

**Indiana University**  
**BLOOMINGTON FACULTY COUNCIL**  
**January 18, 2022**  
**Presidents Hall – Franklin Hall**  
**2:30 P.M. - 4:30 P.M.**

**Members Present:** John Applegate, Karen Banks, Carolyn Calloway-Thomas, John Carini, Rachael Cohen, David Daleke, Allen Davis, Madeline Dederichs, Constantine Deliyannis, Danielle DeSawal, Kelly Eskew, Jackie Fleming, Ky Freeman, Lucia Guerra-Reyes, Nandini Gupta, Israel Herrera, Justin Hodgson, Colin Johnson, Pete Kolbaum, Ben Kravitz, Robert Kunzman, Sally Letsinger, Margaret Lion, Annette Loring, Eliza Pavalko, Chuck Peters, Rob Potter, Angie Raymond, Cathrine Reck, Dan Sacks, Steve Sanders, Elizabeth Shea, Jim Sherman, Marietta Simpson, Kashika Singh, Rebecca Spang, Dubravka Svetina, Lisa Thomassen, Samantha Tirey, Stephen Wyrzynski, Jeffrey Zaleski

**Members Absent:** Jim Ansaldo, Toni Arcuri, Hussein Banai, Anna Deeds, Kaitlin Doucette, J Duncan, Lessie Frazier, Brian Gill, Anthony Giordano, Larissa Jennings Mayo-Wilson, Jessica Lester, Scott Libson, Valentina Luketa, Pedro Machado, Jill Nicholson-Crotty, Miriam Northcutt Bohmert, Courtney Olcott, Massimo Ossi, Katie Shy, Thomas Sterling, John Walbridge, Erik Willis, Jiangmei Wu,

**Guests:** Scott Dolson, David Johnson, Tim Lemper, Martha Oakley (alternate), Jim Perry (alternate), Brian Yanites (alternate)

**AGENDA:**

1. **Approval of the [minutes of December 7, 2021](#)**
2. **[Memorial Resolution for Michael B. Metzger](#)**
3. **[Memorial Resolution for Charles Eugene Wier](#)**
4. **Executive Committee Business** (10 minutes)  
Marietta Simpson, Faculty President
5. **Presiding Officer's Report** (10 minutes)  
John Applegate, Interim Provost
6. **Question/Comment Period** (10 minutes)  
Faculty who are not members may address questions to Interim Provost Applegate or President Simpson by emailing [bffcoff@indiana.edu](mailto:bffcoff@indiana.edu). Questions should be submitted no less than two business days before the meeting.
7. **Report from the Athletics Committee** (15 minutes)  
Carrie Docherty, Chair of the Athletics Committee  
Scott Dolson, Vice President and Director of Intercollegiate Athletics  
Kurt Zorn, Faculty Athletics Representative

[Discussion Item]

8. **Questions comments on the report from the Athletics Committee** (10 minutes)
9. **Presentation on strategic shifts in recruitment and enrollment** (15 minutes)  
David Johnson, Vice Provost for Enrollment Management  
[Discussion Item]
10. **Questions/comments on the presentation on strategic shifts in recruitment and enrollment** (10 minutes)
11. **Proposed amendments to BL-ACA-D27, Faculty Misconduct Policy** (15 minutes)  
Tim Lemper, Co-chair of the Faculty Affairs Committee  
Steve Sanders, Co-chair of the Faculty Affairs Committee  
[First Reading - Discussion Item]
  - [Current BL-ACA-D27, Faculty Misconduct Policy](#)
  - [B18-2022 Proposed Revisions of BL-ACA-D27 Faculty Misconduct Policy](#)
12. **Questions/comments on the proposed amendments to BL-ACA-D27, Faculty Misconduct Policy** (20 minutes)

#### **TRANSCRIPT:**

**APPLEGATE:** Our president has arrived up here so we can now begin. I couldn't resist. Well, I see that some things never change, and people are filling in from the back. We're feeling a little lonely up here, so if anyone wants to risk being cold called, they can come up to the front.

So is this a somewhat new configuration. And having forgotten my binoculars, I'm going to have a little trouble seeing all of the name tags. So, if I say that person in the back, please forgive me, yeah, I like that system. The waving it but wave it slowly so I can read it. But anyway, I apologize in advance if I don't read or see a name card and do feel free to be expressive if you want to be recognized.

#### **AGENDA ITEM ONE: APPROVAL OF THE MINUTES OF DECEMBER 7, 2021**

Woo Ho! The excitement upfront is that we have a quorum, which means that we can vote on the minutes. The excitement just builds from here. We have the approval of the minutes of December 7th, 2021. Do I have a motion to approve those minutes?

**CALLOWAY-THOMAS:** So, moved.

**APPLEGATE:** I have a motion. Do I have a second?

**LION:** I'll second.

**APPLEGATE:** Thank you. We have a motion and a second. Any corrections to or additions to the minutes? Seeing none. All those in favor of approving the minutes, please say, oh we raise our hand, right? Raise your hands please.

Any opposed? Okay the minutes are approved.

**AGENDA ITEM TWO: MEMORIAL RESOLUTION FOR MICHAEL B. METZGER**

**APPLEGATE:** We will now turn to two memorial resolutions for professors Metzger and Weir, and I have to ask Vice Provost Pavalko to read those resolutions. Please.

**PAVALKO:** I'd be happy too. Thank you very much. So, our first one is for Michael Metzger. Michael B. Metzger, professor emeritus of business law at the Kelley School of Business, died May 31, 2020, at the Stonecroft Health Campus after a long and stoic fight with multiple system atrophy. He was 74 years old.

He was born October 4, 1945, in Jeffersonville, Indiana to Jesse G. and Norma R. (Bengel) Metzger. He spent his earliest years in Bloomington while his father attended Indiana University on the GI Bill, living in an army surplus trailer in Woodlawn field on the IU campus, along with other returning GIs and their families. His family moved to Indianapolis, and he graduated from Warren Central High School in 1962.

Mike received an A.B. from Indiana University in 1966 and a J.D. from the Indiana University School of Law in 1969. After his graduation from law school, he worked as a deputy securities commissioner, a legal aid attorney, and a senior legislative analyst before joining the IU faculty as a visiting lecturer in 1972. He taught for several years, left IU to practice law for a year and then returned to a tenure-track position as assistant professor of business law in 1975. Mike excelled in all three dimensions of academic achievement and was promoted through the ranks to associate professor in 1979 and professor in 1985. Later in his career, Mike was honored with three appointments to distinguished ranks. From 1993 to 1997, he was Charles M. Hewitt Jr. Professor of Business Law, and from 1997 to 2005, he was Arthur M. Weimer Professor of Business Administration. In 2005, he was appointed Jean Ann and Donald E. Foster Chair in Business Ethics.

Mike's scholarship initially focused primarily on the areas of contract and product liability law. He published well and often in a variety of law journals, such as Georgetown Law Review, Vanderbilt Law Review, Minnesota Law Review, and the American Business Law Journal. In the middle part of his career, his interests expanded in the direction of organizational ethics and control of corporate behavior. He published a number of articles on these topics in law, business, and ethics journals. Four times, he received the American Business Law Journal's award for the best article of the year.

Mike also distinguished himself as an academic leader. He was appointed chair of the business law department even before he had been promoted to professor and served in that role for three years. In 1984, he was appointed to a three-year term as associate dean for academics for the business school. He performed so well that he was called back into this role twice after his original term had elapsed. In 1990, Mike was appointed to a faculty task force charged with developing a plan to integrate business ethics into the business curriculum and became the point person for coordinating the ethics integration effort. Ever loyal to IU and the Kelley School,

Mike rarely said no to requests to lead this or that effort, no matter how time-consuming the undertaking. Even in the years in which Mike was in an official leadership role, colleagues sought his wisdom on all issues of importance.

Mike was an unforgettable teacher. In his classes, he brought to bear his broad wisdom from other ages and disciplines, as well as his trademark sense of humor (often turned on himself), to challenge his students to examine their own thinking. Over the course of his career, he taught tens of thousands of students in settings ranging from 300-student undergraduate classrooms to corporate conference rooms. He won 20 teaching awards and was identified several times as an outstanding faculty member by Business Week. He co-authored several editions of two business law textbooks, *Law for Business* and *Business Law and the Regulatory Environment*. In the past two decades, his teaching has focused on Kelley's MBA Program, where he not only taught courses about managing legal risks but also developed and taught courses on business ethics and critical thinking that are now fixtures in the program. A YouTube video of his final MBA class shows students giving him a rowdy standing ovation that lasts several minutes, a fitting tribute to a beloved professor who taught them new ways of thinking and helped to shape them as business professionals. All faculty members like to think they are special, but Mike was indeed special. He was a true triple threat in the academic sense – excellent in research, teaching, and service.

He met his soul mate, Virginia Kleinhans, on a blind date in his second year of law school. They married on November 27, 1969. They celebrated their wedding anniversary in November 2019. Mike loved fast motorcycles, fast cars, and fast sailboats. Mike and Virginia sailed catamarans and Mike proclaimed Virg, his nickname for her, a “lousy captain and an uppity crew.” He was a huge fan of Formula One racing, especially the Ferrari team. One of his biggest thrills was visiting the Fiorano Circuit, the Ferrari test track in Fiorano Modenese, Italy, with no less than the great Michael Schumacher, his favorite driver, screaming around the track.

After a bad motorcycle accident wrecked his knee, Mike became an enthusiastic bicyclist and he and Virginia enjoyed 25 wonderful and challenging summer bike trips abroad, Italy and the Alps being his favorites.

Mike was not only a voracious reader, but fluent in Italian and a wonderful conversationalist. There was not a topic that someone could bring up that Mike could not contribute to the conversation. Mike had something to say about any topic (and did not hesitate to say it). The topic could be current events, public policy, or one's own academic interests. Chances are he could add something or at least ask really good (tough) questions. He made everyone around him think harder and more clearly as you were unlikely to get by with fuzzy thinking around him.

He was also an enthusiastic bridge player as well as a life-long weightlifter, one of the HPER noontime regulars. As an undergraduate, he came in second in the Mr. IU body-building contests, and he always blamed his skinny calves for coming in second. He later became the faculty advisor for the IU weightlifting club. He pushed himself hard in the weight room and was possibly the strongest business law professor east of the Mississippi River.

Mike was a connoisseur of fine wines, but only reds, and fine Italian clothes. Mike dearly loved all of his westie “pups”: Kiltie, Mackie, Lucy, Desi, Niki, and Buddy Boy AKA Mr. Barky.

He is survived by his beloved wife Virginia (Kleinhans), his brother Bill and his sister-in-law Caroline (Kaiser), his sister Debby Prickett, his brother Doug, and his sister-in-law Trinda (Fennelly), and numerous nieces and nephews. He will also be missed by his brother-in-law Fritz Kleinhans, his sister-in-law Alice Kleinhans and her spouse Ron Eskin. Thank you.

### **AGENDA ITEM THREE: MEMORIAL RESOLUTION FOR CHARLES EUGENE WIER**

**PAVALKO:** Our second resolution is for Charles Eugene Weir. Charles Eugene Wier was born on May 15, 1921, to Ethel and John Wier in Jasonville in the northwestern part of Greene County, Indiana. His parents divorced while he was young, and his mother moved to the northeastern United States. His father was a coal miner, and his grandmother raised Charlie on a farm east of Jasonville.

In the 1930s, Charlie served in the Civilian Conservation Corps (CCC), part of a "New Deal" program initiated by President Franklin D. Roosevelt to provide six months of construction training and six months of work on federal projects. He was paid \$30 a month, of which \$25 went to his grandmother and \$5 to Charlie. He trained as a mason and helped build a bridge in McCormick Creek State Park. Charlie then went to St. George, Utah, to build masonry retaining walls and bridges. Upon his return, his grandmother turned all of the saved money over to him in 1939 to attend Indiana University.

After the bombing of Pearl Harbor, Charlie enlisted as a staff sergeant in the ROTC and obtained a Bachelor of Arts degree in geology from IU in 1943. Charlie joined the army in 1943, and following basic training, he entered officer training school to become a first lieutenant, during which time he trained in chemical warfare and howitzers. He served as a paratrooper with the 11th U. S. Army Airborne, which was deployed to the southwest Pacific Theater. His unit made amphibious landings at Leyte and later Luzon to free Manila, Philippines. His only combat jump was for a battle at Aparri in northern Luzon. His next scheduled jump was to be into Japan, but it never happened. He finished his military career as a chemical engineer dismantling Japanese "backyard" nitrate factories.

The Indiana Geological Survey, a division of the Indiana Department of Conservation, came into existence in 1946 under the leadership of Dr. Charles F. Deiss, who was also the head of the IU Department of Geology (The IGS changed names in 2017 to add 'water' to the title and has been an IU institute since 1993). After Charlie returned to IU in 1946 and earned a degree in economic geology, Dr. Deiss selected him as head of the IGS Coal Section in 1949. Charlie's Master of Arts thesis "Geology and Mineral Resources of the Jasonville Quadrangle" was published in 1950 as "Coal Investigations Map 1" by the U.S. Geological Survey (USGS). His entire thesis was published in 1952 as IGS Bulletin 6.

The IGS Coal Section was located in Loudon House, the site now occupied by the northwest corner of Ballantine Hall and included two other geologists, S. A. Friedman, and H. C. Hutchison. Charlie recognized the need to identify specific coal beds or seams as an aid to fieldwork. Dr. Deiss contacted Butler University and hired a recent graduate paleobotanist, Dr. G. K. Guennell, and arranged to hire L. V. Miller as a coal chemist within the geochemistry section. Charlie had one hourly student who mainly worked on drafting and a full-time summer

field assistant, R. L. Powell, hired in 1953. A few Coal Section publications were produced by geology department graduate students.

Charles Wier's Coal Section was compiling accurate information on active and abandoned coal mine locations and minable reserves of coal, using modern field mapping tools, such as USGS topographic maps at a 1:24,000 scale and Soil Conservation Service aerial photographs. The Coal Section used drilling logs by water-well drillers and oil field drilling records. Charlie wanted to quickly produce ½ inch-per-mile maps similar to those produced by G. H. Ashley in 1899, adding abundant new data produced by strip mining for coal with steam shovels and draglines. Eighteen Preliminary Coal Maps (PCM) were produced by Charlie and other Coal Section geologists. The first maps produced by Wier were PCM 1, 2, and 3, with the later ones aided by J. T. Stanley, and PCM 12 for Knox County, aided by R. L. Powell. Nineteen counties were mapped (northern Vermillion was included with Fountain and Warren counties and southern Vermillion was included with Parke County). Charlie produced 1:24,000 scale maps for the Jasonville, Linton, and Hymera quadrangles by 1953, the year he received his Ph.D. degree in geology.

The now Dr. Wier proposed to Dr. Deiss in 1957 that R. L. Powell prepare information of caves in Indiana. It was finished in 1961 and became a best seller. He also volunteered Powell to prepare information on the Falls of the Ohio River, a scenic and prolific fossil site, for the Indiana State Legislature to establish a state park in New Albany, Indiana, which was passed, even though the falls are in Kentucky.

Dr. Wier taught a course on Coal Geology in the geology department, starting in the fall of 1961, that was offered most years until 1974. With Dr. John Droste, he also taught for several years Environmental Geology for education majors. Charlie was a faculty advisor of theses and dissertations for 19 graduate students from 1950 to 1992.

Dr. Wier left the Coal Section in May 1974 for a year-long sabbatical to conduct foreign exploration for Amax International in Botswana, an enclave in South Africa, coal in Australia, and minerals in Borneo. He became vice president of Amax Coal Botswana in 1975, thus ending his IGS career. R. L. Powell was acting section head of the Coal Section in his absence. In 1985, Dr. Wier left Amax to become an adjunct professor of geology at Indiana University. He was a member of the Indiana Geological Survey mapping advisory committee for more than a decade, and he was a past commander of the Bloomington American Legion Post.

Dr. Charles E. Wier died May 5, 2019, at the age of 98. He was interred on his birth date, May 15, in the veterans' section of the Valhalla Cemetery with full military honors.

Thank you very much.

**APPLEGATE:** Thank you. Colleagues or those who are able please stand in recognition of these two professors.

Thank you.

**AGENDA ITEM FOUR: EXECUTIVE COMMITTEE BUSINESS**

**APPLEGATE:** We now turn to Executive Committee Business and President Marietta Simpson.

**SIMPSON:** Well. Good afternoon, everyone. And welcome to the first meeting of our spring 2022 semester or what some people might feel like is 2020, the trilogy. Seriously, I'm glad to see all of you that are here today and appreciate that you were able to make it out. As you know, we are in a period of transition on the campus. Our president is relatively new to the role. Several of our units are in the midst of searching for deans. And the new provost for the campus was recently named. We will have the opportunity to greet him when he will join us at the February 15<sup>th</sup> meeting, which happens to coincide with his first day on the job.

**APPLEGATE:** So be nice, please.

**SIMPSON:** Change is hard sometimes. But it also offers opportunities for growth and positive outcomes. So, I hope, like John said, that as we face the changes that are to come, we as BFC members will be open and welcoming to our new leadership as we face these transitions. In the meantime, today is our opportunity to recognize our Interim Provost John Applegate. Many of us have stories and memories of John that we could share today.

**APPLEGATE:** Sounds ominous.

**SIMPSON:** But we asked Elizabeth Pear, head of the Faculty Council office, who has perhaps work with him the longest of all of us to begin with her words of recognition.

**PEAR:** Thank you, Marietta. In my past five years with the BFC, I have never requested time on an agenda. I've been asked to present and answered a question here or there, but anyone sitting up here will tell you that I really prefer not to speak in meetings.

Today, however, is different because we're recognizing someone very special. Interim Provost John Applegate has helped guide the university and this campus through the last few years during a difficult time of uncertainty and transition. With John's leadership, we are inching our way out of this pandemic, having avoided some struggles experienced at our peer institutions. Prior to COVID, what I like to call the before times, John developed innovative academic programs aimed at student success. He's worked to create efficiencies behind the scenes and improve services for students across the university. This is supported by his love for a well-thought-out chart and any information that can be organized in a table. And I would be remiss if I didn't mention John, strategic planning prowess, including an unwavering commitment to bicentennial strategic priority number two, sorry, John, I tried.

**APPLEGATE:** That is a fair cop.

**PEAR:** It is true that evidence of John's accomplishments and service to Indiana University will undoubtedly occupy pages and pages in the archives of Indiana University. I would like to take a few moments today, however, is to talk about the things that the archives can't possibly capture. I had the pleasure of working for John in my position before this one. And I will tell you that he is one of the smartest, most genuine, and kindest humans I've ever met. He leads with his heart, his head, and his humor. John is a model of true leadership, and he upholds the values of IU every day. Over the variety of projects, we've worked on, I've known him to always put people and the well-being of the whole university first. He is practical and pragmatic, probably his lawyer side,

if I had to guess, but never at the expense of people. His humor keeps him grounded and approachable. And he never misses an opportunity to insert a Monty Python reference into a conversation. Just ask one of the UFC co-chairs who ended up going by Bruce for most of last year.

And I will note that John surrounds himself with teams of amazing humans. His Chief of Staff, Sarah Booher, has become a dear friend in addition to a fantastic boss, Danielle, Steve, Jenny, Kip, and so many others have been brought together through John's offices where we've not only done great work, but become great friends. With John, I've always felt like a whole person, not just an employee. He has shown me kindness and grace in times when I could not find it for myself. And he showed me what I want most in a career, a place where I am a part of something, and I enjoy the people I work with. What I do isn't as important as who I do it with. John's impact can be seen throughout the university and his legacy will live forever and shape IU. And those lucky enough to have worked with him for all you've done and all you are. Thank you, sir.

**APPLEGATE:** Wow. I thought I was. No, okay.

**PEAR:** And now, the Bloomington Faculty Council would like to present a resolution to John read by president elect Cate Reck.

**RECK:** The resolution of the Bloomington Faculty Council.

WHEREAS John S. Applegate, the James L. Calamaras Professor of Law in the Maurer School of Law, has most recently served as Interim Provost and Executive Vice President of the Indiana University Bloomington campus; and

WHEREAS he previously served as IU's first Vice President for Planning and Policy and later as Executive Vice President for University Academic Affairs; and

WHEREAS in those roles, he guided the University into our third century with strategic vision, initiatives to make University operations more efficient, and efforts to raise the profile of IU's five regional campuses; and

WHEREAS his leadership throughout the COVID-19 pandemic has helped IU navigate the challenges of these unprecedented times; and

WHEREAS he has modeled the values of Indiana University with his approachable leadership style, sense of humor, commitment to shared governance, and demonstrated kindness and compassion for all members of the IU community and beyond; and

WHEREAS his talents stretch so far as to be an enchanter of rabbits; distinguisher of swallows; arranger and designer of shrubbery; keeper of the sacred words; he has served the length and breadth of this campus that he would lose a limb and doth call it a flesh wound.

THEREFORE, BE IT RESOLVED that this body, the Indiana University Bloomington Faculty Council, a body conceived in and dedicated to the ideals of shared governance, collectively expresses its sincerest respect and gratitude for John S. Applegate's service to Indiana University and offers its hope for him of many more productive and fulfilling years as a faculty member and distinguished environmental law scholar.



Given this day, Tuesday, January 18th, 2022, in the 202nd year of Indiana University. And there's a note, we apologize for any faults that lie here in this document. Those responsible for the mistakes have been sacked and those sacking the people who've just been sacked have been sacked, so the engineers of this document have after the other people have been sacked wish it to be known that they've just been sacked.

**SIMPSON:** I'd also like to thank you, Cate, and Elizabeth. I'd also like to acknowledge Sarah Booher as Elizabeth just did, John's Chief of Staff, who attends Exec meetings. If you don't have the privilege of knowing Sarah, she is the utmost example of efficiency, professionalism, energy, intelligence, and kindness. There are so many other words that can be used to describe her. Just know that she's great. And we've been fortunate to have her in the room. Thank you, Sarah. Sarah, did you stand up just now or did you just stay in your seat?

**BOOHER:** I stayed in my seat.

**SIMPSON:** Yeah. well, you could stand up and everybody could see you. There you go. And it wouldn't be an occasion if we don't have a gift back up here for you, okay.

The Latin writer. And I'm going to kill his name for those of you who know him. I actually went to high school with him. Publilius Syrus said, "anyone can hold the helm when the sea is calm." We all know John, that you are not just anyone. And these are certainly not been calm seas that we have experienced in our presently experiencing. Thank you for being that special person that we needed to guide us through these particularly difficult times. We are so appreciative of what you have brought to this role and for being the person that you are. We have two gifts for you. I had the bags numbered, but being the wise person that I am, I can't see which numbers they are, doesn't really much matter.

**APPLEGATE:** Shrubbery.

**SIMPSON:** Shrubbery. That's right.

**APPLEGATE:** This is a lovely one. Quoting Alexander Hamilton, "Legacy. What is a legacy? It's planting seeds in a garden you will never get to see" which is a beautiful sentiment.

**SIMPSON:** We understand John is a big Hamilton fan.

**APPLEGATE:** I was going to say it's wonderful. It's neck and neck with Monty Python, to be honest. A lovely paperweight memento. "Thank you for leading with honor, integrity and distinction, deepest respect, and admiration from the Bloomington Faculty Council." I thought I had a couple of more weeks to think about clever and witty responses to nice things people might say.

Yeah, I do. But wow, I'm rendered speechless. I guess I'll just say that you did hit on the things that mean most to me. That is, relationships with others. Professional life isn't worth living if it's not based on good relationships with others. I mean that from my soul. It's not worth living if you don't have the table function in Microsoft Word, of course. And you certainly nailed me on

my love of all things Pythonesque. I think I could place all of those references just so you know.

But the last thing I'll say at this point is that well you've heard me say this many times before that shared governance is, I believe, part of the DNA of this institution. I think it's a true statement, but it's also an aspirational statement. And so, the kind words of the Bloomington Faculty Council just mean the world to me. And so, I'm very grateful for these wonderful statements and kindnesses and the thought that obviously went into them. So, I will leave it at thank you for now. I'm completely surprised, as you might have noticed and I'm so grateful. Thank you so much. Surely, there's other Executive Committee Business.

**SIMPSON:** We turned it over to you.

### **AGENDA ITEM FIVE: PRESIDING OFFICER'S REPORT**

**APPLEGATE:** Great. Well, I'm going to bring down the, well, no, I'm not actually. My first topic is not going to be like that at all. So, my report, I've got quite a few things that I want to cover. The first is I want to congratulate Vice President James Wimbush and acting Vice Provost Lem Watson, and everyone else who was involved in the celebration of the Martin Luther King Junior Day events yesterday. I particularly want to congratulate the winners and nominees of the campus Building Bridges and MLK student organization awards from this campus. The student recipient of the 2022 Building Bridges Award is Jordan Davis, who is a junior in the Kelley School of Business. The community recipient is Priscilla Barnes, an associate professor in the School of Public Health. And our campus's first organizational grant will go to the O'Neill School of Public and Environmental Affairs, African American and African Diaspora Studies, or African American Diaspora Graduate Society. That's a great honor for these individuals as well as for the campus. And I want to congratulate them as well. I also want to say that I'm just delighted by the direction that the celebration of Martin Luther King Day has taken to be a conference on social justice. Commemoration, of course, has its place, especially in the case of Dr. King but it is very easy to consign someone like Dr. King to a comfortable pedestal. And as someone who his thought to say very anodyne and uncontroversial things and of course, that is not the reality of Dr. King, quite the contrary. And his activism for social justice did not end with the early phases of the civil rights movement. Toward the sadly shortened end of his life, he was a very powerful and deeply controversial speaker on issues like poverty and the Vietnam War. And so, the efforts of conferences like this to bring back the reality of who Dr. King was, I think are just an excellent idea. And again, I congratulate all who were involved in doing that.

I want to add though, that the coming together that we so often see on Martin Luther King Day had a really terrible counterpart the same weekend with the hostage-taking at the Beth Israel Synagogue in Colleyville, Texas. Some have expressed, and I think we've all heard it surprise or amusement, that the hostage-takers issue was not a Jewish issue or an Israel issue. But the fact is that the target was a synagogue. And the fact is there is nothing random about targeting Jews or Jewish institutions. Blaming the Jews or punishing the Jews for things that have nothing to do with them, plague, famine, unsolved crimes is the oldest trope in the book of anti-Semitism. The sad fact is that hatred is everywhere today, not just out there, but a highly promoted source of fame, of power, and indeed of profit. That is why our university's commitment to valuing difference and inclusion is so important in the world today. Diversity is a strength of our

institution. It enriches our minds and our society. It encourages a wider perspective in our thinking, and it encourages justice in our actions. So, I hope that we will take from both the fine example of an excellent Martin Luther King Day's Conference and the horrifying example of the hostage-taking at Beth Israel, a new commitment to valuing diversity and inclusion as a commitment in our own lives and in the lives of this wonderful institution.

On a related theory or a related subject, I believe most are aware that bills that purported to ban or restrict or modify the teaching of critical race theory were introduced in both houses of the Indiana State Legislature. The Senate version of the bill is not progressing, but last I heard it is still a live bill in the House. I just want to assure this body that our government relations team is intensely aware of these bills and their progress or not. They've been talking with faculty members about it. And I have of course been in touch with them as well, expressing our concerns about it.

I also want to assure this body absolutely that Indiana University places the highest value on academic freedom and freedom of inquiry, of instruction, and of publications. Restrictions or qualifications on the content of education, research, scholarship, or creative activity, are deeply concerning to the university. And if history is any guide, such restrictions are deeply destructive of our society. IU, fortunately, has an excellent and experienced government relations team and the third assurance is that I want you to know that they are giving this potential legislation their highest priority.

Well, as Marietta said, it's yet again the third time around on COVID with starting semesters or déjà vu all over again. And there is no question that January is going to be a challenging month. I suppose the part that is not déjà vu all over again is that it will be challenging in different ways. It won't be challenging in our highly vaccinated community in the sense of severe illness or hospitalizations, but it will be challenging in the sense of absences of class of both students and instructors, and our needing to double down on the protective measures that we had in place last semester. I just want to observe that I think it's fair to say that this is what our new normal is going to look like. It's not spring 2020 vaccines, vaccination rates, treatments, types of disease. It's all very different from two years ago, thank heavens, but it is still the pandemic, and it is still something that we need to learn to adjust to. We've learned how to make our classrooms the safest places in our communities. Really from the very beginning of the pandemic, we have had almost no transmission of the disease in our classrooms. We have a remarkably robust testing system for symptomatic testing, what we used to call mitigation testing and voluntary testing. And that system, we've learned how to scale it up to address the current surge.

So, we need to find ways of dealing with this pandemic, of responding to it, of living with it. That doesn't acclaim between having no restrictions and just saying, well, we're open for business, which we've seen in other places and other countries. And on the other hand, simply shutting down or going completely virtual. And I think that is where we're beginning to see what that cycle, I think of it as an accordion, is going to be looking like for us and for society generally.

So, I think that this semester is going to be an important learning experience, and that's usually euphemism for unpleasant, and there's probably some truth to that. But this semester is going to

be an important time for all of us to begin to see what it looks like to have our practices, our precautions, our restrictions, expanding and contracting as the situation evolves. We can all reasonably hope for a day when we have ways to put COVID-19, if not behind us, making it part of a more standard part of our lives, one that we can manage in a standard way, but we're not there yet until then we will be seeing, as I say, this expansion and contraction of restrictions.

There was a question that was provided in advance that I wanted to respond to here. The question is IU has stated that surgical masks are better than cloth, and KN95 are the best to wear. Is there a plan to purchase these for faculty, staff, students to better protect the community?

The short answer on the question of a KN95 is, no, we do not have such a plan for a number of reasons. First, while people can choose N95 and just looking at the room, I see quite a few of them, they are not required. We are supplying surgical masks in all buildings and if surgical masks are not available in the building that you're working in, please let me know and we'll make sure that they are made available. And finally, you can combine a surgical and a cloth mask that is surgical and then a cloth mask over it for a tighter fit, and that is appropriate protection. So that is the answer to the question.

A few more things at the risk of taking this way out of the timeline. First, as Marietta mentioned, we have a number of deans searches proceeding, they are proceeding on schedule and ought to be wrapped up in the next couple of months. For the Libraries, four finalists have been identified and will be coming to campus in the next few weeks, then in order we will be bringing finalists for the Media School, the Jacobs School, and the Luddy School. I think that's a good order and as I say, things are moving in a good way. Incoming Provost Shrivastav will interview all of the finalists, including of the Libraries, even though those interviews will take place before he begins work, but he will be the person working with them and that seems like appropriate way to go.

There will be upcoming a fifth search, as many of you may know, Lee Feinstein, who is the founding dean of the Hamilton Lugar School will be stepping down at the end of January to take a very exciting new position in Washington DC. He is the person of course, as founding dean who gave the original direction to the school. And so, this is particularly a pivotal time for the school, for the college and the campus as a whole to think about what role and mission the school has. After consulting with the school's policy committee, I've named Nick Cullather to be the interim dean. He served as executive associate dean of the school from 2014-2019. So, he knows the school well from a leadership perspective and I think he will do a wonderful job in spanning from Dean Feinstein's departure to the appointment and taking office of a new dean. I will be talking with Provost Shrivastav tomorrow, I guess, and will offer to help get a search committee started ASAP. He may wish for me to hold off on that until he arrives, which will be fine with me as well, but I do want to make sure that that is one thing that is possibly off his plate.

The president's diversity hiring initiative has been moving forward a number of people have asked where that stands. About 60 requests for positions have been approved. That's a little unrealistically high in the sense that there are a few cases where more than one individual has been sought for a single position that is, a search is ongoing, but it's a great number and I think we're making good progress toward the president's wish to make this expansive for her. Some

offers have been extended and we've had a few offers accepted at this point. That's early going and I'm very hopeful that this will produce the results that we're hoping for.

And a final note is a very happy and exciting one, which is that our continuing remixed programs, sponsored by the Arts and Humanities Council continues this semester with Korea Remixed. It will highlight South Korea's contemporary global impact through film screenings, lectures, and exhibits with leading artists, thinkers, and public figures. If the previous remixed series is any indication, this should be a wonderful series of individual programs and I encourage you to take advantage of them.

#### **AGENDA ITEM SIX: QUESTION/COMMENT PERIOD**

**APPLEGATE:** So, with that, my comments are concluded, and I think we move to questions. All right. Hearing none.

#### **AGENDA ITEM SEVEN: REPORT FROM THE ATHLETICS COMMITTEE**

**APPLEGATE:** The next agenda item is a report from the Athletics Committee. We have Scott Dolson, who is Vice President and Director of Intercollegiate Athletics. Are you joined by the? Just Scott.

**DOLSON:** I'm solo today.

**APPLEGATE:** You've been abandoned. Okay. Scott.

**DOLSON:** Thank you so much, John. And let me start by saying on behalf of IU Athletics to join in on the recognition and thank you for Interim Provost Applegate. I'd tell you John has been, as I'm sure many of you in this room, extremely supportive. He served for many years on our Faculty Athletics Committee. And the way I would describe John is he's got one of those voices that when he talks it feels like everything's going to be okay. And he's been that way for a long time, and I just wanted to thank him publicly for all his support of IU Athletics as well and thank him for his interim service as provost.

In addition, I wanted to recognize as John said, I'm here solo today. I did want to recognize our outgoing faculty athletics rep, Dr. Kurt Zorn. Kurt is actually transitioning out. He is still our faculty rep this semester, but he's combining and co-existing with Marietta Simpson, who will be our new faculty athletics rep. She started January 1, and she and Kurt are together. We wanted to welcome her. But again, just in front of Kurt's peers, just thank Kurt so much. He's up in Indianapolis right now at an NCAA convention and doing some great work for us up there. Coincidentally, I had Kurt as a professor my senior year here at IU in the SPEA program. I can say this now. It's gonna sound like I'm just telling him what he wants to hear. He was my favorite professor when I was on campus. So, it was really an honor for me to serve with him and for him to be our faculty rep. And so, we wish him the best and he's going to obviously continue to do great things for the university and welcome Marietta as well.

And I did want to mention too Carrie Docherty, who is the chair of our Faculty Athletics Committee, could not join us today. Unfortunately, she's had a death in her family, but she is doing a terrific job. Dave Daleke's here, who was a former chair. We've just got to a great

history of chairs and faculty reps in IU Athletics, and they just mean so much to us. So, I just wanted to recognize Carrie as well.

What I've done is I've put together just nine slides, so it won't take too long. But what I wanted to do is really go over our five priorities in the athletic department and give you some highlights from each of those priorities, which are really more than priorities. They're really the pillars of what IU Athletic stands for. It's really our foundation. And after doing so, I'd be certainly open to answering any questions that anybody has.

The first priority that we have, that we talk about a great deal is really just simply playing by the rules, just doing things the right way. And I'm really proud of the fact that we clearly enunciate and negotiate that as our top priority. Not many schools when you talk about what your priority is come out of the box. The most important thing is playing by the rules and that's the way it has been. I commend my predecessor, Fred Glass, and we've continued that as well moving forward, we've had no major infractions really since Fred came on board when he was the star as the director of athletics over eleven-and-a-half years ago and it's been the same way as me as I took over for Fred almost two years ago.

So having said that, one of the things I think it's important for you to know, it's why Kurt Zorn is up in Indianapolis right now. The NCAA is going through some major changes in really looking at the future of college athletics. It's going to be transformational in terms of the governance of college athletics as well as the financial structure. So, in terms of compliance, I think it's important that as we look at our number one priority today and making certain that we're complying with the rules and it's both from an educational standpoint, from a monitoring standpoint. But I think what's going to be most important is moving forward, is if we're able to adapt to the new structure as we move forward with the NCAA. I'll be heading up there this Thursday to Indianapolis for the major part of the convention. Again, it will be very interesting to see the direction that everything goes. You can trust me on this, we'll be on the cutting edge of that. And from a compliance standpoint, regardless of what the rules are, we're going to be writing, toeing the line with all of those. So that's extremely important.

Our second priority that I'll highlight is our priority of really the personal development of our student-athletes. It's really about the student athlete well-being. And I'm so proud of our Excellence Academy. And our Excellence Academy really is the home of our personal development program for our student athletes. And if I could just highlight a few of these programs and I could spend a great deal of time going through what we do in the Excellence Academy. And one of the things I think is most important is that I don't think a lot of people, although we tried to publicize as much as possible, a lot of people don't realize all of the work that goes on in addition to our academic pursuits of our student athletes, in addition to our athletic prowess, we spend a great deal of time on this personal development area. And again, I'm really proud of that. And I really think, this is coming from other sources other than myself, that we're really a leader in terms of how we prioritize our personal development. These programs, I'll go through quickly. This past semester Huddled Up, a social justice program, which was facilitated by the Institute for Sport and Social Justice. We really work with our student-athletes in a new program to really educate them. They have a curriculum that we went through with our student athletes on social justice programs. This is in conjunction with, they've

got a sexual violence prevention program that we also go through with the Huddle Up program for all of our student-athletes, which is terrific.

We have an anti-hate, anti-racism coalition that we formed within our athletic program that we've had several programs in the last year-and-a-half. Most recently, we've partnered with IUPD. I give Chief Lisa a lot of credit here on campus for allowing us to be a part of this program where we really put our student athletes to a program called "Hoosier Community," where we helped our student-athletes gain a perspective and understanding of law enforcement. It was a training lens that really put them through a real-life scenario. It was an outstanding program for our student-athletes.

Another project, mental health awareness is huge for us in IU Athletics, as I know it is here on campus. And we formed a Mental Health Task Force. And when we did that, people think that originally that was about just providing resources for our student athletes, but it was much bigger than that. It really was about also training our staff, training our student athletes on what to look for in terms of mental health awareness and issues as a result of that. The Green Bandana project is where we trained 80 student athletes for them to become what we call green bandana worthy. And they wore green bandana is in terms of they were able to identify mental health issues and to help the other student athletes and people in the department on really having conversations about the mental health aspect of the day-to-day life of a college student athletes. So, it's terrific program.

We bring in speakers throughout each semester. Last semester, we brought in a former women's volleyball player who had really had severe mental health challenges as she was a student athlete. And she's put together this program that was just fantastic for our student athletes. We required every freshman to attend this speaker series it's one of the best ones we've had. And just really the impact that someone who's been through it can have on the current student athletes. The last thing I'll highlight over excellence academy again, I could go on and on. But we have a program called Team Impact where we've had our women's diving, women's basketball, and our wrestling programs have adopted a young person who has had a chronic illness. There's issues that come along when a young person has chronic illness in terms of being socially awkward, socially unaccepted at times. And we brought them into our programs and really help them socially and give them confidence. It's been one of the best experiences for these programs. We are trying to extend that to some other programs.

So again, I think it's important for you to take away from this is in addition, you hear a lot about the competition you hear about. I'm going to talk about our academic successes. But the Excellence Academy work to me some of the best work that happens in the athletic department in terms of the growth of our student athletes, I wanted to highlight some of those areas for you.

John did a great job of talking about our COVID response on campus. And part of the report, one of our big priorities, as I mentioned earlier, the top five is integrating with the university. And what I thought I'd highlight is just our COVID response. And how the collaboration with the campus has been impeccable. Here at athletics were not free agents. We are not on an island. We don't sit and make up our own policies as it relates to COVID and obviously all the issues that come along with that. We've been working hand in hand with our medical team, and I think that's the big takeaway for you on this, when I say our medical team, I say ours it is bigger than the

university. Everything we do really starts, we've got a medical advisory group within IU Athletics, which are three physicians that really advise us on medical policies and as it relates to COVID. We work closely with Dr. Aaron Carroll as you know, who's our University's Chief Medical Officer, and he's been fantastic in that regard. We work with the Bloomington community and the health department and all the things that go along with that. In addition, the Big Ten has a medical task force with the Big 10 Chief Medical Officer as well as a conference, and then we worked with the NCAA. Everything we do in terms of our testing, our policies that relates to masking all of that is really in collaboration with all of those areas. And most importantly, fitting into what the Bloomington campus is moving forward in terms of the policies and procedures. Again, I'm really proud of all the efforts in this area.

The next slide is really the big thing that we're doing right now, which is really focusing on and working again with Dr. Aaron Carroll and our campus partners on masking and physical distancing in athletics as we move into this next phase of the pandemic, as John said, déjà vu all over again.

The big thing that we're doing now, and I'm really proud of the improving on that is really improving the masking. As we started competition this year it was a struggle, to be honest with you in our early games particularly volleyball, which was indoors, men's and women's basketball. The mask participation at times was just not adequate. And I'm really proud of the efforts of a lot of staff, our medical team, to do a lot of educating, to do a lot of due diligent work to make certain that we increase that mask compliance. And I'm really happy to say in the past couple of weeks, we're not certainly where we want to be yet, but it's improved drastically. And any of you who had been to games, hopefully, you've noticed that. That's something we'll continue to work on, with again, taking the guidance from our medical experts.

The other thing I wanted to mention is, the Big Ten issued a new policy which changed from last year in terms of the forfeiture or cancellation of contest if there is a COVID outbreak within a program. That has changed in terms, of we work with the conference on that, and they advise us on, we present the facts and it's more of a collaboration whereas before that was really deemed more within the athletic department itself. So again, that's one of those areas that has been helped to working with our other Big Ten schools.

The next slide, which I think is really something that's important to note that highlights really our integration with university is just how we've collaborated, and I give Doug Booher and his team so much credit. I think you all will join me in amazement at the amount of work that's going on campus in terms of the mitigation testing, which is now symptomatic testing, which also the vaccination efforts, the booster efforts, the flu shot efforts. And again, with our athletic staff, working closely with Doug Booher and his staff assignments.

Simon Skjodt Assembly Hall, I won't go through all these numbers for you. But if you told me three years ago that we've become virtual health clinic, you wouldn't have believed it. And to look, to date, we've had almost 57,000 COVID and flu vaccine doses administered at Simon Skjodt Assembly Hall, and I'm really, really proud of that. And I'm really proud of the collaboration the way we come together, and we said it a lot in athletics, and I know you feel the same way that when you go through a crisis, sometimes it divides people, sometimes it can bring people together, and I'm really proud of the fact that we all wish we weren't in this situation, but I



think we've all come together and made the best out of a really tough situation. And these numbers I think are really impressive in terms of how we work together on it.

Admittedly, this next slide is my favorite slide because I think it says so much, I almost don't need to say anything. Because this is why we're here. And I'm just so proud of our students compete in intercollegiate athletics and the job they're doing, particularly in a tough time. As you can see our graduation success rate is up to 92%, which we just announced in December of '21, was a new record score. And actually, it's a tenth straight year that would be either established a new GSR records are tied to previous record, which is awesome, speaks volumes. In addition, these past three competition semesters, the fall, the winter, and the spring, we set school records for academic all-Big Ten numbers, which would be a three point or higher-grade point average. You can see those numbers. And then when you look at it actually fiscal year 2021, we set total gross number record in terms of 330 academic all-Big Ten honorees for last fiscal year as shattering the old record that was 279. We also had a school record last fiscal year in Big Ten Distinguished Scholars, which is 3.7 GPU over we had 105, which again, we're just so proud of. Finally, I'll just mention that our cumulative GPA for our student athletes last fiscal year was 3.27. So again, just very proud of what we're doing, we can always do more, we will do more. But I think that just shows that our student athletes are on the right track and comprehensively you've got doing a great job.

I'll go quickly on this. I think this is all pretty well-known, but I think it's important for me to highlight our athletic excellence, which obviously is a priority of ours and we're going to compete, we want to be successful. I really want to spend the majority of this time just mentioning to you about our women's basketball program and how proud I am of them. They've just been phenomenal. The game at Purdue this past Sunday was maybe one of the guttiest wins maybe in the history of the program. If there's more behind the scenes that they've dealt with it just continued to amaze me. They are currently ranked number five nationally and just do an amazing things. And I'm just so proud of what they're doing on the court, but just what they represent and who they are and how they represent the university and women's excellence. I mentioned this last year when we had this meeting virtually women's excellence is a big, big priority of mine, of ours in the department. We want to take our women's programs comprehensively to another level, and our women's basketball program is leading the way with that.

Men's basketball, we made a change and hired Coach Mike Woodson. This is first season, again, I'm very proud of the job that he's doing. And more importantly than the records so far, just how we're coming together as a program and again, how they're representing the university, I'm really proud of them. Football, coming off a tough year, had the best recruiting class in the history of the program, I think speaks volumes for the foundation that coach Allen has put in the football program. Men's soccer again, highlighting men's soccer, men swimming and diving are sort of those foundational programs in the department. You want to take them for granted, but certainly they can compete on a national level year in, and year out and just do tremendous work.

The last thing I'll mention, and I think it's important and open up for questions is thought it would be remiss if I didn't mention the name, image, and likeness changes, and that goes along with the NCAA changes I'd mentioned earlier. But name, image, and likeness is something that I get asked about frequently wherever I seem to go, and we start talking about the future of college

athletics. And the big thing I want to mention on this is that part of the department, I think we've been on the cutting edge of educating our student athletes on the opportunities that exist. The big change that happened to be quite honest with you is that student athletes are now treated just like every other student on campus and can maximize these opportunities, whereas before they were prohibited from doing so. And in addition, the Kelley School of Business, we formed a task force on this, on how can we deal with the name, image, likeness issue that's out there now? And the Kelley School of Business, particularly Dr. Ash Soni, has been phenomenal in helping us develop NIL education program for our student athletes where there is personal branding and brand management, business, entrepreneurship, financial literacy, and really opportunity management. And we took this topic and really felt like it was another way to fulfill our educational mission, and again, partnering is part of our priority of integrating with the university, with our School of Media, Dr. Galen Flavio, and then also with Ash Soni. And what he's done with this. I think it puts us in a position where our student athletes have it every opportunity to succeed.

So having said all that, there was a lot and I wanted to get through it. But what I hope is you'll get a feel for our priorities and just some highlights that we have going on in there. One of the things that's important, I think that you know, is that as proud of we are what we're doing in athletics that we know that we're a part of something much bigger than ourselves. We're equally as proud, if not more proud, that we're a part of such a great campus and great leadership and to be working with all of you with our mission of the university. So, with that, I'll open up for any questions you might have.

#### **AGENDA ITEM EIGHT: QUESTIONS/ COMMENTS ON THE REPORT FROM THE ATHLETICS COMMITTEE**

**APPLEGATE:** Thank you, Scott.

Questions? Yes, Carolyn.

**CALLOWAY-THOMAS:** Firstly, I'd like to thank you for your uplifting, informative report, and I especially thank you for the efforts you're making in the area of academic excellence. And as you indicated, that is one of the reasons why we're here. That is one of the reasons why you come and give the report.

**DOLSON:** Thank you.

**CALLOWAY-THOMAS:** In your slide, you indicated that there was a strong push to encourage booster shots. I'm wondering whether you're meeting with some resistance. Why did you phrase it that way?

**DOLSON:** It's a great question. So, the question was that we're really pushing as hard as we can. For our student athletes to acquire booster shots. We did the same thing from a vaccination standpoint, you can see the vaccination rate was right at 95%, maybe a little kind of vary, but it was really close to 95%. So far, and the numbers aren't in yet, we're getting fairly good participation. The booster shot, to be candid with you, it's taken a little more conversation than

the vaccine. But we give our medical staff a lot of credit and they're really doing a lot. It really comes with a lot of education on the front end. But we are seeing more participation early on than we thought as it relates to the initial pushback that we had. But it's going fairly well right now. So, we're excited about that.

**APPLEGATE:** Others? Yes sir.

**LEMPER:** You have to forgive me in advance.

**DOLSON:** Sure.

**LEMPER:** I promised I would ask this question. My niece came down for the women's basketball game against Maryland. Fantastic, great. The only question she said, if you ever get the chance, I want you to ask, where are the statues of the women athletes in Assembly Hall?

**DOLSON:** Actually, that's a great question and that'll be something that we hope to accommodate at some point. And that's something that as our women's program develops at a level that we're heading towards right now that we hope that that first statute will be coming up sooner than later. That's really something that we've talked about a lot and that we want to rectify for sure. It's a great question.

**APPLEGATE:** Others?

Okay. Well, thank you very much, Scott. Really appreciate all your efforts.

**DOLSON:** Thank you.

**APPLEGATE:** Please do convey our congratulations to all of the student athletes for their academic excellence as well as their success.

**DOLSON:** Thank you I will. I'll appreciate it. If we had lost that game last night in Nebraska, I may have called in sick for the meeting today, but I'm glad. Thank you.

**APPLEGATE:** Fortunately, you didn't have to. Wonderful. We now have report on recruitment and enrollment from David Johnson, Vice Provost for Enrollment Management.

#### **AGENDA ITEM NINE: PRESENTATION ON STRATEGIC SHIFTS IN RECRUITMENT AND ENROLLMENT**

**APPLEGATE:** David, I think you were well-known to this group, so please proceed.

**D. JOHNSON:** The BFC and Scott Dolson's comments about your leadership and thank you for all that you've done for IU in your faculty role and in both of your executive vice president and provost role. And I have so enjoyed working with you over these last months, so thank you for your leadership.

**APPLEGATE:** Well, thank you very much.

**D. JOHNSON:** I want to spend just a little time with you and I'm mindful that there's additional items on the agenda. I want to be mindful of our time. It's a pleasure to be here with you this afternoon and to present a little with you about strategic shifts that we're seeing, that are external to IU and that are internal, our own efforts. So, with that I will jump right in. I also am pleased that we'll be able to have a little bit of a hint toward some retention and graduation data and also 2022 cohort. Just a little hint toward where we're seeing things right now.

This just gives you a bit of the mission of the Office of Enrollment Management in our work to recruit, enroll, and serve diverse and academically prepare students in pursuit of their degree. And you can also see here the goals of enrollment management focused on academic readiness, access, affordability, and student success. And many people think enrollment, admissions, but there are 10 offices that make up the division; including a new office of development, which would be a very exciting effort to help us move the initiatives forward for us. So, we're excited about that. But admissions, registrar, and financial aid are the ones that you often think of, but also scholarships, first-year experience, our student services areas, Students Central, one-stop-shop, and some other support units.

I'm speaking to faculty here today, so I should say, who will you teach in the future? What will the students be like? Hopefully academically strong. But also, there are two factors at play here, changing demographics and then an enrollment cliff. And so first, the changing demographics. We have more minority students enrolling at the institution than we have in the past and more minority high-school graduates. In fact, by 2025 the historically marginalized or underrepresented minorities high-school graduates, will be the majority. So that's a few short years away. And we have been preparing for that. And we'll be showing you some information about that.

Then after the 2025 shift in demographics, there is a shift number, in the sheer number of students with the enrollment cliff happening. And you think why? Well, if you've cast back 18 years from 2026, 2008 with the great recession and so with less children born, it's just a sheer numbers game in terms of how many people, how many graduates there are available.

We will have 6% growth in Indiana over the next five years, but after that the 5% decline in the following decade after 2026. And in the nation, there's a 5% growth of high school students in the next five years with a 9% decline in the subsequent decade. We also track the Midwest and look at that. I will say there's an opportunity for growth in the Midwest slightly, but then in 2026 in the Midwest it's a 10% decline.

Test-optional admissions is just one of the strategies that we put in place to prepare for these shifts. And so, I mentioned external shifts. Now this is an internal shift. And of course, you're all too familiar with this. And if you've been on the BFC for a while, you were one of the faculty who helped to prove this in January of 2020 prior to the pandemic. Little did we know that every institution in the country almost would need to move to a test-optional, test flexible strategy at least. And we were well-positioned thanks to your guidance and our advanced work on this. We were poised to be the first in the Big Ten and then well, everybody became a test optional.

Research shows that it does improve access, diversity, and affordability. We presented that here with you before. Students decided how best to tell their academic story. And 46% of our 2021 enrolled beginners opted out of sharing a test score. And we will be providing the EPC with first-semester performance report coming up in March as we dive into those data from fall to spring retention.

Along with test-optional admissions, we included a test excluded scholarship strategy. We created this strategy because on the path to supporting students who are test-optional, where do you draw the line if you're considering tests and which tests level and all of that? And then you consider students who are test optional. So, we decided to be test excluded on our scholarship strategy, which really has been phenomenal. We have doubled the number of historically marginalized students receiving academic scholarships. We've doubled the number of students with financial need receiving academic scholarships. We've had a 16% growth in the 21st Century Scholars Covenant and 32% percent growth in the Pell Promise Scholars over the last year, and so really pleased with these metrics. You'll be getting a handout later. Elizabeth will be emailing that to you with some of these metrics on there.

Certainly, we want to acknowledge the pandemic as we have discussed it several times. I don't need to spend too much time on here because you have managed this in your classroom every single day, whether that's virtual or hybrid or in-person. But I just wanted to mention on the staff side and on the support units side, we've had to do a lot of those pivots that you have done, and we've been very mindful of the viral impact, the economic impact, social justice, mental health, student engagement or the lack thereof, and academic student success, and some data on that in just a moment. So, moving forward, we are going to be continuing some best practices that we learned during the pandemic, and that is providing virtual programs and events for students. Because some people may not be able to make their way here for a program or event. So, we'll keep virtual an option and we will then also be providing in-person as public health and safety allows for those events.

Another strategy that we have put in place is our multifaceted diversity recruitment strategy. The six Cs is a strategy that we put in place in 2013. It was an award winner, I think, in 2014 or '15 with Edge Ventures for our outreach efforts. And that was the way we were working with students and working with families. The way we present it to students is through the Navigate IU Pathway Program. And so, six Cs are community-based organization's counseling, community college communications, camps and competitions, and churches and faith-based organizations. But we present it to students through Navigate. We start with eighth graders; we move through all the way to 12th graders. We're really trying to embrace and engage with a diverse student population. I'll have some numbers for you in a moment.

So finally, here, another new strategy or strategies for student engagement is really technology forward, but also very much people centric as well. So, the College Advising Core, I believe this is our third year where we placed six recent graduates from IU near peers in high schools. They serve as near-peer counselors. And it's a national model. We're the first in the state of Indiana and we're pleased to have this model in place. And we also have our pre-college website where we are helping students to engage through the Navigate IU program and our pre-college programs. Many of your departments put on a pre-college program, whether that's in the summer

or during the academic year. And of course, maybe you pivoted to virtual, or you weren't able to have it just depending on the type of program.

Also, the mentor collective. We all can benefit from mentoring and not just one mentoring or not just one mentor in our life. And so, we have launched a partnership with the Mentor Collective, which is also an organization backed by IU ventures to support students through mentoring and we're pleased with that initiative thus far. We have just been in our second-year engaging students with that. We hope that it will be even more productive as students get to engage virtually and in person. The WISR platform is a platform for students to become engaged with each other in conversation. It's really all about creating conversation as a chance for students to get a roommate, meet some people that have similar interests, similar majors. Also, a chance for current students to engage with prospective students, and this is about building community online to support students.

The Hoosier Experience. This is our first-year experience and we actually expanded that to sophomores this year in partnership with student affairs to provide a second-year experience for students, because many of those students didn't have much of a first year in the 2021 school year.

Finally, Matriculate is a program that we have partnered with and that is also online engagement where they're real students from IU who help other students who were interested in their college search, figure out if IU is a place for them and they make connections. We're excited. We're just really working to be engaged in a variety of spaces and places to support students.

All of this is to say what was the outcome from this past year and you've probably seen this before, so I don't have to spend a tremendous amount of time on it. But we were pleased to have several records and you can see them on the page. And for the interest of time, I won't go through them all but very pleased to have record class, and record diversity, and record number of residents and all 92 counties represented.

David Daleke will be pleased there with the Regional Academic Health Center being highlighted, new interdisciplinary Health Science building. But truly, it's purposeful not just because it's new, it's purposeful because interdisciplinary education is likely the wave of the future no matter what field, whether it's health sciences or others.

And this is a split on the residency, just a slide to have in case someone is interested and we're growing, and our non-resident population but also growing our resident population being mindful of Indiana students because we are Indiana University. And we all know the challenges of international student population and growth and opportunity for enrollment here, but we're pleased with a little rebound this year.

This just is a visual showing enrolled beginners by intended school or college, and you can see here the bubble reflects the size and the number. This is intended major by their application. And then direct admits within the schools and you can see here the numbers as well. Thank you for the school's participation in the direct admit program too, which helped us enroll a very positive class.

Finally, those numbers on retention and graduation that I wanted to share with you. We're pleased, this is from the University Institutional Research and Reporting office, and you can go and see this information yourself out on their website. But I'm pleased that we have this data here to share with you today. They were captured in November of 2021, and it includes graduates of May of 2021 and '20-'21 retention rates. So, the top two lines are retention rates, the top gray one is fall to spring so just one semester and you can see a slight dip for the 2020 students in the fall to their spring semester in 2021. And then a slight dip in 2020 to fall of 2021, just a 1% for year-to-year, and 1.5% for semester to semester. But some bright news in this is the six-year graduation rate at 80.9%, the highest that you can see on this chart and that is something that you all can be very proud of in terms of the work that you're doing and teaching students in the classroom. And the four-year rate is the second highest is 71.5%, just 0.4% off of the high from last year. So those are measures to be proud of and I will also say that we've looked at since we have census for spring semester, and we have looked at 2021-2022, just preliminary data. We're rebounding on the fall to spring semester so hopefully, that 95 is a little blip and hopefully we'll see an increase back up for students.

So, looking forward as I wrap up here, just to say, we're seeing 6% increase in applications, for 2022, 10% in admits, 10% in historically marginalized student admits. And our financial aid packaging goes out tomorrow and that is a month early because we want to get the good news out to students and help students know what their financial aid is, and their academic scholarships would be on there from our Office of Scholarships. And then the school awards would continue to come on to support the yield throughout the spring and the yield season. So, with that, I will be happy to answer any questions if there's time.

## **AGENDA ITEM TEN: QUESTIONS/COMMENTS ON THE PRESENTATION ON STRATEGIC SHIFTS IN RECRUITMENT AND ENROLLMENT**

**APPLEGATE:** Any questions? Steve.

**SANDERS:** David, congratulations. This is obviously a story of great success that you and your colleagues and everyone else involved in this work should be proud of. We have an entering freshmen class of 9,400. I've been around long enough that when we're seeing numbers like between 6,000 and 7,000 people were saying, we're bursting at the seams. We can't get any bigger than this yet every year it seems like we do. Is there an upper limit to the number of students we can responsibly admit to this campus?

Now, I don't teach undergraduates so I don't hear horror stories that people can't get the classes that they need or that everything is being taught by AIs. You talked to our seniors; they all seem very happy with their experience here. I am aware it sounds like the whole classroom capacity is an issue. It feels like I hear about students go into class at 8, 9, 10 o'clock at night and having exams on weekends and all of that. Anyway, I don't know. Do you feel like no we've got 9,400 and we could take another 1,000? or is there some limit to the number of freshmen that the resources at this campus, human and physical, can really do a good job with?

**D. JOHNSON:** I think there is always a limit unless you increase the capacity, increase those resources, and that's faculty, that is classroom space, that is living space, dining space. And over the years since you commented and my 15 years of experience at IU and 11 in this role, that I do

remember some of those conversations around 6,000 or 7,000 or 7,500, but we have renovated classroom spaces and we've certainly renovated and built residence hall spaces. Just opening a brand new in this past fall to support the students. But I think right now this capacity is probably testing some limits as they always can around advising or classroom space. And so, I wouldn't say that unless we got more resources in all of those areas, we wouldn't push past this. And I should say then what I didn't put on the page is, we're looking to enroll a class very similar in size to this last year's class. So not 1,000 more. So, we can manage it because hopefully, it is about enrolling students and managing that enrollment. Thank you, Steve.

**APPEGATE:** Yeah. And if I could add a little to that, I agree with what David says and our planning at this point is for 9,500 to be the flat number going forward. At least our projections, we believe that we can maintain the kind of quality and mix of students at that level. There's obviously a lot of talk about the so-called cliff in around 2026. Cliff has always been a bit of a misnomer. In any event, as David pointed out, you can't just manufacture 18-year-olds so that the number of high school seniors available is a fixed number. But for at institutions like IU Bloomington, while the number of high school students will be flattening, we have tools and resources to be able to maintain a really strong class at about the current level going forward into at least the medium-term future.

And I also totally agree with David about resources. Some individual schools have been really straining with the number of students. We need to have a longer-term plan on housing. Our housing is now almost entirely first-year freshmen students. It would be ideal to have a little more of a mix for everybody concerned. It would be good. So, there is an area that does need to be looked at and I'm sure will be. So, I'm assuming that we will stay at about the current level for entering classes. And of course, if we improve on graduation rates, which we hope to, it's not like ours are bad, but if we improve on that, that will mean that our enrollment will actually go down at any given time. But if it's going down because students are graduating in greater percentages, then that's a good thing, not a bad thing.

Any other questions? Yes, Ky?

**FREEMAN:** Hello. Hi everyone. So, my question is, do you all have any data on the students who possibly stepped away from the university during that time for COVID from 2020, about that time? I have three questions actually.

**D. JOHNSON:** Yes, we would know who the students are, what their profiles are, and information on that, and we can do that analysis in terms of well who did we see departing? We've just got these official numbers this fall, and then that's my team and other teams' efforts to dive into that, to see who did we lose, particularly with that slight dip in the percentage on retention. We absolutely can do that. It can to that, in a way, we are looking at, as I said earlier, the test optional students. And so, we'll be sharing that information as well.

**FREEMAN:** Okay. Thank you so much for that answer. So, then my second question is, as I evaluate, let's say from fall of 2015 all the way till fall of 2021, we see the numbers of Hispanic and Latino students increase drastically over the course of time, which is amazing, but we see that the African American student population from 2015 to right now goes between this like 4.5-4.9%, that's there. So what programs were these programs implemented around 2015 that would



lend itself to that increase that's there. What are ways to try and figure out to stabilize the African American student population that's here?

**D. JOHNSON:** Yes. And so, a bit of demographics at play here as well. This year in 2021 in high schools in Indiana, Hispanic students became the largest minority population, larger than African American students. So that's just demographic shifts that have happened over time. That still doesn't mean that we can't do the excellent work that you are suggesting that we do to make sure we recruit enroll students and so, I will say this year 371 African American black students are in the freshman class, and that is a six-year high. It's not a super high. But it is a high. So, it's better than a six-year decline. And so, we're pleased with that, but we cannot rest on that. We're pleased to announce, that we are putting into place a number of initiatives. We have a new Associate Director for Diversity Recruitment at Kim Stewart-Brinston, in the Office of Admissions. We also have a very strategic partnership with Hudson and Holland program, where we are now as Interim Provost Applegate has been very instrumental in supporting this initiative to offer Hudson and Holland students in-state tuition for residents, excuse me, direct cost of attendance, not just tuition, but direct cost of attendance, and an equal dollar amount for non-resident students. And so that will be a significant enrollment opportunity to get the best and brightest students particularly, black student to enroll at IU.

So, I think those are just a couple of examples along with the Navigate IU Pathway, which is not fully realized, and you throw in two and a half years of a pandemic where you really couldn't do all that you want to do. But you do the things you can do online. I feel good about where we're positioned, again, only to go up, but also keeping in mind the demographic shifts as well. We have about 500 and so, 515, two or more race students, which makes up a multiple number of students and some black students fall within that category too. But the 371 was the single race.

**FREEMAN:** And my last question, last one, sorry everyone. Is that seeing the other things that happened around the social justice in 2020, how did that impact the numbers for IU when you look across all of those demographics that we're there?

**D. JOHNSON:** So, we have continued to increase the number of under-represented students, year over year, over year. We are so pleased that students are choosing to come to IU, driven by a large population of Hispanic students, 700 and plus students in this year's class. So, we're really pleased of that 773 to be exact, and we will continue to focus on our diversity recruitment. We're putting our plans in place for yield this spring. And we are involving faculty. We are involving staff. And we're very focused and clear that we want to move the dial on our under-represented student population, particularly black students. And hopefully you will see that in the outcomes next fall.

**FREEMAN:** Thank you.

**APPLEGATE:** Thank you. Dan.

**SACKS:** Thank you, David, for that informative and encouraging presentation. In terms of thinking about maintaining enrollment in the face of the demographic plateau, it's true, of course, that it takes 18 years to make an 18-year-old, but there are ways to increase the number of 18-year-olds going to college. Even holding fixed the population or with a declining population of

18-year-olds. It seems to me that some of the programs that you've talked about actually are targeting demographic groups that historically are less likely to go to college. And I wonder if that's sort of a particular strategic priority in the face of declining numbers is increasing the college going rate?

**D. JOHNSON:** It was a little hard to hear all of it. But.

**SACKS:** Are we doing things to target groups, who don't traditionally go to college as a way of maintaining enrollment in the face of declining demographic?

**D. JOHNSON:** Yes. Thank you and thanks for calling that out. I was hoping maybe that was a bit more obvious, but when we see the changing demographics than we have to if we want to maintain our enrollment, go after those students to encourage them to consider Indiana University. And so that is part of our College Advising Core Outreach, that's part of the Navigate IU Programs and that is front and center, and truly, I should say, that's why we went to test optional admissions. And I look to President Simpson because she was so supportive of our efforts. It has truly helped us increase our affordability and our diverse student population. And we believe, that was just the first year and we believe it will do so again this year.

**APPLEGATE:** Others? Carolyn.

**CALLOWAY-THOMAS:** Again, thank you for your report. In light of changing demographics in the state of Indiana, is the number 371, with regard to the number of African American in the freshmen class, is that a respectable number?

**D. JOHNSON:** I think given the historical data that Ky was pointing to, it is respectable in terms of that we've had a slight increase, but it's not enough and we need to do better. I think where you might be heading, is we have looked at the state data and looked at the capacity, excuse me the available students in the state, and we don't do as well by the percentage of available African American students, as we do by Hispanic students or majority students and so again, with our new Senior Associate Director and with our efforts to Navigate IU, I believe that we can make a big difference.

Our partnership with DEMA, I think, is strong and we're working to build on that. We have just a wonderful working relationship now with Hudson and Holland, with Carl Darnell. We've always had a wonderful working relationship with them but enhanced now with this new award. But I think it's going to make a big difference.

And I will say that, not all diversity is the same. It's saying under-represented students and we have record, upon record, upon record, that's fantastic, but that's not the same as saying where are our black students, and where the number of our black students, and I fully acknowledge that. But I also am mindful of the challenges of demographics, mindful of the college-going population, and the state also put out a report that, fewer students are choosing to go to college, which then creates a pipeline challenge for us. But at least and my folks in admissions will also tell me that, as the Midwest has declined, all around us people will be coming to Indiana to recruit our best and brightest and that's where we better have the means and efforts to maintain the recruitment of the best and brightest.

Carolyn, I will say, I think we have done excellent work. I think we have done excellent work in partnership with folks, but it is not anywhere near where it needs to be done. But I will say, we have doubled the number of under-represented students plus, and we have doubled some of those populations, Hispanic, two or more races, but yet not for African Americans, the single race.

**APPLEGATE:** Sorry. Israel?

**HERRERA:** Thank you, David, for your presentation. I have just one question about the Pell Promise Grant, the Pell Promise. I believe you mentioned that there has been an increase in 32%. This is compared to last year. I don't know if we can have the number how this is increased from last year in number to the 32%.

**D. JOHNSON:** That's a great question. I always say numbers are one thing and percentages are another. And what do you mean by that? Yes, and so, Elizabeth has the handout and she'll be sending that out to you. And it is on the handout. I had my screen pulled up. It's now locked, but I'll try to do it from memory. I believe that was, I'll pull it up because it was two populations that doubled, and I don't want to miss quote there. I think that was 300 to 600 was the number of under-represented students who receive academic scholarships and then, the other population, I'll pull it up. Sorry.

**APPLEGATE:** I'm sure you can follow up.

**D. JOHNSON:** Yes. I'll be happy to send you an email. And it'll be on the document.

**APPLEGATE:** Terrific. Lisa, and then let's make that the last question because we need to get to our final agenda item.

**THOMASSEN:** Thank you for that presentation. Can you tell us how we've been doing with first-generation rural students? I know that's been a particular emphasis and it's always great to see those students.

**D. JOHNSON:** Yes, and I'm really pleased regarding our rural student initiative that we put in place some years ago around the bicentennial, leading to the bicentennial around 2016. We created the Bicentennial Scholarship Program to promote enrollment from students in all 92 counties so rural students specifically and for the last four years, we've had students from all 92 counties, and we're pleased about that.

In terms of first-generation students to we've made good progress and increasing those numbers as well. We tend to watch that metric, but we tend to pay a lot of attention to our Pell eligible students, to our underrepresented minority students and our first-generation data also is a metric that we've watched, but it is not as powerful as the other metrics.

**APPLEGATE:** Well, thank you very much David and congratulations to you and your entire office for some remarkable work over a long period of time. And reporting over the years to the trustees about enrollment. I'm almost tired of talking about the trifecta that his office pulls off of the backgrounds, the number, and diversity of the class at Bloomington. It really is impressive. So, thank you very much.

**D. JOHNSON:** Thank you. And as my colleagues are making their way forward. I'll say the 32%, I just had to pull it up was 312 beginner recipients this year, 312 is the 32% increase over the previous year.

### **AGENDA ITEM ELEVEN: PROPOSED AMENDMENTS TO BL-ACA-D27, FACULTY MISCONDUCT POLICY**

**APPLEGATE:** Thank you. Now we turn to proposed amendments to BL-ACA-D27 on faculty misconduct. Tim Lemper and Steve Sanders. We had a lot of email traffic. I think the entire council are a large part of it, on a lot of detail. So, I will be most interested to know how you sort through that.

**SANDERS:** Okay. We will try. I'm Steve Sanders from the law school. I co-chair the Faculty Affairs Committee. Let me introduce my colleague, Professor Tim Lemper from the Kelley School of Business, who is the other co-chair of the Faculty Affairs Committee this year. And I'll give you the list just in case you don't know your colleagues who are on the committee this year. We have a terrific committee. It's a little bit smaller, than it is in some years. But the review of the policy that you have in front of you that we start talking about today has really been our major, if not our sole project for the fall semester, we met six times. Everything that you have seen in terms of the proposed additions, deletions, revisions of the policy comes to you from the committee with a unanimous consensus. It's been a particularly effective and gratifying committee to work with this past year. And as always, Vice Provost Eliza Pavalko is an important part of our discussions as well.

The good news is that this policy, what's called the Faculty Misconduct Policy, is not something that is frequently used, or frequently invoked. To the best of Elizabeth and Eliza's institutional memory, there has been one hearing, one proceeding brought pursuant to this policy since 2013. However, the current chair and the membership in case you don't have it in front of you, the membership of the Faculty Misconduct Review Committee this year is Elizabeth Housworth, who's the chair. The other members are Elizabeth Bowling, Carolyn Calloway-Thomas, who's here, Stephanie Kane, and Liz Shea. Based on the one hearing that this committee has had in recent memory though, in 2000 and 2001, Elizabeth Housworth and Eliza came to us with some concerns, things they had learned through that experience about shortcomings the policy might have. And that is what prompted our committee's work this semester.

So let me start out with a few basic points to orient you about the policy. What's referred to as the Faculty Misconduct Policy is a procedural policy. Lawyers, Tim, and I both happen to be lawyers, think in terms of the procedural and substantive. That is, this policy sets out the rules and processes for how a case of alleged serious personal or professional faculty misconduct is presented and heard. But the substantive standards that people are expected to live up to, the substantive standards for faculty conduct come from an entirely different policy called the Code of Academic Ethics.

The Code of Academic Ethics is a UFC policy which the BFC can supplement in the sense of we could go beyond it and talk about other things that we want to expect faculty members to do, but we can't amend it, we can't replace it, we can't take away from it. So important to keep in mind this policy is about procedures, not about the actual substance of expectations. Also, alleged

sexual misconduct or research misconduct are governed by separate faculty-approved policies. Those would not be brought pursuant to this policy. Those aren't issues here.

And I think it's safe to say the Faculty Affairs Committee's goal here was to address perceived problems with the existing policy while making amendments as targeted and modest as possible. There didn't seem to be any need for, and we didn't set out to do a wholesale rewrite or an overhaul of the policy. Granted, if you read it, it's a little bit clunky. It's a policy that has been in existence for something like 25 years. It seems fairly clear that the policy was originally drafted only with tenure-stream faculty in mind because there were very few non-tenure track faculty at the time. Non-tenure track faculty have been added to the policy over the years. It reads a bit like a policy that's been layered on over the years. But in my experience, the more you tinker with something, the more you change, rewrite, it makes people more nervous. It raises more questions. It gives more opportunity to tinker with something that's not broken.

So, our changes here were intended to be modest and to be really as minimal as necessary. But I think there are things that are just perfectly clear about the policy. It covers both tenure-stream and non-tenure track faculty. In other words, all faculty are held to the same standards that are provided by the Code of Academic Ethics and are subject to the same procedures under this policy.

The policy acknowledges the academic freedom guarantees, which are spelled out in policy ACA-32, as well as various other faculty policies and that academic freedom applies to all faculty and protects all faculty regardless of category. And the policy applies only to cases of alleged serious personal or professional misconduct. That's the key language that in turn, what do we mean? How do we know when serious, personal, or professional misconduct exists? It is defined as an egregious, in other words, especially serious and persistent violation of a provision of the Code of Academic Ethics.

The existing policy allows for a range of committee recommended sanctions, where misconduct is found that can range from something as relatively minor, as a letter of reprimand from the provost, not that I would want to get a letter of reprimand from John, but a letter of reprimand from the provost up to dismissal. As such, it underscores that those actions can only be taken through the process of the faculty-approved misconduct policy.

It incorporates an evidentiary standard of clear and convincing evidence. Interestingly, this is a higher standard than the Sexual Misconduct Policy. It is a higher standard than student conduct proceedings or subject to those operate under a standard of what's called preponderance of the evidence but this policy, I think appropriately because of what is at stake for the faculty member, demands a higher standard of evidence, clear and convincing evidence. But one wrinkle of the existing policy is that somewhere along the way, reference was incorporated that it also governs cases of alleged faculty incompetence, and incompetence is not defined. That makes some of us nervous. We don't want something like that laying around and saying that, well, somebody is accused of being incompetent. They can be, brought up on charges under this policy. And so, one of our key tasks was to say, incompetence as part of this policy, what does it mean? How is it defined? As best we can tell from those who've been around faculty affairs for a long time, that was added some years ago when the Faculty Affairs Committee was making an effort to deal

with post-tenure review and finally sort of threw up its hands, never did come up with a policy on post-tenure review but said incompetence could be something that allegations of faculty incompetence could be brought to this committee.

So let me turn now, the last couple of slides are the key features, what I think are the most important things to focus on in the proposed revisions that were circulated to you with the agenda. First, we provide a clear and specific definition of incompetence for purposes of this policy, and we chose, and this was with a lot of guidance from Eliza Pavalko's office to focus on really dereliction of duty, when someone is knowingly and willfully not carrying out their professional responsibilities. We've defined incompetence as chronic or egregious dereliction of duty, such as by a faculty member willfully refusing to perform job duties, unreasonably neglecting job duties, or engaging in behavior such as substance abuse that renders them incapable of performing their job duties.

Second, we have made non-tenure track faculty on long-term appointments eligible to serve on the Faculty Misconduct Committee. The existing policy calls for only tenured faculty to serve. We have changed that so that NTT faculty are eligible to serve as well as long as they're on a long-term contract. And recognizing that expectations for faculty are primarily set at the school level, the policy clarifies the circumstances under which deans may raise concerns about a faculty members conduct, short of bringing a misconduct complaint to the committee. That's on pages five and six, but it reserves reprimand or any other sort of formal sanction for the Faculty Misconduct Review Committee process. But we were told that there are occasions when a dean would like to send a letter of expectations, for example, to a faculty member who is wayward in some way and is told, well, you can't do that. Only the Faculty Misconduct Policy can reprimand me. So, we wanted to make clear there are times when it is appropriate for a dean to bring problems to the attention of a faculty member. We like it when problems can be resolved informally, but that this committee process is the only process that can provide for a serious and meaningful sanctions such as reprimand, suspension, or dismissal.

Last page of slides, we clarified some issues around confidentiality while also making clear that they should not impair a faculty member's first amendment speech rights. It is not intended as a gag order on the faculty member who is being accused of misconduct or incompetence. But at the same time, it does underscore the importance of confidentiality. We added some caveats that about the role of the University General Council, Provost Applegate and I have had some conversations offline about that. That's maybe something we go back to the committee about. Happy to talk more about that if you have questions once we get through the initial presentation.

We have clarified some time issues in a way that were intended to clear up ambiguities about the meaning of a day, and also to seek to assure that hearings don't drag on for weeks on end that both sides have the time they need, but that hearings are completed expeditiously. And frankly, recognizing that a policy can't anticipate every eventuality. Again, we began this conversation by having an entire meeting with Elizabeth Housworth, based on her experience chairing this committee. The policy empowers the chair to make certain judgments that are intended to assure that hearings are both fair and efficient. That provision is at page nine. With that, let me ask Tim if he would like to add anything because he was in all of these meetings and whether Eliza would

like to add anything as she was part of all of these meetings as well. Okay. Eliza, anything I forgot.

**PAVALKO:** You didn't forget anything. But I just want to emphasize again, to this beginning that these really are very rare. One of the things when you read the policy, you realize that it's only a dean or the Vice Provost for Faculty Affairs who can bring this forward. That's not because those are the only, but anytime something came forward, it would really be based on concerns of faculty, staff or students that come to those. But that's meant as a funnel again, to make it a very rare and kind of last resort process

**AGENDA ITEM TWELVE: QUESTIONS/COMMENTS ON THE PROPOSED AMENDMENTS TO BL-ACA-D27, FACULTY MISCONDUCT POLICY**

**SANDERS:** Okay. So, with that, I think we're open for questions or comments. Yes. Nandini?

**APPLEGATE:** Now you're on.

**GUPTA:** Thanks so much Stephen. Everyone else on the committee, can you hear me?

**APPLEGATE:** Maybe bring it a little closer.

**GUPTA:** A little closer, is that better? Okay, so not being a legal scholar, I'm probably missing the nuances and so I'd like some clarification on the kinds of behavior you include under incompetence. So, in particular, I was looking through the examples you gave. And one of the things I'm confused about is, what is the difference between professional misconduct and incompetence? If you're not showing up for class or if, I think one of the examples was that you're not showing up for service and so on and so forth. Why isn't that already covered under professional misconduct or does professional misconduct imply something like plagiarism or I mean, I just wonder whether there would be benefit to clarifying what is professional misconduct not covered by professional misconduct and therefore covered by incompetence.

Sorry, I just had a couple of more and I promise I'll stop. I'm sure everybody has lots of questions. It seemed from the examples that you gave, and I don't know if that's all you had in mind, perhaps a better definition would be neglect of duty. It seems to be much more specific than incompetence. Because to come back to my roots concern, I feel that this is a very broad definition which can be open to interpretation, perhaps not by this administration, but maybe by future administrations or colleagues or whoever. I worry about the undefined, or I should say, I would be more comfortable if it was more precisely defined.

Lastly, I think it's a great idea to include all our faculty on the Faculty Misconduct Policy Committee, FMPC. However, I was wondering whether non-tenure track faculty vote on tenured and tenure-track cases? And I don't know if you have given any thought to that. Thank you.

**SANDERS:** Sure. First regarding the distinction between misconduct and incompetence. Again, the Code of Academic Ethics, which unfortunately, I didn't ask Elizabeth to have prepared here, if you look at it and access it, it is long, and in many ways reads as being aspirational. It is not a

very clear legal code that is very specific expectations. So, there are a lot of things potentially, I think that could be said to be a violation of the Code of Academic Ethics. It can't be brought to this committee unless it is an egregious violation. But the word incompetence was there when we encountered the policy. It wasn't our decision to add this concept of incompetence, but we had the same concerns that you did. It just says, in one sentence, as if it were added as an afterthought, cases of alleged incompetence are also adjudicated under this policy. That's why we thought it was important to add a very clear and specific definition. You use the term neglect of duty; we've called it dereliction of duty. I think that's the same thing. If anything, dereliction requires a stronger sense that this is almost a willful action by the faculty member to be neglecting their responsibilities.

Why was it necessary to add this? I might ask for Eliza's perspective. Again, when problems like this arise, Eliza's office is the office that's most likely to hear about it or to know about it, and so that's why we found her counsel as part of the committee so helpful. As much as I would like to believe that we never have faculty members not showing up to class or showing up drunk or high, apparently it happens. And for whatever reason, it has been the judgment of Eliza's office that, I guess, those couldn't be handled under the misconduct policy, but that is what we mean when we talk about rising to the level of incompetence that should be adjudicated. I'm going to turn to Eliza to ask for anything else she wants to add about why this is a category of misconduct or misbehavior that was worth adding specifically.

**CALLOWAY-THOMAS:** Could she add a sense of how many cases we have had over the years in terms of issues regarding incompetence.

**PAVALKO:** Well, certainly. Because the Code of Academic Ethics is quite broad, there are a number of things that can fit under there. As Steve said, in part, the policy already referred to incompetence. There are things that could fit, if somebody is coming to class drunk all the time, there are ways that you could fit that into the Code of Academic Ethics. But for clarity, there is action that we would want to be able to take as a university if that was happening. So, in a sense, it was an effort to clarify that. Again, these are really rare situations as we said. There's been one case of misconduct that's come up since before my term and when Elizabeth looked back before 2013. So, these are very rare. And again, it's a last resort. Typically, if there are problems of that type, we would try and address it in much other. This is really the last and, in some ways, worse resort because you try and resolve it and solve those issues in other ways. So, it's rare.

**SANDERS:** But again, this reference to the concept of incompetence as being separate and somehow different from misconduct, that's in the existing policy. We thought we don't want something that vague and potentially arbitrary out there, and so that's why we thought it was necessary to add the more, what I think is a fairly clear and specific and relatively narrow definition. We're not talking about somebody who hasn't read a journal article from last year that's important in their field or something like that. We're talking about something much more clear than that.

Finally, I think if I understood the question, would the non-tenure track faculty members of the misconduct review committee be able to participate in cases involving tenured faculty members? If that was the question. Absolutely. This is not like a decision about tenure where it's thought that tenured faculty understand the expectations of tenure and it's only appropriate for tenured



faculty to vote on a tenure case. Misconduct doesn't know those kinds of boundaries. And it doesn't apply to research misconduct, which is another issue that would go to a separate company. But absolutely no, there won't be recusals or anything like that. Whoever is on the misconduct committee would handle the case whatever the status of the faculty member is. I know we're probably close to time. At John's discretion, do we have time for another question or comment?

**APPLEGATE:** Well, I got about two minutes, so I'm going to leave it up to John. Do you want to work within those limitations?

**CARINI:** I just had a clarification. We had discussed this. But the word incompetence is not there by accident or just showed up in the previous version as policy. It's in university level, trustee level policy, that states that incompetence is one of the criteria for dismissal of a tenured faculty member. And so, we need some way, some procedure for judging those cases. And we felt it was still appropriate that the misconduct committee was the place to do that.

**SANDERS:** Thank you for mentioning that. The tenure policy does say you can be de-tenured under three circumstances basically: incompetence, serious personal or professional misconduct, or extraordinary financial exigencies. This policy now requires that a faculty voice and a faculty approved process be used when somebody is accused by an administrator of the kind of incompetence that could lead to that sanction.

**APPLEGATE:** Unless I be accused of a presiding officer incompetence, I need to bring us to an end before 4:30. This will again be on the agenda on February 15<sup>th</sup> because I believe our next meeting is devoted to issues of mental health. So, there will be plenty of time to continue the discussion then. And of course, in the meantime, let me just finish by again thanking all of those who spoke and the board, or the council as a whole for your very kind words and thoughts. And let me assure you they are completely reciprocated. So, we are adjourned.