eventually end up also having the Foreign Affairs Committee weigh in although right now it's in a different committee—it's in a kind of an odd committee where there are not a lot of people that we have input with. We're much better with the Foreign Affairs people. There has been some modification of the language before it came out of the House and there are two approaches. One is to have it just taken out in the Senate—and it may be taken out, it's unclear. Or, to have it further modified in the Senate and then it would go back to Conference. And all of us who are lobbying on this are writing both to the people in the House committee who have already passed it, assuming it will get back to them in some form, and to the Senate committee. And so the process continues.

DALEKE: Eric?

RASMUSEN: You probably all read my emails but I'll expand a little bit on them. I'm very leery of this resolution. I've heard all the directors say that they, or former directors, say that they

oppose the Bill and it's very understandable that people don't like anybody watching how they spend money, but I think you're playing with fire because this is really a very mild provision. It says that there will be an advisory board which will have no direct power and just issue reports and not over all area studies centers, just over the grant process. So it's essentially saying we're not going to trust peer-review completely because there are charges—very credible with many Middle Eastern Studies Centers especially—of politicization already. You don't need politicians to have politicization; we academics can do it just fine. And in area studies, maybe they are even a bit prone to this. So let's have this advisory board—and other people are calling in the background quietly but they may get louder—why don't we just get rid of Title VI and administer the funds directly. Have a Defense Department Institute to teach languages instead of farming it out to IU. There are good reasons not to do that, but if people got fed up enough that IU was funding things that were not connected to national security at all then even though the Defense Department can't run things as well as universities maybe we'll shift things over to them. And apparently, though I'm actually pretty new to this despite all the emails, the INSTEP program is a little bit like this. The Defense Department started funding scholarships separately because they weren't getting enough Title VI people and some money which might have gone to Title VI started going to special scholarships which go directly to students rather than having to go through the centers. The centers have bitterly fought those and even it looks like boycotted them. At least the various area studies associations have said we don't think any scholarship, any student should accept this money. So I'd be very leery of supporting this and especially for those who don't know much about the Title VI program.

RANSEL: Well there are very good reasons for doing it the way they are doing now and the best reason, I think, is that it leverages enormous resources, a very small amount of government money, leverages huge resources in our greatest universities toward the national interest of producing people who are language qualified experts in all the areas around the world. Only about 5 percent of the money that supports our area studies programs here at Indiana University comes from the government. 95 percent is put in place by Indiana University and the citizens of Indiana and they get a very, very good deal for this. For example in my center—these centers have been accused of not meeting the national need—in the last 10 years my center has put over 100 people in government jobs and the defense intelligence and central intelligence, in the military, in the State Department, right across the board. And we've put several hundred more in NGOs, and in other international exchange organizations. And that's just one center out of seven at Indiana University. And we don't get all that much money but Indiana University and the people, our faculty and so forth, all work extra hard to help produce this result. And to then run this, it would be much less efficient to run it the way you are suggesting.

DALEKE: Any other comments?

MILLER: To me you know this is a very easy resolution to support. I mean it, the AAUP has, the national AAUP has written about this. More recently I've seen something that came from the American Council on Education which was a letter sent to the House of Representatives signed by many organizations that Indiana University is already a member of, so the idea that, you know the President of the University has already committed the university to sort of oppose this particular part of the Bill. So to me this is a very easy thing to support.

DALEKE: Eric?

RASMUSEN: I could just mention that the American Council on Education, in their refuting

Stanley Kurtz they said, “Stanley Kurtz has not named any specific anti-American scholars at these centers and he can’t because there aren’t any.” Now everybody knows that’s got to be false.

MILLER: The letter I’m talking about has nothing to do with Stanley Kurtz. It’s a general letter about the mission.

RASMUSEN: I’m just saying this organization is saying this and they’re making this claim, which seems to me outrageous or else there’s a lot of discrimination against anti-American scholars, that there are no anti-American scholars in Middle East centers.

RANSEL: Do you have a list of anti-American scholars?

RASMUSEN: Oh I bet I could find some.

RANSEL: Do they just stand out all over the place? Why don’t you have a list then?

RASMUSEN: Oh I’d come up with it if I can but that’s a shocking commentary on the bias, the pro-American bias in our universities?

RANSEL: What defines anti-American?

RASMUSEN: I think we could all agree that anti-American is opposed to foreign policy.

LEVINSON: That’s a very dangerous inflation of anti-Americanism with anti-current foreign policy.

RASMUSEN: Unless you can say there are no anti-Americans at all in the world. But if you give me your definition I bet I could find someone. With any group of professors, if you give me a definition of a person, and there should be enough variety.

RANSEL: I’d say the closest thing to an anti-American is a person who unquestionable, unconditionally, supports a current administration policy. We have tradition in this country to question the policies of the government and to question them again and again. And people who question government policy aren’t anti-American. They are the very opposite. They are the best Americans.

DALEKE: Deidre had her hand up.

LYNCH: No, no, David Ransel said what I was going to just say.

DALEKE: Ann?

GELLIS: I was sort of looking at the clock and wondering if we could call the question on this resolution because we do have at least 2 items that should be considered.

DALEKE: Ann has called the question. Second it?

LYNCH: Second.

DALEKE: If it's ok with everyone we'll do the vote on the resolution by a voice vote. If that's ok? Unless there's some objection? All those in favor of the resolution stated in Circular B42-2004...

LYNCH: As amended by me.

DALEKE: 2004...as amended by Deidre—we can't have anything pass without it being amended, it's hard—signify by saying aye [AYE]. All opposed? [one] Abstain? [one]. It passes.

### **NEW BUSINESS: ACCESS TO THE TEACHING AND RESEARCH PRESERVE**

DALEKE: As you know we are short of time as Ann pointed out and I have asked permission for the Educational Policies Committee to move them to the next meeting and Bill has acknowledged that they will do that. So we have, in recognition of an item of new business that we have to deal with today, that has been brought to the Agenda Committee by the Long-Range Planning Committee. This has to do with access to the Biological Preserve and Kelly is passing out information related to that. Michael Hamburger as chair of the Long Range Planning Committee, Keith Clay, excuse me, Erik Bucy as co-chair of the Long Range Planning Committee.

BUCY: Ok. Thanks, David. This isn't something I know a tremendous amount but I do think it's important that we consider it. Keith Clay is here to fill us in on the details and so I think we should hear mostly from him and not from me. I'll just state the background on this briefly which is this resolution concerns access to the Teaching and Research Preserve that basically is, has become, or is located in the Griffy Woods area—right around Griffy Lake. And the issue deals with the most effective access to the Preserve which happens to be behind the IU Foundation building and through a semi-private road that traverses through the Golf Course. And so an administrative decision was made to restrict access to the Preserve through this semi-private road and this is now effecting the ability of research to take place there; if you don't have access you can't do research. It's really starting to affect the academic mission that concerns some proposals, a proposal that was passed with the Commitment to Excellence grant. So this really has far-reaching implications although it seems like a pretty simple matter. We didn't want to bring it to the floor of the BFC and in fact we took pains to resolve it behind the scenes. We wrote a letter to the Chancellor and for a short time it seemed resolved. Keith can tell you the timeline on this but apparently access was granted after we wrote, initially petitioned the administration and then access has now been denied again. So with that background I just want to turn it over to Keith and he'll explain why it's important that the research going on there has access through this particular route and why it can't just be any entry point into this facility.

DAVILA: Eric, what reason was given for denying access again?

BUCY: There's a couple reasons. One was that there is some residual danger from the firing range that apparently used to be somewhere in the area—so that's an issue. I mean there's all kinds of you know presumed reasons, but the official reason tends to revolve around that. A lot of people involved think that there's not much real risk at all and that road is already used by a lot of other people so it doesn't pose a hazard.

DALEKE: I spoke with Dottie Frapwell in the University Counsel's office and I asked her for a clarification and the note from Vice President Clapacs regarding the recent closure indicated that the decision was made on advice of counsel and the university counsel has indicated that there are some sound reasons for doing this and it involves some, obviously some legal action having to do with that area. It's as much as I know right now.

INTONS-PETERSON: For clarification, are you referring to the road here in this section?

BUCY: That Keith would have to really address.

DALEKE: Keith would you like to talk about this?

INTONS-PETERSON: Because there is a road that provides access to this point.

BUCY: Keith knows this area the best.

CLAY: So as Erik has mentioned there has been a series of policy flip-flops and changes over the past year that are effectively denying access to the large portion of the Preserve which impacts on the teaching and research mission of the Preserve and the university as a whole. I must say that I am standing up here with mixed emotions; I'm kind of sad that this is even an issue for an institution like IU. I'm frustrated that the IU administration has not solved this problem in the year or more that it's been going on. I regret that it's come to this public forum and I've tried very hard over the past year to work it out behind the scenes. And finally a little bit of apprehension that speaking up in such a manner as this could have consequences on my career as a researcher that relies on this area.

So I want to explain why access is such a big issue and I'd like to refer to the map. This is a problem because of the boundaries and the terrain in this area. The Preserve, if we look at the first map, number one that shows boundaries, it's an odd-shaped parcel that's squeezed to the north of the Golf Course where the terrain starts getting rather rugged and to the south of Lake Griffy and Griffy Creek. The numbers going around the edge indicate what percentage of the boundaries are bounded by what particular entity and if you start at the top where it says 616m that's owned by the city but it's completely inaccessible due to Lake Griffy and Griffy Creek. Further to the east there's a large area that is accessible through the city property and they have no problem whatsoever of us accessing through their property. To the east the 510 that's private property that borders the rear of a number of upscale developments off of Russell Road and back past University School. The large majority of the boundary, 60 percent, is through the Golf Course or the Sycamore Valley area.

If you flip to the second page, Roads, there are basically three road accesses to this area. One is Headley Road, which starts out as Matlock Road at Fee and the Bypass, that light by the State Trooper building and the Unitarian Church. That goes down to the Griffy causeway and it's way on the western portion of the Preserve. There's a small asterisk there that indicates a parking area that's been built and at present policy provides our only access point. There's another road that goes just to the west of University Lake; this is on the IU campus map. We've been told we can not get out there along that road. The third access point is to the east, this is Rifle Range Road, the light at 10<sup>th</sup> street by Woodbridge Post Office. You go back a little ways and there's a gate and we used to be able to go through that gate but can no longer go through that gate.

The reason this is all a problem is shown on the third map, which is a topographic map—those of you used to reading these sorts of things understand that the closer the lines are together the steeper the slope is—this is a very steep and rugged area traversed by a number of deep ravines interspersed with narrow ridges. And the boundaries again are essentially to the north of the Golf Course which has taken up all the flat land. For us to walk, to hike in, to get to University Lake, to get to the Sycamore Valley region, to get to Griffy Creek, is somewhere between 45 minutes or a half hour rather than 2 minutes by existing roads which we're not allowed to use—carrying heavy equipment and expensive instrumentation is just not feasible and the lengthy hikes eat into valuable class time and present added safety risks to students and faculty forced to make these extensive hikes. Further, this rules out the use of the Preserve by anybody with any kind of handicap or physical disability or anybody who's not in really pretty good shape. There are two other Preserve parcels to be sure but they are considerably farther away from campus and this Griffy area gets the most usage due to its proximity and due to the varied ecological habitats.

So technically we have access to the whole Preserve by hiking in from this parking area but realistically we do not. Most of it and most of the valuable areas are effectively off limits by not being able to use these access points. I want to emphasize that this is a new policy that just sprung up last spring about the same time the Commitment to Excellence proposal was funded. Prior to that we had a cooperative arrangement and had no problem accessing the Preserve from any of these directions. I personally have been doing field oriented research around University Lake for 10 years without problems. In fact when the Preserve was founded one of the very first acts we did was submit a collaborative proposal between the Preserve and the Athletic Department to the USGA funding program, for those of you who don't know that's the US Golf Association which has quite a substantial grant funding operation. So the history has been cooperative until recently.

In the first three years of our existence the Preserve has had great success; over 25 courses have been using the Preserve, there's over a dozen ongoing graduate research projects, and many more undergraduate research projects. A number of high profile scientific publications are beginning to appear based on work in the Preserve and we've obtained several NSF grants. And as mentioned we were awarding one of the only, of the few, Commitment to Excellence grants given. This grant calls for the hiring of new faculty and the construction of infrastructure in the Sycamore Valley and was approved by the Board of Trustees. If you read that proposal it specifically calls for construction along Griffy Creek which is obviously impossible and seems to contradict what the Board of Trustees have already approved. In addition there have been a wide range of outreach activities and a new fundraising initiative by the IU Foundation. There's a certain degree of urgency to getting this issue resolved because our most recent NSF grant on this impending emergence of these periodical cicadas, it's going to happen next month and it originally was based largely in the Preserve but we can't do it now.

DALEKE: I'm sorry to interrupt you. There's an unusual thing about the Bloomington Faculty Council that requires a little action on our part. We have a mandatory adjournment time of 5:30 pm and we've exceeded that by a minute. If we wish to continue we have to have an agreement from the Council to continue. So I want to pause right here and see if we can get an agreement to continue. If I can propose this I would like to add?

BRISTOW: I would like to make such a motion. How much time would you like?

CLAY: 2 more minutes to finish my remarks.

DALEKE: Let's say 10 minutes to be safe.

BRISTOW: 10 minutes. I so move.

GINGER: Second.

DALEKE: Any discussion? All those in favor of continuing [AYE]? All those opposed? [none].

CLAY: Thank you. So this grant has a very strict timeline. These insects, the most massive insect outbreak on Earth is going to be happening in May and we, you know, we have a lot to do and this is creating havoc with this research program program. It's also impeding our ability to hire top-notch faculty as part of this CTE search because these people want to know where is the infrastructure and why can't we visit the site where all this is supposed to be happening. One of the candidates overheard unfortunately a conversation between me and Ted Alexander in Environmental Health and Safety that left him totally confused about what is going on here at IU.

There have been many reasons given why we can't access the Preserve through the Golf Course or Sycamore Valley and these reasons, as I mentioned, seem to change on a weekly basis. For the Golf Course safety is raised. And as a golfer and a long-term member of the IU Golf Course I would say this is frankly bull. Safety and an ongoing lawsuit are also raised as reasons to keep us out of Sycamore Valley, but there too I'm skeptical. There is no way to keep people out of Sycamore Valley and bikers and hikers and joggers are going in there from all directions all the time.

If safety is an issue why is IU having all this landscape work done by Ecologic down in Sycamore Valley? What exactly is the safety issue we've never been told and does it stop at the Preserve boundary, which is right in the middle of Sycamore Valley? The tragic thing about this whole access issue is that it seems to be aimed specifically at the Preserve. Other people in groups can access the golf course and Sycamore Valley at will, but we cannot. Just as an example I'd like to point out, on the Outdoors section of a recent Sunday paper, the HT, February 15<sup>th</sup>, there's an article about cross country skiing and in it the skier, John Smith, who owns Bikesmith Shop he is quoted as saying, "IU has been very good about letting people ski out there at the Golf Course. But everyone needs to stay off the greens." Cross country skiers are allowed to traverse the golf course, but faculty and students are not.

So I'd like to just finish by reminding you that President Herbert has repeatedly indicated that academics is the number one mission of Indiana University and I ask your help in establishing a policy for access to the Preserve so that we can contribute to the University's academic mission. Whatever the reasons that we are being selectively banned from the Golf Course and Sycamore Valley, they have nothing to do with Indiana University's academic mission and in fact are directly contrary to it. So thank you and I'd be happy to answer any questions about this situation.

DALEKE: Any comments or questions?

DAVILA: What is the research and who are the groups involved and where does this emanate from academically?

CLAY: Thus far the major users in terms of research are members—students and faculty—in Biology, in SPEA, in Geology, in Geography.

DAVILA: And are people in charge, if you like, elected to represent these groups?

CLAY: Yeah.

DAVILA: Are they spearheaded collectively this type of endeavor?

CLAY: The research endeavor?

DAVILA: Well obviously the research endeavor.

CLAY: There's an executive committee that consists of ten faculty representing three different schools—I neglected to mention HPER, there's research being conducted through the auspices of HPER as well—these faculty represent a wide range of departments and schools and research interests.

DAVILA: And you have their endorsement?

CLAY: Yes.

DALEKE: Ann?

GELLIS: I was just curious; can you pinpoint or give us some ideas as to what happened about a year ago? What's caused them to change? As far as I understand whatever makes the environmental problem from the former use of the range existed over a year ago. So what is it that happened in the last year that they started to basically say you can't use it?

CLAY: Well following the funding of our Commitment to Excellence proposal which provides significant funds for building a field research facility in the Sycamore Valley I attempted to begin discussions with the Architect's Office, the Facilities Office, about what do we need to do to get this going and where are we going to site this facility? And it was about then that we were told that we couldn't go through the Golf Course or Sycamore Valley.

DALEKE: Any other comments?

HUNT: Are they concerned about the high traffic on the road bringing in construction vehicles?

CLAY: Well this would be down into Sycamore Valley. Perhaps, I don't know.

DALEKE: Herb?

TERRY: I'm a little troubled about having the proponents of the resolution represent the views of the administration. I'm willing to give the administration the benefit of the doubt that there may be some justification but I wish somebody had been invited to present that. It seems to me

that we're confronted with a choice between the life cycle of cicadas and a prudent decision. And I'm a little reluctant to move forward until we hear from...

DAVILA: We could wait another 17 years.

CLAY: If I could just emphasize there are two alternative access routes. One is the Sycamore Valley where there's this environmental remediation and this is the area that counsel specifically indicated should be made off limits to us. But there is the other option of accessing the Preserve through this existing road behind the IU Foundation that does not touch on that issue at all.

DALEKE: Herb I think Michael might have a comment about your question.

HAMBURGER: I just wanted to make a point in response to Herb's question. The Long Range Planning Committee did address this, did hear some of the background on the issue. It prepared a letter to Chancellor Gros Louis to address this question. He gathered as much information as he could from the Vice President for Administration office. There appeared to be an understanding that access would now be provided. That temporary access was rather rapidly turned off again and it was basically on the understanding of the Chancellor that it would come before this group to raise the issue to a higher administrative level.

DALEKE: I think we only have time for one or two more comments and then our next mandatory adjournment time.

RASMUSEN: If we've got five minutes at our next meeting—this is urgent but a resolution may have even more impact if we defer voting on it until next time and allow the President's office to send somebody in to talk about it. We'll then at least hear that and we'll vote on the resolution also.

DAVILA: I would agree with that.

RASMUSEN: I think it would be a motion to table.

DALEKE: This resolution was introduced as new business. And as such it hadn't been moved or seconded, unlike the other business that comes through the Agenda Committee, so we have yet to receive a motion to approve.

HUNT: I so move.

INTONS-PETERSON: Second.

DALEKE: It's been moved and seconded.

RASMUSEN: OK. I move to table.

DALEKE: Do I hear a second?

DAVILA: I second that.

DALEKE: Any discussion on the motion to table?

GINGER: That's not debatable.

DALEKE: Our Parliamentarian tells me that's not debatable. So we vote on the motion to table. All those in favor say Aye [Aye]. Opposed [No].

GINGER: You don't vote on it, it's just tabled.

DALEKE: Well my Parliamentarian tells me that according to our rules that once a motion has been tabled and seconded it has been tabled.

GINGER: I don't know.

DALEKE: I think we're going to have to take a hand count of the vote to table because unfortunately I couldn't decide which way it went, it was fairly split. So again on the motion to table, I think we'll do this by hands. Again, on the motion to table, all those in favor raise your hand please [9]. All those opposed [25]. The motion fails so we're left with the motion to approve the resolution as written. Any further comments? Yes, Richard.

NASH: As long as we're going to a vote on this I'm curious as far as I can tell here, whereas recent administrative policy decisions, by excluding access to the Preserve...who are we talking about? Who locked you out? Who closes the road? Who is this? Who are the "they" that we are talking about?

GELLIS: Terry Clapacs.

CLAY: We were told to stay out of the Golf Course by Mike Crowe, who is the Director of Facilities; out of Sycamore Valley by Bob Meadows, the architect the Chief Architect, I don't know his official title, and Ted Alexander in Environmental Health and Safety.

NASH: Behind my question is that as I understood the arrangement, if this is supposed to be a research and teaching preserve who has the authority to tell those people who work for the university in research and teaching capacities not to use university facilities for their stated purpose. It doesn't sound to me like the people you named have that role in this university, do they?

GINGER: But they have the key.

DALEKE: This is access we're talking about.

GINGER: They have the key and they won't give it up.

DALEKE: We have reached our second mandatory adjournment time so I'll give you two options. I am reluctant to extend the meeting.

HUNT: Move to extend for another 10 minutes.

HAMBURGER: Second.

DALEKE: All those in favor of extending the meeting another 10 minutes? [AYE] All those opposed [NO]. We have growing opposition to extending the meeting and I think we should wrap this up as much as we possibly can at this time. Kevin?

HUNT: As I understood Michael the administration has already responded and said we would like to hear from the Faculty Council whether this should go forward or not. First they responded and said yes you can have access but then other people who seem not to have the authority to deny access are denying access. The administration has said yes and so I would like them to hear our voice that we wish their decision to be carried out and whoever it is who is interfering with this access should be told to cease and desist. Then if they wish to make a different decision they can let us know. Is that right, Mike?

HAMBURGER: Yes.

DALEKE: Tom?

WALSH: Is building on the Preserve behind this?

CLAY: The plan was clearly laid out in our Commitment to Excellence proposal which was funded and approved by the Board of Trustees and that was to build a modest, environmental research, field facility in the Sycamore Valley region. We have approximately 1 million dollars.

DALEKE: Since there was a non-unanimous vote, by the way, for this move to extend, it turns out that this has to be unanimous. I am going to have to call off discussion and we are going to have to proceed to a vote unless you want to just adjourn.

SLATTERY: I'd like to call the question.

DALEKE: I did hear someone call the question. So we're voting on the resolution that you have in front of you. I want to make sure everybody has had a chance to read it through this discussion. We'll take this by a hand count, if that's ok. All those in favor of the BFC Resolution on the IU Teaching and Research Preserve, please raise your hand? [32 in favor] All those opposed [none]. Abstain [1 abstention]. Motion carries. We're adjourned.

Meeting adjourned at 5:48 pm.