**Indiana University**
**BLOOMINGTON FACULTY COUNCIL**
**January 15, 2019**
**Presidents Hall – Franklin Hall**
**2:30 P.M. - 4:30 P.M.**

**Members Present:** Heather Akou, , Hussein Banai, Alan Bender, Simon Brassell, Fritz Breithaupt, Paul Brunner, Daniel Bullock, Todd Burkhardt, Selene Carter, Barbara Cherry Judah Cohen, Rachel Cohen, Frank Diaz, Erika Dowell, J Duncan, Jane Dutton, Ann Elsner, Philip Ford, Alyce Fly, Lynn Gilman, Dennis Groth, Pamela Jackson, Colin Johnson, Padraic Kenney, Peter Kloosterman, Ivan Keilkamp, Moira Marsh, Meg Meiman, Thomas Nelson Laird, Eliza Pavalko, Angie Raymond, Eric Rasmusen, Lauren Robel, Susan Seizer, Jim Sherman, Marietta Simpson, Paul Sokol, Solomon Bruce, Geoffrey Sprinkle, Aaron Travers, Jonathan Trinidad, Richard Van Kooten, John Walbridge, Nick Williams, Alex Wisniewski

**Members Absent:** Kyle Adams, AJ Asomani-Adem, Carey Beam, Joseph D'Ambrosi, Kenneth Dau-Schimdy, Lori Dekydtspotter, Linda Gales, Krista Glazewski, Kenneth Guerra, Maggie Hopkins, Carol Hostetter, Robert Kravchuk, Leslie Rutkowski, Jim Sherman, Patrick Shih, Katie Siek, Alex Tanford, Jacob Warner, William Winecoff

## Agenda

1. **Approval of Minutes of December 4, 2018**

2. **Memorial Resolution for Robert Stansbury Stockton**

3. **Executive Committee Business** (10 minutes)
Moira Marsh, Faculty President

4. **Presiding Officer's Report** (10 minutes)
Lauren Robel, Provost

5. **Question/Comment Period** Faculty who are not members of the Council may address questions to Provost Robel or President Marsh by emailing bfcoff@indiana.edu.

6. **Report from the Athletics Committee** (15 minutes) Carrie Docherty, Chair of the Athletics Committee Fred Glass, Director of Athletics Kurt Zorn, Faculty Athletics Representative [Discussion Item]

7. **Questions/comments on the report from the Athletics Committee** (20 minutes)

8. **Proposal from the Nomination Committee regarding non-tenure-track election units** (10 minutes) Diane Henshel, President-elect and Chair of the Nomination Committee
[Second Reading – Action item]

B21-2019 Proposal regarding non-tenure-track election units

9. **Questions/comments on the proposal from the Nomination Committee regarding non-tenure-track election units** (30 minutes)

## TRANSCRIPT

### AGENDA ITEM ONE: APPROVAL OF MINUTES

**ROBEL:** Welcome everyone, welcome back. It's so good to see you all and to be gathered back together and we'll make the sun shine from in here. Can I start with just an approval of the minutes, please, a motion.

Just to wake us up.

Thank you, Erica. And a second. Millions of them? Good, terrific. All right, any discussion? All in favor.

We're on a roll, all right. I turn now to Vice Provost Pavalko for a memorial resolution, Eliza?

### AGENDA ITEM TWO: MEMORIAL RESOLUTION FOR ROBERT STANSBURY STOCKTON

**PAVALKO:** Thank you very much. This is for Professors Robert Stansbury "Stan" Stockton.

Professor Robert Stansbury 'Stan' Stockton, known for designing the A-Core curriculum at the Kelley School and helping with the first Affirmative Action Plan for the Bloomington campus, died August 28, 2017. He was ninety-one years of age.

Stan was born in Lawrence, Kansas, to Margaret (Stansbury) Stockton and Frank Tenney Stockton, who was the founding dean of the business school at the University of Kansas, on October 22, 1925.

Stan earned a PhD at The Ohio State University, an MBA at Harvard, and a bachelor's degree in mechanical engineering at the University of Kansas. His studies were interrupted twice by war; serving as a Gunnery Officer in the Navy during World War II and in Navy Intelligence during the Korean War. After the completion of his doctoral program, he taught on

the faculty at Ohio State until he was hired as an Associate Professor with tenure at Indiana University in 1958 and promoted to Professor in 1963.

Few faculty members in the School of Business have held as many administrative appointments as Stan during his tenure at Indiana University. Stan was chair of the original Production Management and Industrial Engineering Department from 1961 to 1971, acting chair of the Personnel and Organizational Behavior Department from 1966 to 1967, and chair of the Management Administrative Studies Department from 1967 to 1971. From 1971 to 1977 he was chair of the Doctoral Business Administration Program in the School of Business. This was an important assignment during a major period of rapid growth in the school's doctoral program. Stan's last administrative appointment was as chair of the Operations and Systems Management Department from 1977 to 1979.

Besides his many administrative duties, he had time to author two books: *Basic Inventory Systems: Concepts & Analysis* (1965) and In*troduction to Linear Programming* (1971). The books reflected a transition point when the Production/Operations field was taking advantage of evolving computer power and moving to a more analytical approach for business decisions.

In the late 1960s and early '70s, Stan was instrumental in developing the undergraduate A-Core curriculum, which was launched in 1971 at Indiana University's School of Business. In 1986, he and Professor Bill Panschar designed and implemented the first computerized A-Core course. In addition to his contributions to the School of Business, Stan was appointed to the Bloomington Faculty Council committee charged with creating IU's Affirmative Action plan for the campus in 1978.

During Stan's thirty-two years of service to Indiana University, he has contributed to the success of the School of Business in many ways. First, his devotion to students and interest in teaching were exemplary. He was recognized as an outstanding teacher, winning teaching awards for his dedication to classroom excellence and student learning. Stan's interest in students was also shown by the many hours he spent outside the classroom working with students. His friendliness and his forthright manner always was appreciated. Many of his students affectionately came to call him "Doc."

During his latter years at Indiana University, Stan was the course coordinator for P301, the multi-section Introductory Operations Management course in the School of Business. For many years, this class was knows as Stan's course and students taking A-core would fight to be in Stan's section.

Throughout his career, Stan was recognized for attaining a high level of excellence. While in college, he was inducted into three engineering honorarias: Tau Beta Pi, Sigma Tau, and Pi Tau Sigma. He was also inducted into the business honoraries of Beta Gamma Sigma and Sigma Iota Epsilon. In 1965 he was elected a fellow of the Academy of Management for his contributions to management education.

Stan remained in Bloomington after his retirement in 1991. At the time of his retirement, Professor John Long described Stan as “A man for all seasons, who has a keen intellect, self-effacing humor, academic savoir faire and outstanding pedagogical skills, who has subordinated time and again his own personal needs to the prevailing needs of the school.” An avid stamp collector, Stan was a long-time member of the Bloomington Stamp Club. His specialty was canceled Asian and Australian stamps. He acted as a clearing agent for a number of collectors around the United States.

Stan was preceded in death by his parents, a younger brother, Phillip Jerome Stockton; and his first wife, Marilyn (Smart) Stockton. He leaves his second wife, Moya Andrews; three children, Cynthia Kemp, Bryan Grant Stockton, and Jennifer Gianni; stepchildren, Alistair, Jennifer and Carson Andrews; grandchildren, Mathew, Elizabeth and Robbie Kemp, Lauren Stockton Zelmer, Meredith Stockton, Aaron and Cassandra Gianni, and Garrett and Chase Kassel; and great-grandchildren, Sienna and Cole Zelmer.

I request that this resolution be part of the minutes and archive of the Bloomington Faculty Council and that a copy should be sent to Stan’s wife, Moya Andrews.

Vincent Mabert
Professor of Operations Emeritus
Kelley School of Business
IUB

Thank you.

**ROBEL:** Thank you so much. Please stand if you're able.

Thank you, everyone. I turn now to our president fresh back from the antipodes for a report from the Executive Committee.

**AGENDA ITEM THREE: EXECUTIVE COMMITTEE BUSINESS**

**MARSH:** So since you mentioned that so I would set up by saying everyone.

The Executive Committee has a number of things to report on, and I'm going to start, and then I'm going to hand it over to Alex Tanford for the last item.

First one is that we have now officially begun the election season. The spring semester's the BFC election season, we have elections for everything but dog catcher.

Maybe we should have one. We did elect a new nominating committee at the end of last year. So the new members of the nominating committee are Krista Galzewski, Alyce Fly, Marietta Simpson, Jon Trinidad and Angie Raymond.

So congratulations to all of you. We're going to be starting in February 1 with nominations for the BFC primary. The middle of February, the volunteer form for next year's committees will go out. It'll be, when we say a form, it's going to be an online form, as it was last year.

Shortly after that, we will start the nomination process or the primary process for the president elect for next year. The election itself will be seen next year and next year's president elect will happen in March. And then in April we'll be electing our officers and our elected committees.

So it's going to be elections all the way down this semester. I also expect that as I've mentioned in the BFC retreat, April is, well, Spring, but especially April, is when time speeds up. We have a limited number of BFC meetings, and I'm expecting we're going to have a lot of activity as we get closer and closer towards the end of the semester, so we have that to look forward to.

I've received two items from BFC members that I'm just going to report out on. One from Alan Bender, who requested that we consider an amendment to the bylaws to explain what the 60 40 rule in the constitution means. And he recommended some language to put into the constitution that explains, this probably make more sense, if you don't remember all the discussion at the end of last year.

We'll be talking about this again in the later item on the agenda today. So I'm not going to read the actually language here if that's okay, Allan, it'll make more sense. Is Allan here?

**BENDER:** Yes.

**MARSH:** Okay, thanks. Sorry, I should explain. I don't have my glasses today, so, yeah.

So we'll get to that, I think, at the appropriate point in the agenda. That's okay?

**BENDER:** Constitution.

**MARSH:** I beg your pardon. Yes, my mistake. But I received suggestion but since it involves the bylaws change, we did refer it to the Constitution and Rules Committee for an opinion.

So that's where that sits at the moment. The second item is also from Professor Bender, is a request. I'm just trying to find the actual language here, bear with me. I have totally lost it. Okay, it was a request that, here it is. That request that he be allowed to propose, or move that we create a Standing Gen Ed Policies Committee, which would have been another bylaws change.

And Executive Committee received that request in December, and we've discussed it. And it is the Executive Committee's opinion that since this Suggestion is so currently on the target of the educational policies committee. They're still deliberating it along with an alternative plan. So

the opinion of the executive committee it's not time to put this actual motion on the floor of the BFC for a vote.

We're expecting that the Educational Policies Committee will conclude its deliberations later this week or maybe early next week. By January 18th, and we understand then there will be something then that will be moved forward to the BFC perhaps at the end of following meeting we don't know exactly when.

Though rather than short circuiting or bypassing the committee process, the executive committee thought that it was best to wait for that process to reach its normal conclusion. Although, we do appreciate that the progress is frustratingly slow. But we feel that slow and correct is better than hasty in many cases.

So that's the other item that I received. And then I don't know if we want to do it now, or after you launch remarks, but we'd asked Alex Tanford to give a quick update on what's happening with the Title IX.

Where is he?

Thank you.

Yeah go ahead.

**TANFORD:** All right. An extremely complicated issue and I'm going to give you a short really oversimplified version of what's going on just so it's on your radar. And it's going to be on your radar because, it involves the federal government and therefore it's the kind of thing that might never happen or might happen overnight.

So we need to be aware of it. The background is the US Department of Education has an office of civil rights with jurisdiction under Title VII and IX. To investigate claims of sex discrimination on anyone who receives federal funds, and that obviously includes universities. In November the current Department of Education issued, published a notice of proposed rule-making.

Basically they said the current rules that are holdovers from the Obama Department of Education they didn't like for several reasons. They have proposed a detailed set of regulations. That would require universities to adopt new sexual misconduct complaint investigation and review procedures. Their concerns were that they had two primary concerns that they expressed in the preamble.

You can agree with them or not. The first one was that as currently constituted, many university sexual misconduct disciplinary procedures, do not give adequate due process to the accused. And the second one was that, currently there are too many sexual misconduct complains going through university systems. Because of those concerns, they proposed a set of mandatory

regulations to give more what they consider robust due process to the accused, and reduce the number of cases that universities handle.

There are five ways in which these proposals conflict with our sexual misconduct policy and acted over the last couple of years. There are one has to do with off campus behavior. Their proposal is to strictly limit universities to handling instances of sexual misconduct that occur on campus, or in the course of an official university program.

Our coined definition, derived in part by our requirement of state law, is that we must have a broader scope toward disciplinary procedure that includes. Off campus behavior that has a significant impact on the campus and on the safety of the campus, so there's the first one. The second one is that the department of education would narrow the definition.

There are several categories but the one that matters is of sexual harassment. And they would narrow that definition to conduct which is both severe and pervasive. Our current definition and the current prevailing definition and all other aspects of federal law such as EEOC is severe or pervasive. And you can clearly see the difference, severe conducts that happens in the first time, can be subject to discipline under our procedures.

It could not under theirs, because the first time it is not yet pervasive. The second one is that only sexual harassment that completely excludes a victim from participating in a university program would be subject to discipline. Under our current program, the sexual harassment either denies the person access to a program or limits the access to a program.

The third significant change is the change in the burden of proof from our current burden. Which is a preponderance of the evidence to what many people consider a more severe burden of proof clear and convincing evidence. The idea is that if in fact you require more evidence, then there will be fewer findings of responsibility, particularly in situations where its one person's word against another.

Fourth, the Department of Education proposal would require the university to permit lawyers to be involved. Would deny us the ability to impose any restrictions whatsoever, upon a respondent's choice of lawyer, including for example whether this person had in the past abused the system or anything like that. And would require that that lawyer be allowed face to face cross examination of the victim.

Covering everything the lawyer believed to be relevant. Including the undefined category of the victim’s credibility. Our current system allows everyone in the system to have a lawyer or an advisor. But in terms of actual cross-examination, which could be quite intimidating or harassing. Requires that questions be submitted to the hearing panel and approved by them as relevant and non-harassing before they can be asked.

And fifth, the proposal by the Department of Education would require the full-blown hearing with cross examination to take place before any sanction can be imposed. Our current rule

provides that for a variety of interim, sorry, any measure can be imposed, our current procedure in policy provides for a number of interim measures, the most common one being no contact orders.

And if they're in the same dorm, for example, moving somebody, separating them, working out alternative classes so that they're not sort of in contact with each other. And also providing the victims with various forms of support and counselling. Under their rule, none of that could be done until after this full-blown hearing.

There are a lot of other miscellaneous, strange provisions in it, the whole thing is very long and very complicated and difficult to read, but that's on the horizon. These are not final regulations yet, this is a proposal by the current Department of Education, which might or might not listen to any of the critical comments and suggestions for change.

There's a working group of the university which basically consists of most of us who were involved for the last two years on drafting the existing sexual misconduct policy. To point out things, places that we could not comply with it. To try to get them to put a little more flexibility into the system and to comment on some stuff.

We're not going to make any headway when we're getting up there saying, you're favoring men, how dare you, because this is the Trump Administration and they perceive that the system now is skewed that way. But we are looking at ways to make intelligent comment on this. There are obviously anybody, any of you, any individuals can post whatever public comments they want on this.

The comment period ends January 28th, and there are plenty of websites and things that are collecting online petitions and summarizing the issues. They're easy to find if you just Google this, or email me and I'll send you some links. But just a reminder that we have a government relations policy which says that if you do comment on this, make it clear that you're doing it as an individual or group of individuals, not as an official spokesperson for the university.

**ROBEL:** Thank you, Alex. Does that conclude your report?

**TANFORD:** That concludes my report.

**ROBEL:** Okay, great. Yes, Alex.

**WISNIEWSKI:** Alex, thank you so much. All those were pretty much a lot of the points that students wanted to highlight as well. One of the other things that is really particular that I think does affect a lot of students, and then in particular, a lot of faculty involved in the process is, the proposed rules don't specify a certain time period that universities must work with in, and when responding to these investigations.

And under the current rules, it's a 60-day time period, the proposals don't have any time period. It's an issue to students when we're here for four years and a lot of these things be ideally would be resolved in 60 days for students so that they can get on with the matters.

It's just one other thing that we're definitely going to be commenting on as well. Thank you

**ROBEL:** Thank you so much. Ann?

**ELSNER:** I have a question about sexual harassment procedures at IU versus in the ordinary court system here in the city, in the county, etc. And that is, is it hands off the other jurisdictions or, with these new rules, if someone says I need a cease and desist order now, they could go to the court system, or the police, or whomever, and have that put through.

**ROBEL:** There are a couple of things to unpack there. The rules are not in effect, they're going through notice and comment. And so they may or may not end up, in effect, what was just described. And they're completely independent of the jurisdiction of the courts over criminal matters or protective orders, or things like that.

They don't purport to do that. They're all focused simply on the disciplinarian and Title IX related procedures at universities, and other entities covered by Title IX, okay. Well to be continued, obviously. I'm just going to briefly give you an update on the topic of mold. The last trustees meeting, and I'm not sure whether I saw you before or after that.

**AGENDA ITEM FOUR: PRESIDING OFFICER'S REPORT**

But as the IDS has been reporting and you probably all know, we've had persistent issues with a pretty common mold, *Aspergillus Penicillium*, did I get that right? In McNutt and in Foster, and then some problems with it in Teeter. In fact, we all have problems with this mold.

I have it in my house, I have it in my attic, I have it in my basement. It is basically everywhere, but it is particularly everywhere in Foster and McNutt and parts of so the last semester has involved a huge amount of work on the parts of many, many, many people.

I estimate around 400 to test and remediate, post and inform, build websites, make sure that students are not in rooms that would cause them to have an allergic reaction of some sort or another. And so, that has been going on. And I think last semester I gave you sort of a laundry list of the things that university has done around that for students, but it's a pretty long list.

It seemed prudent, as things went along, to try to figure out what are we going to do. These residence halls have been on the big plan for renovations of resident's halls that the university has been keeping. And Teeter is in fact halfway through its renovation, it has about half of it still to go.

Both Foster and McNutt were scheduled to be renovated about a year out. Given the issues we've been having with mold in these rooms, it seemed prudent to try to accelerate the renovations, and so we talked to the Board of Trustees about this. And next year we're going to close McNutt and Foster, and the other half of Teeter was already going to be closed, so that we can go ahead and replace the HVAC systems.

And do all of the work that we'd like to be able to do to assure that we've got modern systems in the building, which I hope will be the end of this particular problem, at least the end of it that's not related to human activity of various kinds.

That will displace. Those resident's halls together are about 3,400 beds. So that's a lot of beds especially if you think are entering classes around 8,000 students and we have around 12,000 beds on campus. That's a big bunch of beds. And so the question then becomes, how do we think through the issues that are raised by having that many beds out of circulation?

What we have done is contracted with large groups of apartments in town, several large apartment complexes that will be able to accommodate all of the students who had renewed with us for next year. We did cut off the renewal process at a certain point because it became more and more likely that we were going to have to take this action.

And so I'm not saying that 1,000 students, which is about how many renewed, are all the students who would have renewed if we hadn't stopped taking renewals. But that's how many did renew before we stopped taking renewals. We would typically expect about twice that many to renew and come back for their sophomore year on campus or maybe even junior senior.

We prioritized first year students. We wanted to make a commitment that we could put all of the first year students on campus for reasons that are probably clear to all of you. Just we thought academically it made much more sense to try to assure that all of the entering students had access to housing on campus, given a limited supply.

And we will take those apartment complexes that we now own a lot of territory in. And we'll set them up to the best of our ability as if they were residents' halls. So they will have resident advisors. They will have security. They will have transportation to campus. They will have as much of that we can think of, we'll do.

The process of figuring out who goes where has been a complicated one. We do have some space on campus for upper class students. We have prioritized students who have medical reasons to have to be on campus. We've prioritized the LLCs, the living learning centers, to try to keep places like Collins from having to be broken up if they are students who want to come back.

We try to take into account particular sorts of issues for students. A good example is, for instance, music students who play large instruments, for whom living off campuses a bit of a

schlep. And then although I think over time you have to be able to figure how to move your big bass around if you're going to be employed.

But nevertheless—

In the only slight connection to Alex's presentation, we also keep available a certain number of rooms to be able to move students around in the event that they get into deep conflicts with each other. And, so we need a little bit of play in the system just to be able to, for instance, take into account a sexual harassment or other kind of sexual misconduct case.

Or to take into account the other sorts of inevitabilities when you have a bunch of 18 and 19 year olds living in close proximity to each other. Otherwise I would ask Lt Col Burkhart to take over the residence halls. And I think you could get them into shape.

So that's the state of play. We're having, three informational sessions. I believe they start tonight, for students. I'm hopeful that there will be some virtuous side effects to all of this. Not many, but for instance, it will be I think good for some of the apartment complexes we're taking over to have that kind of presence in the apartment complex in a visible place with some controls over what's happening in the apartment complex.

I think that, that will be good for our students and also perhaps for the city of Bloomington. But I'm not claiming that it's a virtue that we sought. I'm just saying it's a potential good side effect of what we're forced into doing. And that concludes my report. Next time I hope I can talk to you about something a little more uplifting than mold.

And I don't believe I received any questions ahead of time, or did I?

**AGENDA ITEM FIVE: QUESTION/COMMENT PERIOD**

**MARSH:** The only one I know of is the two I already spoke of.

**ROBEL:** Okay, great. Any questions for me? Yeah.

**DEKYDTSPOTTER:** I was wondering about international students who are coming to the campus for the first time.

Are they going to be part of the, not preferred, but the exceptions to some of the housing.

**ROBEL:** We didn't take any of, they could fall in to two categories. One is they could be entering students and they'd be treated like all other entering students. So they'd be prioritized.

The other is they could be graduate students and we didn't take. In the giant Rubik's Cube that is involved in this kind of set of issues around housing, one of the possibilities might have been

to take back some housing that is traditionally graduate student housing. For a variety of reasons, we didn't do that either.

So if they're in either of those categories, their housing will not be affected. If they're upper class students, they're, again, going to be treated just like other upper class students.

Yeah.

Did I see another?

Yeah, Susan.

**SEIZER:** Okay, great.

So you said there's 1,000 students who probably would have re-enrolled. Do you have any sense of what's going to happen to those 1,000 students, will they just need to find apartment housing in Bloomington?

**ROBEL:** Yes, there's students who have re-enrolled, so the question is, what about their housing? We don't actually guarantee upper class students housing on campus, we never have.

But we traditionally provide housing on campus for a lot of students in addition to the entering class and they'll just have to go on to the private market.

**SEIZER:** And so are they apartments that you said are going to be treated like dorms, are those apartments that the university owns?

**ROBEL:** No. No, they're apartments that we're renting big blocks of rooms in. And those will be prioritized for students who did sign housing contracts with us. It's my guests that not everyone who signed a housing contract with us will want those apartments, although there are reasons why they might.

We're holding all students who we contracted with harmless, financially. So whatever the rent is, we're being charged. It's not the rent that the students will be charge. They'll be charged something that's consistent with what they would have paid if they've been on campus.

**SEIZER:** So they'll be about 1,000 students who wanted to live on campus who will be floating.

**ROBEL:** That's my guess. Right.

**SEIZER:** Okay, thank you.

**ROBEL:** Yep, Alex?

**TANFORD:** That was sort of going to be my question. Do we know whether or not there's enough housing capacity to sort them?

**ROBEL:** Yeah, we do.

There is. There's plenty of housing capacity. I can't guarantee that it's all mold free, but there's plenty of private capacity in Bloomington.

There's also a question over there.

**R. COHEN:** I was just wondering if you were going to release what the apartment complexes were to the people who aren't students who may be living there to like heads up, your renting?

**ROBEL:** Yes, we'll do that. I think that's going to happen within the next two days. There are number of reasons why we haven't already, and I'll talk those though the next time we're together if you'd like, but they're traditionally housing apartment complexes where students live. Okay, all right.

Okay, thank you.

**MARSH:** There was one other question. It slipped my mind before, I'm sorry I've just received prior to the meeting, again, from Alan Bender, which is asking, has the BFC ever approved policies about any of the following, and I'll just go though the list and answer as best I know.

One, gen ed learning goals, including rationale implications, scope number and continued suitability. Two, assessment of student learning. Three, criteria and mechanisms for deciding which courses count for gen ed credit, including which college case courses do so. Four, what sorts of double counting are allowed? Five, whether students are required to take a science course, and six whether and how to support faculty who wish to explore the feasibility of creating or revising a gen ed requirement.

And I think my answer to all of those is that to my knowledge, we only have the one BFC policy in gen ed, and I don't think that it gets into this level of detail on any of these points. So to my knowledge there are no other policies that speak directly to these very specific points.

**AGENDA ITEM SIX: REPORT FROM THE ATHLETICS COMMITTEE**

**ROBEL:** All right, well thank you everyone. I turn now to at the report from the Athletics Committee, and welcome Fred Glass. It's terrific always every year to have you with us, and Kurt and Carrie, thank you for your service to the Athletics Committee, and the floor is yours.

**DOCHERTY:** Well, thank you all so much for having us. It's always a pleasure to come and talk to you all, and answer any questions that you have. But in reality, I think who you want to hear

from is my esteemed colleague here. So Fred has created a bit of a presentation to go through, and then we will answer any questions that you have.

So I will pass it over to him.

**GLASS:** Excellent, thank you Carrie, and thank you everyone for inviting me today, I appreciate it very much. I did, I think maybe for the first time, put together some PowerPoint slides, just to try to set the table for what I hope is a conversation or certainly questions or comments that you might have, so you can pace yourselves.

There's about 20 slides, most of which I'll go through quickly. A couple I'll dawdle on a little longer and I'll make them available to the BFC. So if you're a real glutton for punishment, you can get them electronically, or hard copy, or if you want to double-check something. So with that, we'll mush forward.

We at athletics think it's critically important that we are a value-based organization. As the environment is shifting beneath our feet, our North Star is very important to us. When I came here I was a fifth athletic director in eight years. We had come off not too long before the Bob Knight firing, and the tragic death of Terry Heppner, the major infractions case with Calvin Sampson, and there was quite a bit of dynamic change going on.

That's continued, thankfully, more externally, with things that have gone at Athletics. So we do spend a lot of time focusing on what our values are. I hate to go all Chinese philosopher on you guys this afternoon, but is attributed with this series of statements, of which many of you are probably.

Watch your thoughts, they become words. Watch your words, they become actions. Watch your actions, they become habits. Watch your habits, they become your character. Watch your character, it becomes your destiny. So we spend a lot of time trying to focus on what we think of ourselves, how we describe ourselves, because we think that can be a self-fulfilling prophecy in a way.

So our priorities are our five. In order they are, we play by the rules. We want to be well in mind, body, and spirit. We want to achieve academically, that is go to class, and earn Indiana University degrees. Excel athletically, we want to be champions. And we want to be integrated with the university and a part of something bigger than ourselves, and with this group I'll focus a little bit on number five.

That's a great one to come to a group like this and polish my halo and say, aren't we great? We want to be integrated into the university, but truth be told it's actually a very selfish priority in terms of the robust resources the university has to offer. If we at athletics are open to that we can really leverage our mission, and I think unfortunately historically here and in a lot of other places, athletics falls into the trap of creating a silo and being walled off from the balance of the university, and it's a priority for us to be integrated with the balance of the university.

We have other values we talk about all the time. We want to take our jobs seriously, not ourselves. We have important jobs, but we're important because of the jobs we hold, not the people, who we are. Be loyal, but remember that blind loyalty is not loyalty, presume good faith, come to interactions with people internally in athletics with the universe, the other place is assume the other person has a good faith as well.

Care for the whole person, we'll talk a little bit more about how we put that into action in athletics. Connect with each other. This is where I always tell our staff that the E in email stands for evil. It stands for eternal. I encourage our people to get out of your chair, your cubicle, your office and talk to each other.

Too much gets lost in nuance or nuance can be lost in email. And everything we do is basically a matter of public record. And you don't always want all that on the front page of the HT, Michael. We want to promote diversity and inclusivity across the board as to race, sexual orientation, religious affiliation, gender identity.

Some of you may have heard this before, we've taken a little bit of a change on the Golden Rule. Everybody knows the Golden Rule is to treat others as you want to be treated. We like to try to follow the Platinum Rule which is to treat other people the way they want to be treated.

And it may be because where they come from, because of their cultural experience, their personal experience that they need to be met in a place different than maybe I want to be met. I think it's a key building block and nuance when a key building block having true diversity and integration.

We want to be demanding not demeaning. We want to challenge ourselves in what we do but do it in a positive context. Have fun, I mean we're sports, we're college. It can feel pretty weighty but we want to make sure we're having fun. We attract what we project. How we carry ourselves impacts those who want to associate with us.

And that's true on a recruiting visit with a kid as it is the way we comport ourselves in the administrative offices. We also are what we tolerate. You can talk to yourself into putting up with a lot of stuff if somebody is very productive or successful. But then you own that.

And we try to remember that and are prepared to do the things that need to be done even if it means sanctioning or separating from successful members of our organization. And then finally, take criticism seriously not personally. I get a lot of opportunity to implement this, a value.

I will note a little example because it's pertinent with our committee. We had some public criticism, bloggers and so forth criticize us for our pricing for football games in Memorial Stadium. Because it's basically one size priced all, and people are looking in the corners and going, you guys are idiots, supply and demand.

Why don't you be more consumer friendly? And the initial reaction was very defensive. Hey, wait a minute, we're very low in the big ten, we have this young alumni discount, we have a great youth ticket program, blah blah blah blah blah. But I found ourselves not doing this.

We took it personally, we were defensive. We said, well wait a minute, is there something we can learn in here? To make a long story short with the support of the Faculty Athletics Committee, we will soon announce a whole new tiered pricing structure for the first time ever in Memorial Stadium.

Which we think does minister to helping people be encouraged to come in. But it's more family friendly. We're going to have a family friendly section where people can come to games for as little as $10. And so I think that's a good example of us looking at criticism as a way to get better, not as something to be fended off.

Those values are set forth and really incorporated into this, the Spirit of Indiana, 24 sports, one team. I won't read this all to you, but includes our five priorities and key components of what we want to be. I will tell you that for all of our incoming students, freshmen and transfer students, we have a semester-long internal course that spends one week on each line of this.

So people, hopefully, understand what this is about and who we think we want to be about. And I think if you stop most people in the athletic department, pretty close, they could probably come up with the five priorities, especially the kids because they get it the best and the earliest.

The five priorities and the Spirit of Indiana really morphed into the Indiana University Student Athlete Bill of Rights, the first of its kind in the country, we did it five years ago. It was a real opportunity to look at who we are and who we want to be, what we want to provide the kids.

It resulted in some really ground-breaking things. Not only then but to this day. Like the four-year degree guarantee, coaches get long term contracts. Why don't kids? It used to be you hold this over their head year to year on their scholarship. But now we're saying, no, if you do what you're supposed to do, even if we made a recruiting mistake and you're not good enough, or certainly if you get hurt or you're sick, we're going to keep your scholarship.

We have the Hoosiers for Life degree guarantee where if you come to Indiana University, play sports for two years and leave for any reason, you get sick of it, your mom gets sick, you want to go home, you go pro, you can come back and we'll pay for you to get your bachelor's degree.

Because we're really trying to fight against this conventional wisdom that big, bad college sports are all about wringing the eligibility out of these kids and then discarding them. It will be more so than anything else, I think Hoosiers for Life puts a lie of that at least in Indiana University.

Accessibility is a big deal for us across the board. This is my door which says the Director of Athletics can always be interrupted for a student athlete. Don't put that on your door if you

don't want them to do that. They'll come by and say Mr. Glass, I've got a class in 10 minutes, I need to talk to you now.

But it's awesome. That's actually part of the job I love the best. I think sets the tone for accessibility which we think can help distinguish us from our competitors. This is one of my favorite quotes. It's emblazoned on the bulk head in my office. Perfection is not attainable, but if we chase perfection, we can catch excellence.

I really expect our staff to pursue perfection, and frankly, five athletic director in eight years, I think we had fallen into a little bit of a, it's good for government work kind of mentality, and people weren't trying to be perfect. And I was reading proposed press releases and draft letters as the last stop before it goes out, and finding gross grammar problems and punctuation problems which I think was just reflective of the lack of ownership in what we were producing.

And so we talk about trying to be perfect, even understanding we'll fall short of that. I'll try to go through very quickly the five priorities in terms of playing by the rules. We haven't had a major infractions case in ten years. It unapologetically continues to be our top priority.

One of my favorite metaphors in this area is, it's never the pilots first landing on the aircraft carrier where they cart-wheel and crash into the sea. It's after they're comfortable and it is their 60th or their 59th and we do not want that. And we do not want to get comfortable about that so with compliance, the further away from a major infractions case, we have to be even more mindful of making sure that's job one and we try to do that.

Being well in mind, body, and spirit and this the one I'll dawdle on the most, but I thought it might be most timely and of interest to you all. Medical care in a culture of trust has become a couple major topics in collegiate athletics. And while we at Indiana University feel that we've proven ourselves to be a leader in this area over and over again, I think it would be malpractice for any university not to take a hard look at itself in light of things that have gone on at other places.

And frankly, most prominently at Maryland. And many of you may know that at Maryland, a young man who participated on the football team died during a summer drill. And the university has admitted it was a result of inadequate medical care being provided to that young man. And so even though we had already gone through an external review of our entire medical care provision in athletics, including a review of all of our policies and protocols We are conducting another review of all of our policies and protocols impacting emergency medical care such as that it felt short at Maryland.

We're trying to learn another lesson from Maryland in making sure our sports medical folks and our athletic trainers are talking and meeting and discussing these emergency medical cares and policies. And maybe most importantly, we're drilling on these because my understanding is Maryland had like these textbook awesome medical policies and procedures and protocols, but when the young man went down for whatever reason they didn't follow them.

And so I think the drilling part of that is really critical and we're doing that. Another thing that I think will be very useful and has been, we've invited local emergency service care providers police, fire, and ambulance to come and walk through our building. So if we have somebody go down in the athletic training area or the strength condition area, they know where that is, they know how to get there.

So all these things are set forth in our policies and procedures, and we make very, very clear that there's nothing more important than relying on the professional judgment of our medical staff to support the health and wellness of our students. And no coach or any other staff member can impede that and we talk about that all the time.

In terms of culture of respect and trust, the bill of rights I referred to before, says expressly that we want to develop our kids to the best they can be in an environment of trust and respect. And no physical or verbal abuse or demeaning language or treatment is tolerated.

We talked about one of our fundamental values to be demanding, not demeaning, but most importantly, we've applied these rules in a very high-profile way at least in the department. So I think people understand that we mean business with regard to this. So you can never check the box, you never say that's done, it's a constant effort, but I want you to know that we put a very, very high priority on providing high quality medical care and a culture of trust and respect in the department of athletics.

Alex was talking about Title IX issues and sexual misconduct and that's an issue across the board including but not limited to universities. I would respectfully observe that I think university athletics has been a national leader in the battle against sexual assaults on campus. Including a unique rule that does not allow incoming students who have a documented history of sexual assault to participate in their collegiate athletics at IU, it's called the Indiana rule.

It's been advocated for by sexual assault victim advocates around the country for adoption nationwide. So I think we come from a place of leadership in this area. This last calendar year we presented to our athletics committee all the different ways that we try to prevent and otherwise addressed sexual assault.

There's unfortunately no silver bullet for that, working with appropriate folks on campus we also developed sexual assault violence prevention plan. Our list calendar year based on plan, the NCAA certified a compliance with its policy on campus sexual violence. Concussions are major areas as well, we are the beneficiary of being part of $30 million Department of Defense study that Indiana is a leading component of that's not an athletics piece.

That's a campus piece, but we've been a partner in that. We try to put our money where our mouth is. So in an era where students have 5 or 6 football helmets that are interchangeable. We spend $170,000 to provide every one of our student with a custom made laser measured football helmet.

That we believe and studies have indicated it's one of the safest on the market and coincidentally or not concussions have halved since we utilized these helmets. And then our concussion policies are certified by the NCAA as they have been every year. We are a major venue we work closely with the safety folks on campus to try to make sure these are safe not only for participants but all of our fans.

We're one of only 12 schools in the country to hold a special sport event security certification for both Moore stadium and Simon Scott assembly hall. We hired a special consultant that does all the Super Bowls and all that to give us an evaluation memorial stadium or implementing those recommendations as well.

And we've hosted a table top simulation to try address issues that may arise. We're proud of our kids in terms of community service, nearly 2,500 hours of community service. We have embraced IU dance marathon in a way that we had not frankly before. We have team 24, which our kids named which I love.

And they are actually in their first year recognizes best new organization and highest in event fund raising. We have a super, what's called the coach for college program which enables our students who don't have the time for maybe a traditional study abroad experience to participate in a program.

It's developed for student athletes so they can have a study abroad program which unlike when I was a student here, is almost a necessary component of your development as a student. We want our students as much as possible to have the same experience as students that the general student body has in terms of internships, access to major selection, and study abroad opportunities.

One of our coolest kids, Allison Jordan on the soccer team, started an Everybody Plays Program which reaches out to the local disabled community to host events where they are involve in sport activities which has been awesome. So, achieving academic, this maybe the most important piece for this group, very proud that we set a record last year for the most academic all big tens that we've ever had.

And that's a third more than we had when I got here in 2009 and includes over a third of our total student athletes, that's a big deal for us. Maybe the only bigger deal is that once again we set a school record on our graduation success rate. At the sixth year that we've improved and set record after record.

When I got here, it was 74.4% and frankly an embarrassment, we're at the bottom of the big ten. Now, we're at 90.6% suddenly in the top quartile of the big ten. And we are also very high rankings compared to other power five conferences, division one football conferences, and certainly the academic oriented big ten conference.

So that's a big, big deal for us.
65 of our students were named big ten distinguished scholars, you've got to be a letter person and have a 3.7 GPA. Felt just short of the record we had of 68 before, those are extraordinary achievements. Our average kid has a 3.15 GPA.

The average team APR score which is snap-shot based on NCAA standards of how well you are doing towards getting kids to graduate. The average score is 981 out of the possible score of 1000. And the NCA minimum is 930, so we are very solidly in there. We set a school record for the number of All-American honorees, 91 up from 50 the year before.

And this is something I'm super proud of because we're about student-athlete, we're about athletics and academia. And in the same year, we set a record for what I would argue is the best metric for how well you're doing academically, All Big Ten recognition, and how well you're doing athletically, All-American recognition.

We had more conference champions then we had had in 16 years, almost doubled from the year before, 15 of our teams went to the post season. For the second time ever we had both Mr. Football and Mr. Basketball come to Indiana, and we recognize a couple of extraordinary kids as our athletes of the year and our Spirit of Indiana Directors Award winner.

I recognize two kids every year who best personify those five priorities I described before, which I'd like to think is one of the more highly sought after and prestigious awards now in the department.

Integrating with the university is in our DNA, every one of our athletic administrators has an outside reporting relationship to someone on campus, to facilitate an opportunity and say, hey, I don't think something's going right here; if it's not I think the danger is, again, that athletics is closed off from the university.

As many of you know we help you fund the Global International Studies Building through our Athletics funding and Big 10 media revenues, we funded about half of that $53 million building from athletics and we will be making a significant contribution towards the new regional academic health center that I know is near and dear to David's heart.

But the fact that he was chairman of the athletics committee when we did that is an absolute coincidence, we would have done that anyway. We work closely with the athletics committee to revise our new policy, which hadn't been done in quite a while, I think it was a significant accomplishment of the athletics committee.

We're very involved in the Bi-Centennial Plan because we'll be disproportionately high profile in that, so for us and like I think with all of you, as appropriately modified, our focuses on our students and for us our ultimate goal is to develop them academically, athletically, and personally better than any other university in the country.

And the fundamental foundation, I guess, of that are the three facilities contained in Memorial Stadium: we have the Gene and Nancy Wilkins Performance Center, think weight room, it's 30,000 square feet, premier in the country; we have the D. Ames Shuel Academic Center, about similar size, I would suggest one of the premier academic centers in the country.

Which I juxtapose between what was here when I got here which was about 1,200 square feet of basically a hallway in assembly hall, which was embarrassing, to now a 30,000 square foot facility with all the bells and whistles and technology and study spaces and so forth. And then finally, the Excellence Academy, that new south end zone that looks cool from the outside, but most importantly, it's what's going on in the inside, it's 100% student athlete focused.

It's not administrative space, and it follows our care for the whole person that we're doing it athletically, academically, and now personally. So physical and mental wellness, a wellness center, an athletic training facility, new nutrition area, elite athlete development, we are only school in the country that commits prime real estate to leadership to life skills, service learning, and career development.

So that was a fast go through, but hopefully at least that primes the path for maybe some questions that you may have.

**ROBEL**: Perfect.

**GLASS:** And I appreciate the opportunity.

**ROBEL:** To the minute. To the minute. Thank you so much. Cary? Kurt? Is there anything you would like to add at this point?

Well, I will open it up then for the council, is there questions you have for the committee or for the director Glass? Yeah, Alex.

**AGENDA ITEM SEVEN: QUESTIONS/COMMENTS ON THE REPORT FROM THE ATHLETIC COMMITTEE**

**TANFORD:** Can you give us an update on the golf course?

**GLASS:** Yes, so as many of you know, the golf course is been a bit of a challenge virtually since it opened in the 50s and there's been a number of misfires to try to address the challenges.

With the President's blessing, we took the bull by the horns and agreed to raise $12 million, which we did in about four months, to do a complete rebuild of the golf course. I'm not a golfer, which makes me very suspect as an athletic director, by the way. But the exciting thing to me about the golf course is the two primary pieces for us were: number one, we wanted to be

environmentally sustainable and it's going to be a leader in the use of national grasses, filtrations, and so forth to use less water, less herbicide, all that is going to be awesome from a green perspective.

And then also to make it financially sustainable, while maintaining it as public course with faculty and staff and student discounts. So we're in every way trying to make sure it is not perceived as club or anything other than what it is—a university based, public golf course. And with the way we've set up our pro-formas and the support in the new clubhouse, we'll be able to do both of those things.

So it's actually all rebuilt. We're in the grow-in phase now, the clubhouse is being completed, and it'll be available for university events and so forth. We were able to stay within our $12 million budget, 100% privately raised funds, no other university funds are in it, and I would expect play to begin this calendar year, probably late summer.

**ROBEL:** Other questions? Israel.

**HERRERRA**: Yeah, I have a question regarding international students and Latino students. So what would be the percentage for international students participating in the 24 teams, and also if there are right now Latino players in the teams.

**GLASS:** So out of our approximately 600 student athletes, we have about 58 international students. I wouldn't have that broken down on region or countries, but it's obviously a very significant subset of our students.

We tried to administer to some of the international interest in other ways as well. So again, at President McRobbie's urging, we broadcast all of our home basketball games in Mandarin, and we have a cool partnership with the Department of East Asian Studies, I think, maybe it is. And then we also are now broadcasting our soccer games, men soccer games in Spanish again in collaboration with appropriate language group on campus.

**ROBEL:** Other questions? Yeah.

**GUERRA:** I'm wondering if you can comment on the Big Ten Network in Comcast licensing deals and what impact it'll have on funding on campus.

**GLASS:** So our deal is with Big Ten Network and its major partner Fox and they're obligated to make certain contributions to us and they're at risk on their distribution deals. So we certainly wish them well and hope they can make appropriate arrangements with Comcast. In part because it helps the distribution and helping people being able to see our events.

But from a financial cash flow perspective we do not have any risk because the risk is on them for that.

**ROBEL:** Israel

**HERRERRA:** So regarding the social activities, if we would like to request, for example, a visit from a group of players on campus for a group or in the city for a specific population, what would be the process if this something feasible?

**GLASS:** Yeah so the process would be to contact Mattie White who oversees our Excellence Academy and the community engagements, community involvement falls under her. I will say that there is a little bit of tension there. So we want our students Athletes to be engaged in the community and active at events and they like to do that.

But at the same time we expect an awful lot of them and so we also do not want to put additional burdens on them to do events beyond all their studying, and training, and all that. And Kurt reminds me that now, I think appropriately so, our students are under new time demands policies, from the NCAA, which actually limit the number of things that they're required to do outside of academics and outside of athletics.

Which has curtailed, as a matter of policy and requirement, the ability to do those things. So we have generally in order to get the most bang for our buck in terms of impact, and for the kids to feel like they're having the most impact, we've tried to focus on things like Read Across America, RU Dance Marathon, Camp Riley, and so forth. So we do some of those ad hoc things, but for a variety of reasons it's sort of limited, and I just wanted to let you know that.

But Mattie White would be the right person to contact.

**ROBEL:** Well, thank you so much, I have watched you give presentations many places besides the Bloomington Faculty Council but also the Bloomington Faculty Council over the last many years and I think the way in which you lead with values, and consistently clearly stated values that everybody knows is a real distinction of our program.

For many others that I've had the opportunity to see, and I thank you for that and I really thank the members of the athletics committee, the athletic committee is the hinge point that provides academic advice and assures academic values in connection with our student athletes. And you've been doing a tremendous job as well, so thank you very much, thank you for taking the time.

**GLASS:** Thank you for the opportunity.

**ROBEL:** Great. Please don't feel any obligations to stick around for our next discussion item.

**AGENDA ITEM EIGHT: PROPOSAL FROM THE NOMINATION COMMITTEE REGARDING NON-TENURE-TRACK ELECTION UNITS.**

All right, we have now a proposal from the nomination committee regarding non-tenure track election units. This is a second reading and would be an action item, but I believe there's going to be a motion on that—

**MARSH:** Yes, just so people are alerted, we will go ahead and have the discussion, but because there's been a delay in getting the final updated faculty census numbers, which we need for the final proposal, there's going to be a motion, I think, from the Nominated Committee to postpone the vote on this until the next BFC meeting, two weeks from today. Is that correct?

**ROBEL:** Terrific, and I'll turn it over now to Diane Henshel on behalf of the nominating committee.

**HENSHEL:** Thank you, so what we would hope to do is A, have the second reading, B, there's an issue to be discussed after listening to the discussion, we will come back with an on the floor amendment so that we can get our two readings and then just vote on whatever the amendment is.

It hopefully will not be a major change but there does seem to have to be something to be addressed, okay, so Yeah, so I'm going to go from my notes rather than from this right now because this is not where I'm trying to go. So this is the change in the voting composition of the BFC after the constitutional amendments that got passed in the fall.

At this point, we still haven't totally decided the number of non-tenure track representatives and that's what this proposal is all about. It is trying to determine how many non-tenure track representatives and who were they'll be selected from? What will happen after this we have this proposal here, when I go backwards for what we think would be the representation of the non-tenure track based on what we had interpreted, the various tenure track and non-tenure track campus people to be in the representation on the council.

And I will just say right now for people who weren't here last time in December there was a discussion and I would say that the feelings seemed to come without a vote. But impression that I got from reading the minutes that the a fair number of the people on BFC did not agree with nomination committee about how to interpret part of the composition of BFC and who cast and then continue tracking who cast in other And the tenure track and who counts in the other.

So as a result there seems to be a difference in what our proposal will be, so let me take you through it a little bit. This is the total number of non-tenure year track people in the October census, in the end there's also, this doesn't include Professors of Practice which is the fourth category.

But there are about 30, if I'm remembering correctly on the Professors of Practice, about 397 on lecture, 141 and 144 on clinical and research scientist. Those are about equal, this is across campus. Obviously and so the way it was phrased in the amendment and I do not know that you put it in here, you didn't.

The way it was phrased in the amendment that got voted in is that we were to come up with the appropriate number of non-tenure track representatives based on the appointment category i.e their titles. So therefore, the professors of practice at 30 would have one representative. The way it works in general, give or take is that approximately at 50 you start to have the rollover is 50, but for tenure track, the way it also got voted in is that at the end of 15, you have one representative.

And then you go over for, starting with a larger—after you've reached, I'm not phrasing this very well…You have your first representative for a tenure track and a 15 in a unit. And then the next representative kicks in at 76. So above the half, again, of the 50 that usually is the count, and then it goes every 50, therefore there from.

So it will be 1 at 15, 2 at 76, 3 at 126 and onwards. The Nominations Committee was trying to stick to that general approach when we were thinking about how many non-tenure track would be there. So if you looked at this, that means approximately eight for lecturer, approximately three for clinical, and approximately three for research scientist.

And again, professors of practice at 30 is above the cut-off, plus they were specifically identified as having one NTT representative in the amendment

All right, so then the two different ways of counting this really depended on whether or not administrators who at this time are all tenure track faculty, counted as part of the elected tenure track representatives, or not. If the administrators count as part of the elected tenure-track faculty, we could max out at 24 non-tenure track professors and representatives. If we do not count the administrators as part of the tenure track elected faculty, then they count in the others. And that limits our ability to up the non-tenure track to 14.

And that's it.

So the way the proposal went and I hope the proposal is in here. The proposal is to have four lecturers from the college, two lecturers from Kelley School of Business because they had something like 100, or 120 something in the neighborhood of 100 lecturers. Two lecturers from the rest of the campus, three clinicals, three research scientists across all campuses and one professors of practice.

So this proposal, that we are on our second reading for, doesn't match what we have as our potential non-tenure track representatives if the administrators don't count in the tenure track voting representatives.

Therefore we have an issue to discuss today. And then NomCom will decide how we're going to propose based on the discussion today. It was not decided last time for certain. There was no vote, per se, and there was no actual anything set up to vote for whether or not the administrators count in the tenure track elected representatives or in the others.

So whereas I got, and the group got from the discussion that the general consensus seems to be that the administrators count in the other categories, there was no vote.

I will say that, if we do add the administrators into the others' category, we will have to choose where we are going to deduct one non-tenure track representative from. I will point out that there is some discussion about having more by-laws, amendments specifically to address this to allow us to bring ourselves back up to 15 non-tenure track at this time.

There's two different proposals on the table, but both of them would include a vote that's not on the table yet. Two proposals that have been discussed. Both of them would include a vote, and I think we will deal with that after this point. We would like to get this decision made so that we can get non-tenure track representatives on to the BFC for this semester.

The way we will handle this is by nominations committee is going to be requesting from all of the BFC for essentially nominations for temporary BFC representatives from among the non-tenure track across campus. And nominations will then bring a slate back to BFC for voting on, or to exec and then back to BFC for voting on.

Right now, we have this problem—we have to decide, I went the wrong way, are the administrators part of the ten years track or part of the others? If the administrators count in the tenure track, we can go ahead with this proposal. If the administrators do not count in the tenure track, they go against, then we have to come up with another alternative that we would amend on the floor.

At this point, I would prefer if I could ask Barb Cherry to talk for a second, and give your reasoning for why you said that the six administrators do not count in the elected tenure track.

**CHERRY:** Yes, on December 1st of 2018, I did distribute an email to everybody with the formal write-up. So that's what I'm going to be referring to just so people know and if you happen to have it or I could redistribute it at some point if needed.

What I did was I reviewed the structure of the BFC constitution and how the language is used and written throughout in the constitution, particularly section 5.5 that discusses members.

Section A. deals with representation of faculty and library units. Sections B, C, D and H deal with additional categories. All of these are elected positions in which the individuals are referred to as representatives. It's in a different subsection G of 5.5 where we now have administrators.

And the administrative members of the BFC are provided for in this provision, they are referred to as voting members, they are not referred to as representatives.

And so it appears from the language of the constitution that for purposes of the 60/40 rule, the appropriate interpretation is that administrators are voting members which is essentially the denominator of the fraction. But they are not deemed representatives. They are not elected and they not are referred to as representative in the constitution.

And therefore should not be included in the numerator for purposes of determining whether the 60/40 rule is met. That is the most consistent interpretation of the 60/40 rule with the language of the constitution. So that's the reasoning behind why they count for the denominator, for the total number of voting members, but why they don't count as part of any category tenure track, for example, for the 60/40 rule.

Even if they happen to also be tenure-track faculty members, they are not deemed elected. They are not elected or deemed representatives under constitution. So that was the reasoning.

I hope that helps.

**HENSHEL:** Lauren, you want to speak?

**AGENDA ITEM NINE: QUESTIONS/COMMENTS ON THE PROPOSAL FROM THE NOMINATION COMMITTEE REGARDING NON-TENURE-TRACK ELECTION UNITS**

**ROBEL:** No, I just was going to ask if you're ready to open the floor up at this point?

**HENSHEL:** I am definitely ready to open the floor up for discussion.

**ROBEL:** Okay, terrific. Yep, Alan?

**BENDER:** I mean, I think one way out of the immediate impasse is just, along with what Eric Rasmussen has suggested, to have the Emeritus representatives count in the elected tenure track representative category.

That seems reasonable, as long as they are retired from being tenure-track in the tenure-track category. That would allow you to get up to 15 and even higher for the non-tenure track.

**HENSHEL:** Actually it's still keeps you below 15, it's like 14.86 if I'm remembering my numbers correctly.

When I did the calculations based on the numbers, it was still right below 15, and went through the numbers and agreed on that. So it seems like moving the two Emeritus was not sufficient at this time.

**BENDER:** Well, we could check the math at some point.

**HENSHEL:** To do it I think we needed additional switch.

**BENDER:** But I am pretty sure it does, it's got to have an effect.

**CHERRY:** May I offer one clarification too, with regard to the interpretation? I saw also discussion about whether or not the elected officers; you know, where the president should be counted? That's going to be important to include them in the numerator, because if we take the 45 minus the six officio, that leaves us with 39.

The 39 includes the three elected officers. If you take out those three elected officers from the 39, that takes you down to 36, and that would give you an NTT representation of only nine. So, just want to clarify, we need to keep the elected officers if they're TTs in that counts so that we can get their NTT representation up.

Since you brought this issue about Emeritus, I want to make sure we didn't lose sight of that. So if all the elected officers are tenure-track they need to be included if we want to keep that NTT representation number up.

**ROBEL:** Colin?

**JOHNSON:** I don't do math, and so I don't have an answer to any of that, but I do have a sort of principle contribution to make, it seems to me like, for the purposes of consideration one of the issues here, setting aside the issue of how we produce a structure is the question of how big we want this body to be or how big we think it can be?

We're sort of leading with the what do we need to do to produce, but I'm wondering if there's any virtue to spending five minutes to talking about the relative merits of keeping the faculty council sort of hemmed in at a sort of manageable size, as opposed to whether or not we could sort of tolerate, for example, an 80-person council, in order to allow elasticity?

Does that make…and I don't know if I'm sort of misconstruing the relationship between that issue and that sort of calculation, but it seems like we're moving things within inside the structure of the equation itself to produce a certain structure. Does that make any sense at all?

**CHERRY:** Well, I was just saying the officers are elected representatives, so it's consistent with the constitution. What I'm concerned about is us starting to talk about playing with putting the administrators in a category which is inconsistent with the language of the constitution. In which case then we'd be better off having some kind of an amendment to clean it up, rather than trying to interpret a way that's really not in the integrity of the constitution because that only causes problems as you go down the road.

So it would be better to change the Constitution itself to accomplish what we want to do rather than have, what I would deem, a misreading of it.

**JOHNSON:** And I—

**CHERRY:** That's all I'm trying to share, kind of the technical side.

**JOHNSON:** Yeah, I agree with that actually.

I mean, obviously people are sort of like, oh god, a Constitutional amendment is what of what we're wrestling with. We could do it, but the question Diane presented us was the question about where do we want to count these people, right, and so, and presumably the reason that's a question is because if you count them one way it produces a body of a certain size.

If you count them another way, it gets us to a body of 80 people, right?

**ROBEL:** Well I think, I actually think that the difference is fairly marginal given what the council has already, I mean we're talking about the difference between 9 and 15, is that—

**HENSHEL:** Actually we're talking right now at the difference between 14 and 15.

**ROBEL:** Yeah.

**HENSHEL:** Okay, so all of this is a matter of one person, At this point. The other thing I would like to point out, Barb, is that we do intend to come up with a proposal for changing the language of either the amendments that were already voted on or another amendment to resolve this issue for good, but because we want to bring new NTT onto the council this semester as soon possible, we need to address this problem now.

So we can bring in the NTT that are going to represent us until the next election, that they will be in active membership on, which will be next year. So the vote's going to take pretty much all semester. You forgot about that, that was the other thing we're going to be voting on is revising the amendments either to revise one of the amendments that we wrote to change one word, or to add something else, well actually it is the two amendments, one was the at large, or the other is this representatives' piece.

So those are the two pieces. We will be looking at the amendments that were voted on and addressing the inconsistencies that caused this problem.

**CHERRY:** Yeah, so, I want to ask the provost. So, the point is we can be consistent with the ridding of the Constitution, not including the ex-oficios in the numerator, and still have 14?

That's totally kosher. So as long as 14 is acceptable, then we don't have to tinker with the other language to fix anything up. If going forward you want to do potentially more than 14, then that would try some clean up, but we can go as is with the—

**ROBEL:** And I think my only point was, I think that the horse that Colin was think we ought to care about keeping in the barn is one that we already let out with the amendment, it's not what's involved in this particular discussion.

**HENSHEL:** And just to point out, it's fine to say week 14 is acceptable, and there's no question that 14 is way better than what we have right now, which is 3, but if we have 14, we have to cut from one of the ones that are proposed, and the ones that are proposed right now, pretty much are an even handed distribution of the non-tenure track across the units.

So either way we still have a decision to make as a group.

**TANFORD:** I hate to come back to math, because like Colin, I also, I do only very simple math, and by my calculation, if you take the two and move them up to the TT category, That goes from 42 to 44.

If you then subtract them from the lower category and add one NTT, that drops to 27, and brings the total to 71. 44 over 71 is 62%. The 60/40 rule is preserved. Where's my math error?

**ROBEL:** I'm looking at Bruce.

**SOLOMON:** Yeah, I did exactly the same computation, and I agree completely with Alex.

Emeriti, to put it differently, the NTT representation would come in at 38% even though we have 15 representatives.

**ROBEL:** Well, the math aside, I'm not sure why the emeriti, are the emeriti not described as representatives in the constitution?

They are. And so under the logic of what you propose, they should be included, right? It's section 1.4, right?

Well, wait a minute. It's moved down to the election units. They have their own election unit, but they are elected, right?

And that would make them representatives.

I'm delighted by this discussion because I just had a conversation with my grandson about, when have you ever used fractions outside of cooking?

And I'm going to say the fate of a representative body can hinge on the use of fractions.

Okay, John?

**WALBRIDGE:** Yeah, at the risk of misquoting the constitution, and I was lazy enough not to try to track down the relevant rule. But my understanding is that the university constitution says that the tenure track faculty should be in charge, so insert the appropriate language. What we're talking about here is elected representatives of the tenure-track faculty.

But the tenure track faculty on this body consists of elected representatives and ex officio members, who we can presume to be tenure track. So if I'm not misreading it, that implies that the various deans, and provosts, and so forth, belong in the category of tenure track for purposes of deciding what is an acceptable proportion of our Other cast.

**ROBEL:** Well, let me just read and then we'll come right back. The language, the so-called 60/40 rule from the constitution is at 5.5 A1, it's the last sentence. And it says, the number of voting tenure-track faculty and librarian representatives shall be no less than 60% of the total voting membership of the Bloomington Faculty Council.

So I think, well, the interpretation that Barb has put forward puts a lot of weight on the word representative, as opposed to voting. And now we'll come back. I'm sorry we got off track there for a second.

**DUNCAN:** That's all right. So I want to echo support for what John was saying, is that what's trying to be achieved here can be satisfied in a couple different ways.

Ultimately, we're asking what portion of things should be changed to make that satisfaction possible, and satisfying it in a way that allows for some flexibility for the size of the council to grow or shrink as needed, is probably a better long-term solution. The second picture here is the one that does that.

And they're not saying that if you count the administrators there, immediately 24 NTT representatives spring up. That's not actually what's being said. That's simply saying, that is the room for growth that would exist in the system. That gives many years for the BFC to adjust to its new representation, and to then decide if that body is too large, and needs to be reconstituted again in some manner.

But the interpretation on the left permanently renders us unable to have any further growth, and even restricts the proposed growth that we were considering.

**BENDER:** Just to reiterate, and I tried to check the math by hand. If you do shift the two emeritus up, I think that now that allows there to be 17 NNTs.

**ROBEL:** I move that we leave the map to Bruce. And other duly constituted members of our Department of Mathematics.

All right, Moira?

**MARSH:** I'm just wondering if there is a way, and I'm thinking, I'm pointing to our parliamentarian here. I mean the 60/40 amendment in the constitution, I think is, if not downright evil, it is at least pernicious or perhaps unfortunate.

And I don't know that it is helpful in the long term, but we don't want to be amending the constitution every semester. I don't know that there's any constitution god that's going to come down and kill us all if we are not 100% in agreement with the constitution. Especially since, as I've said before, this is the biggest change to the constitution of this body that I can remember as attempting in quite some time, if not ever.

But the thrust of the whole process was to make this body more closely representative of the actual composition of the faculty as it currently exists and as it's continuing to change. We're not necessarily going to get it right the first time. I quote from Fred Glass, we're aiming for perfection, but we're hoping to achieve excellence, perhaps.

So we're not going to get to perfection on this, and we can come back and tinker. Undoubtedly, we will. So I'm wondering if there's a way that we could just take the NomCom proposal that we have and vote on that. Not today, because like I said, we don't have the final numbers.

We need to check those, and just move forward.

**ROBEL:** Erica?

**DOWELL:** Yeah, it seems to me that, if we move the emeriti as suggested, and at least the preponderance of the math supports, right, then we can get our 15 NTT representatives for now. And then what we want to do is move toward achieving the situation in the second column of the chart.

So that, as James was talking about, we can make sure that we don't have this sort of immediate artificial permanent restriction on the number of non-tenureship representatives, and I think we can achieve that. Maybe in time for next year or if not, very soon, and we can fix the constitution or perhaps do it within the bylaws, figure out what is the most efficient path.

And then make sure we make it elegant and simple as we go along in case we don't have a chance to amend the constitution immediately. We can make sure that we get to that state pretty soon. Okay, any other discussion? Yeah, Angie?

**RAYMOND:** So as a lawyer fiddling with, and flexibility of the way a constitution is adhered to is against who I am.

And so it's up to the group to decide, but it is incredibly uncomfortable. We, in the United States, have a constitution and believe in it, and we really don't like when we play with it this way. So there is a process in place to change it if we want to.

It sucks that it's going to take longer but that's the system that I've subscribed to. In addition, there's a fundamental difference between elected representation and administration. I adore all my administrators to stand around me, but there's a fundamental difference. And it is something that I'm not the only one who struggles with at times as to what my role is here as representative.

But there's never a time that I feel it's my job to represent the administration. So these two things to me sound in contrast to who I am as a person in America. And I fill in the blank and I'd like to suggest we follow the process that is prescribed to us.

If we want to fiddle with the constitution in an effort to cram in something that is not what is otherwise allowed.

**ROBEL:** I just taught Barbary versus Madison an hour ago. So I think when we're talking about amending the constitution, there are basically two things that are on the table, right?

One is, we've got a provision that describes the limitation on non-tenure track participation in terms of voting representatives. And if the administrators are voters but were not elected, so that's the first potential constraint, the emeriti are elected, they are not constrained. If you go down that road, if you think that's a reasonable interpretation, that's one thing.

The second is I think we heard from our president the idea that we might want to take the 60-40 rule out of the constitution altogether. I think that the second thing is a big deal that would have to be discussed, and we'd have to have a constitutional amendment. I think the first thing is a matter of close reading and interpretation, and we're probably not going to be subject to the opprobrium of our colleagues if some of us interpret it one way and some of us interpret it another.

My guess.

Yep, J?

**DUNCAN:** Just to offer a short rebuttal, there've been many periods in the history of the US. Where the constitution said that something was or was not legal according to historical readings and precedence of the court. That was not necessarily an argument for or against the moral or ethical rightness of any course of action.

And so I would like to support doing what will help us best get representation here because that is to me an imperative.

**CHERRY:** I have to disagree with that characterization of how the constitution has been interpreted as a lawyer, but let me just say this much. Constitution is written with a certain structure, its intention is to provide, permit, and constrain.

That's what we mean by the rule of law. And I have to say with Angie, I have been very uncomfortable if the structure is clear to be read one way simply because we might find it convenient to interpret it in a way that is not proper. A proper interpretation accommodates 14, if we want to accommodate and make room for more, I'm all in support of that, but doing it the right way in the right process.

Otherwise, we start walking down the road of abusive process, and I think we have our fill enough of that within the atmosphere of today. So I suggest if we want to do it right, we do it right, but don't abuse the process by misinterpreting a document and the way it should be interpreted, thank you.

**ROBEL:** That's a strong reading of voting representatives. Okay, Colin.

**JOHNSON:** I'm still confused, I know there was some discussion about the status of the emeriti representatives. And I'm wondering if somebody could explain that to me because. Setting aside the issue of where we move them and how we count them, that actually seems a bit confusing to me because they are elected representatives, right?

And if those seats are filled by incumbents who are actually tenure track faculty, then it seems to me that that could be a justifiable reading. That would actually be the accurate reading of their significance but conditionally. Which is to say, if an emeriti can actually be non-tenure track faculty, if not tenure track faculty, can carry the rank of emeritus. Then that would change depending on who the incumbents of those seats were, right? I think we still need to address it perhaps through a constitutional change in the longer term to allow for elasticity to sort of accommodate the number of people. But I'm just wondering so that way you can explain that cuz I'm confused.

**HENSHEL:** Well as far as I understand from the discussion in NomCom, emeriti were tenure track but once they retire they are no longer tenure track.

**ROBEL:** So you would put them in the category, so what I think—

**HENSHEL:** We have them in others.

**ROBEL:** Yeah. What Barb's reading relies on is in the 60% rule, the 60% is described as voting representatives, tenure-track representatives.

So you have to, in Barb's reading, be both a voter and someone who counts as a representative, and you have to be tenure track. So the reading I think I'm seeing from the nominating committee is looking at each of these categories and saying. Are administrators all three:

voting, yes, tenure track, yes, representative, no. Are emeriti: voting yes, representative yes, tenure track, no.

So if you think the language that I read a few minute ago in 5.5 A1 requires all three of those boxes to be checked, if that's your reading of the 60% rule, then you can see why people are having counting issues.

**PROVOST:** One thing I want to—when faculty retire, when they become emeriti, they retain their title.

So if they're Provost Professor, they're Provost Professor Emeritus. So I don't know the calculation people had in terms of deciding whether they were tenure-track or not, but they do retain those titles. So it's Professor…

**PAVALKO:** The question is whether you have to also, not only have been tenured-track, but are currently tenured, right?

And are emeriti faculty members currently tenured. So give me this, Barb. There are interpretive issues here, right? This is a constitutional expenditure—

**CHERRY:** No, no, no. The thing is, what I've been saying all along, I wasn't weighing in on the emeritus thing, I was weighing in on the when I looked at the constitution before, and the issue that was before us at that time was about the administrative ex-officio.

**ROBEL:** Yeah.

**CHERRY:** So that's all I was talking about, that it was clear in the constitution that the ex officio should not count as the tenure track representatives because they're not deemed representatives of constitution. Now this comes to the emeritus, as to the other numbers, I've been relying on the nomination committee.

I have not self-checked all the numbers and things in here. So I've been relying on what the committee has rightly been doing about all these numbers. I was just offering about the numerator about ex officio. As far as the emeritus, we may have flexibility there, yes, and interpretation.

I suggest it's a two-step process to resolve all of this. I suggest that one possibility might be to, consistent with the constitution, not include the ex-officio in the numerator. We could consider including the emeritus. So for purpose of giving the 15. Or the very least, even if you don't include the emeritus, you get the 14.

And then, if we want a room the expand anywhere beyond that, that's what should take the longer term review about how we alter the constitution—60/40, whatever all the pieces that go

into making room to grow beyond 14. Or the 15, including the emeritus. And so, if you do that two step, we can do it clean, appropriate procedure.

That's all I'm trying to say, and I believe that's what Angie was trying to say. So we can slam dunk no problem, get the 14, maybe fudge a little to get the 15 with the emeritus, but I wouldn't go beyond that. In the longer term, clean it up, that's all I'm suggesting.

**ROBEL:** I'm not taking a position here. I'm just playing. I just got out of a nice federal jurisdiction class, and that's what I do.

**SOKOL:** If I remember, part of this proposal in the discussion was decreasing the at large representatives from ten to five to keep the size reasonable.

And then, that would either be 70 or 80. If you used the interpretation where administrators are not-voting, tenure-track representatives, kept the at-large number at ten, that would give you an additional roughly five non-tenure track representatives, 18 or 19, and still keep the size of this 80 that you're aiming for.

**SEIZER:** We already voted on the five, yeah.

**ROBEL:** We've got about 12 minutes left. And I think that the committee wanted some guidance from this group. So I'm trying to figure out what kind of guidance we can provide so that when we come back next time they can put something in front of us that we feel reasonably strongly about.

Okay, Nick?

**WILLIAMS:** Although math shouldn't be decided by consensus, I wanted to support the calculation that if we move the emeriti from the other category to the upper category, the number that we get to is, I think, 61.9%. So that solves the problem for now, and we can get to 15.

So that's the simplest solution. In regard to down the road, changing the constitution to allow for an expansion, I will say that the spirit of the discussion last spring was, at least from my point of view, that the 60/40 rule constituted a real limit to the number of NTT representation.

It wasn't that we were putting it in there to defer to those who were concerned about the number of NTT. There were people who were concerned about a gigantic expansion of NTT, and that was proposed as a real limit. I tend to think in the spirit of that conversation we should deal with that as a real limit and not seek to evade it.

That is what was voted on by this body. And there are ways to deal with that limit. For one thing, changing the number of faculty who are represented by a single member. Now, it's 50:1

for tenure-track faculty. In order to stay within that limit, we'd have to change the number for NTT.

That would be the way to do it. And that was the will the council.

**ROBEL:** Let's see, I think Ann had her hand up. Are you passing by here?

**ELSNER:** Well, no, I just wanted to say we're going to come back in two weeks, and I would like to know, it looks like we're definitely going to increase NTT representatives.

How is that going to work with our election structure? Are we going to have a blob of people one time and then some of them have to run right away for re-election the next year? Or that's why when people are saying well, is it 15, 14 or some larger number, I just wanted to understand what the nominations people are going to propose.

How many new people are going to come right away as opposed to later?

**HENSHEL:** So what we are proposing in the handout that you've got on the agenda is that the people would come in that we are nominating now. And this is by nomination, not by elections, unfortunately. That we would put them in for either a half year or one and a half years, or one and half years and two and a half years.

So that the people that come in now as appointees have their first round, some of them with a shorter term and others with the full term. And then, the elections kick in as people's terms end. That was the proposal. We were thinking actually that it would probably be better for the first people just to come in for, if they wanted to for half a year, but actually we were thinking that one and a half years and two and a half years.

**ROBEL:** Colin. Colin and then—

**JOHNSON:** I just wanted to sort of make an additional argument on behalf of the inclusion of the emeriti faculty, because I do think that if emeriti faculty have seats, for example, on the council, if seats are set aside for representation of them, it seems to me like there's a sort of divide between the non-tenure track and the tenure-track. It seems to me by virtue of occupying those seats and by virtue of having carried the rank of tenure-track faculty member during their career, they have to go somewhere where they have to, sorry I'm not being very articulate.

I would just philosophically, I believe that retirement is part of the tenure-track. And I certainly am going to insist upon that. And so it seems like a sort of philosophical thing that if they're not considered tenure-track, then are they made by virtue of that fact non-tenure track faculty?

Like are they moved if there's two categories that people are being organized in per the stipulation of the 60/40 rule, then there's this kind of decision that has to be made about where

they go. And I just, it seems for some reason logical to me that they would be on the side of the tenure-track.

So I would lobby for that. Which would solve the problem in a short term but I agree there's a broader constitutional issue that needs to be resolved or at least clarified for the purpose of contemplating this sort of expansion of democratization that I think this move was originally desired for that, that was originally motivated.

Sorry, I'm tired. I'm usually much more on point than that, but anyways.

**ROBEL:** Can I take this motion that needs to be done this time?

**MARSH:** Yeah. So I'm going to just formally move that, because we do have this on the floor as an action item, the existing NomCom proposal, and I'm going to move that we postpone the vote on that proposal until the next BFC meeting.

**ROBEL:** And do I hear a second?

Okay. All in favor? Great.

We don't now, I think technically, have anything on the floor. So we, I think we're not really supposed to be discussing anything, but I would encourage all of you, if you can, to get back to the nominations committee if you have strong views.

One way or the other I really want to thank both the nominations committee and Barb Cherry for the clarifying and joining the issues that exist in interpreting the language and understanding what the purpose is and maybe go back to Colin's concern about the purpose of the language in the constitution altogether, to really think about what we're trying to achieve here as we come down to this expanded franchise.

All right can I hear a motion to adjure?

**MARSH:** So moved.

**ROBEL:** Alright let's adjourn in the usual way