

**Indiana University**  
**BLOOMINGTON FACULTY COUNCIL**  
**February 5, 2019**  
**Presidents Hall – Franklin Hall**  
**2:30 P.M. - 4:30 P.M.**

**Members Present:** Kyle Adams, Heather Akou, Carey Beam, Alan Bender, Simon Brassell, Fritz Breithaupt, Paul Brunner, Daniel Bullock, Todd Burkhardt, Selene Carter, Barbara Cherry Judah Cohen, Rachel Cohen, Josephe D’Ambrosi, Kenneth Dau-Schimdy, Lori Dekydtspotter, Frank Diaz, Erika Dowell, J Duncan, Jane Dutton, Ann Elsner, Philip Ford, Lynn Gilman, Dennis Groth, Kenneth Guerra, Pamela Jackson, Colin Johnson, Padraic Kenney, Robert Kravchuk, Ivan Keilkamp, Moira Marsh, Meg Meiman, Thomas Nelson Laird, Eliza Pavalko, Eric Rasmusen, Lauren Robel, Leslie Rutkowski, Susan Seizer, Jim Sherman, Marietta Simpson, Paul Sokol, Solomon Bruce, Geoffrey Sprinkle, Aaron Travers, Jonathan Trinidad, Richard Van Kooten, John Walbridge, Alex Wisniewski

**Members Absent:** AJ Asomani-Adem, Hussein Banai, Alyce Fly, Linda Gales, Krista Glazewski, Maggie Hopkins, Peter Kloosterman, Angie Raymond, Patrick Shih, Katie Siek, Alex Tanford, Jacob Warner, Nick Williams, William Winecoff

**Agenda**

- 1. Approval of Minutes of January 15, 2019**
- 2. Memorial Resolution for William Haeberle**
- 3. Memorial Resolution for Anabel Powell Newman**
- 4. Executive Committee Business (10 minutes)**  
Moira Marsh, Faculty President
- 5. Presiding Officer’s Report (10 minutes)**  
Lauren Robel, Provost
- 6. Question/Comment Period** Faculty who are not members of the Council may address questions to Provost Robel or President Marsh by emailing [bfcoff@indiana.edu](mailto:bfcoff@indiana.edu).
- 7. Proposal from the Nomination Committee regarding non-tenure-track election units (5 minutes)**  
Diane Henshel, President-elect and Chair of the Nomination Committee  
[Second Reading – Action item]  
B21-2019 Proposal regarding non-tenure-track election units

**8. Questions/comments on the proposal from the Nomination Committee regarding non-tenure-track election units (10 minutes)**

**9. Report from the Educational Policies Committee (5 minutes)**

Jack Bielasiak, Co-chair of the Educational Policies Committee

Simon Brassell, Co-chair of the Educational Policies Committee

[Discussion Item]

**10. Questions/comments on the report from the Educational Policies Committee (10 minutes)**

**11. Report from the Faculty Board of Review (5 minutes)**

Beth Gazley, Chair of the Faculty Board of Review

[Discussion item]

**12. Report from the Faculty Mediation Committee (5 minutes)**

Jessica Lester, Chair of the Faculty Mediation Committee

**13. Questions/comments on the reports from the Faculty Board of Review and the Faculty Mediation Committee (30 minutes)**

**14. Proposed Resolution against Harassment (5 minutes)**

Selene Carter, Co-chair of the Diversity and Affirmative Action Committee

Michael Morrone, Co-chair of the Diversity and Affirmative Action Committee

[Action Item]

B25-2019: Proposed Resolution against Harassment

**15. Questions/comments on the proposed Resolution against Harassment (10 minutes)**

### Transcript

#### **AGENDA ITEM ONE: APPROVAL OF MINUTES**

**ROBEL:** Let's see if I can call us all together with the request for the approval of the minutes. Just shout it out, thank you, Bob, and a second. Thank you very much all in favor, opposed. Great, okay, this is a big memorial resolution, Bill Haverly, Eliza. All right, and we have two today.

#### **AGENDA ITEM TWO: MEMORIAL RESOLUTION FOR WILLIAM L. HAEBERLE**

**PAVALKO:** Our first is William L. "Bill" Haeberle.

William L. "Bill" Haeberle, Emeritus Professor of Management and Entrepreneurship at the Indiana University Kelley School of Business, died at his Bloomington home on Oct. 26, 2017, at the age of ninety-five. Dr. Haeberle taught at the Kelley School of Business from 1946 until his retirement in 1984, and he remained active as an emeritus faculty member into the next decade. He had a career spanning six decades.

Born on May 19, 1922, in Maywood, Indiana, above his grandfather's grocery store and butcher shop, Dr. Haeberle graduated from Indiana University in 1943 with a BS in Business. After serving in the Army during World War II in the Pacific Operations, where he was promoted to Captain and received a Bronze Star, he joined the faculty of the Kelley School of Business at Indiana University in 1946, was awarded an MS in Business in 1947, and a Doctorate in Business Administration in 1952.

Dr. Haeberle first taught "Principles of Selling and Sales Management," but in 1958 he created and began teaching in one of the nation's first collegiate entrepreneurship programs. Several years later, he initiated internship programs in private businesses. From 1958 to 1984, Dr. Haeberle directed the Indiana Executive Program, a precursor to the current Kelley Executive Education program. He was the Director of the International Consortium for University Executive Education from 1972-1993. He became Emeritus Professor of Management in 1985, and while continuing to teach, he was also involved in the start-up of over four dozen private companies. Additionally, he was a professional corporate director for more than five dozen private and public companies, and he was a consultant to numerous top executives on how to introduce an entrepreneurial spirit into their organizational culture.

In 1989, Dr. Haeberle helped to establish what today is known as the Johnson Center for Entrepreneurship and Innovation, which supports faculty research and educational offerings in the discipline at the Kelley School and across the entire Indiana University campus. He served as a senior fellow at the center and remained an active advisor and mentor to numerous students. Because Dr. Haeberle left such an enduring impact not only on the students at the Kelley School, but also on Indiana's entrepreneurial culture, the Johnson Center created The William L. Haeberle Entrepreneurial Legacy Award as a tribute to his legacy. This award is presented to select Hoosiers who have created some of the very best entrepreneurial firms in the state. In addition, the William L. Haeberle Professorship in Entrepreneurship was established at the Kelley School to honor his legacy.

Even after retiring from full-time teaching in 1992, Dr. Haeberle developed the second-known graduate-level course in turnaround management, for students who were interested in consulting ailing firms on how to return to profitability and leadership. He taught his last class in 2004. Over the years, he led generations of students and alumni through a variety of entrepreneurial activities ranging from automotive dealerships to oil well explorations to Wall Street, and from forming and operating limited partnerships that financed aviation and transportation companies to providing venture capital and consultation for insurance companies.

In 1983, then-Indiana Governor Robert Orr appointed Dr. Haeberle to the board of the Indiana Institute for New Business Ventures. Dr. Haeberle also guided several national organizations, including the National Entrepreneurship Foundation, which he founded in 1981 and led for many

years. In 1983, he was named vice president of the National Association of Corporate Directors, which helped individual board members evaluate and improve their knowledge and skills by providing educational and informational programs on board-related issues. He also was director of the International Consortium for University Executive Education from 1972 to 1993. In 1989 he received the Indiana Heartland Entrepreneur of the Year from the Arthur Young and Inc. magazine and was inducted into the Institute of American Entrepreneurs. He is listed in Who's Who in America, Who's Who in the World, and was named a Sagamore of the Wabash. In 2007 he completed his autobiography "I Never Worked a Day in My Life." Toward the end of his life, he commented, "I've had a great life: I may not have done it all, but many times enough to feel fulfilled." He believed he had met his life goals.

Dr. Haeberle was preceded in death by his wife of fifty-five years, Yvonne, who passed away in 2002, and two infant children, Steven Carlton Haeberle and Ann Carlton Haeberle. He is survived by a daughter, Patricia Yvonne Haeberle Olsen of Potomac, Maryland; two sons, David Carlton Haeberle (wife Beth), who is a clinical professor of finance and the Peterson Faculty Fellow in Investment Banking at the Kelley School, and William Carlton Haeberle of Columbus, Indiana, an IU Trustee Lecturer of Business at Indiana University Purdue University-Columbus; and six grandchildren, a great-grandson, three sisters-in-law, four nephews and three nieces.

Dr. Bill Haeberle will be missed by his Kelley School and Indiana University colleagues. The legacy of his accomplishments for the School and University will live on, and we will forever be grateful for his many contributions. Be it resolved, therefore, that this statement be entered into the permanent minutes and archive of the Bloomington Faculty Council. A copy of this resolution will be sent to his son, David C. Haeberle.

Donald F. Kuratko

The Jack M. Gill Distinguished Chair of Entrepreneurship;

Professor of Entrepreneurship;

Executive & Academic Director of the Johnson Center for Entrepreneurship & Innovation

Kelley School of Business IUB

The legacy of his accomplishments for the school and university will live on and he will forever be grateful for his many contributions.

### **AGENDA ITEM THREE: MEMORIAL RESOLUTION FOR ANABEL POWELL NEWMAN**

**PAVALKO:** Our second resolution is for Anabel Powell Newman.

Anabel Powell Newman was born March 9, 1930 on a small farm in eastern Washington and passed away peacefully at her home in Bloomington, Indiana on November 13, 2017.

Retrospectively, Anabel viewed her life as an adventure and was ever grateful for the people and experiences along the way that shaped her life of service and joy.

Anabel received her undergraduate degree at Principia College in Elsah, IL in 1951. Her subsequent deep dedication to service dates from her time at Principia, where heavy emphasis was placed on service – to God, country, and fellow man. After working for a few years at Principia, she moved to Iowa City, IA where she earned a master's degree in Education and a Teaching Certificate in 1962 from the University of Iowa. She continued her education at SUNY, Buffalo, earning her EdD in 1971.

Having acquired considerable experience coordinating research projects, developing programs and teaching in Cedar Rapids, Iowa and Buffalo, New York, Anabel joined the faculty of the Language Education Department at Indiana University, Bloomington, in 1971.

Anabel's services to Indiana University were many and varied, as she readily accepted new challenges that came her way. In the School of Education, Anabel will be remembered primarily for her role as the Director of the Reading Practicum Center at IU for over 20 years, supervising the development of teachers of emerging new readers at all levels, and developing new courses in Elementary and Reading Education. She also fulfilled a number of administrative roles, including Assistant Dean of the School of Education, and served on a variety of committees, including the Policy Council, the Student Affairs Committee, the Affirmative Action Committee, and the Recruitment and Admissions Committee, and the Institute for Child Study, Interdisciplinary Clinic, among others. The University is fortunate to have a Children's Daycare Center, providing quality care for the children of faculty and staff; Anabel served as a consultant during development of this center.

Throughout her university career, Anabel pursued her interest in research relating to successful methodologies for working with troubled readers and to preparing teachers to be successful in the reading classroom. Over the years she participated in the development and publication of research papers, monographs, journal articles and books on these topics. Notable among her publications are *Adult Basic Education: Reading*, which was translated into Japanese in 2003, *Contexts and Challenges* (co-written with Caroline Beverstock), and the LIT-TV videos and manuals published in collaboration with Michael Parer.

Running as a continuous thread through her work at Indiana University is the theme of adult literacy, which Anabel supported at the local, state, national and international levels. It was this service that seemed closest to her heart.

At the local level, Anabel worked with Michael Parer to develop LIT-TV, a training program to prepare volunteers to work with adult non-readers, which later became the VITAL Program at the Monroe County Public Library, now recognized as one of the premier adult literacy programs in the state. Many directors and tutors in local literacy programs in the state of Indiana over the years received inspiration, guidance or instruction from Anabel, either through her courses at IU or through association with state literacy organizations in which she was active.

At the state level, Anabel chaired the Indiana Coalition for Literacy during the 1980s, served both on the board and as a consultant with the Indiana Literacy Foundation, founded by Susan Bayh in 1990, and later served on the board of the Indiana Literacy Association. Nationally, Anabel represented the International Reading Association (IRA) of the National Coalition for

Literacy, an organization representing 27 major literacy organizations around the country and chairing that organization for two years. In her role as chair, she represented the organization at the International IRA Convention in Australia in 1988 and also the IRA at a meeting of NGOs at UNESCO headquarters in Paris. Also representing the IRA, Anabel made two significant presentations in support of adult new readers, one to the United Nations in New York and a second to a Congressional Committee in Washington, D.C.

Anabel's dedicated service led to wide recognition, and over the years, she received numerous awards: Carolyn Barclay Memorial Award (1948); Principia College Home Department Award (1951); Pi Lambda Theta, Ella Victoria Dobbs Award (1972); Pi Lambda Theta, Iota Chapter, Distinguished Service Award (1981-82); State of Indiana Literacy Leadership Award, (1987); Indianapolis Private Industry Council, Job Training Partner of the Year (1988); State University of New York at Buffalo Outstanding Alumni Award (1989); Beta Phi Mu, Chi Chapter; Scholarship and Service to the Library Community (1991); Literacy Volunteers of America Leadership Award (1991); Indiana Humanities Council Lifetime Achievement Award (1992); Indiana Association for Adult and Continuing Education Award for Leadership and Service to Adult Education (1994); and finally, the Principia Outstanding Alumni Award (2000). After retirement, Anabel continued her commitment to the field of adult literacy, producing an additional book, M2IP3: The Role of Model, Motivation, Interest, Perseverance and Positive Pressure in Teaching Reading to Challenged Readers, and developing a website, [littleabe.net](http://littleabe.net), to make broadly and freely available a series of stories specifically developed to assist in enhancing fluency among adult new readers.

Anabel was preceded in death by her loving husband of 38 years, Philip Newman, and by both of her brothers, Chester and Gene Powell. She is survived by her nephews Hector (and Janis) Powell, and Gregory (and Francene) Powell, and by her nieces Joan Powell and Rindy Powell. Service was truly the hallmark of Anabel's life. Her dedication is only barely represented by the various awards and accomplishments in her life. She had a gift for recognizing and encouraging potential in people outside the mainstream; her enduring legacy is in the friends, colleagues, former students, and mentees in this country and around the world who carry the memory of her kindness, openness, and generosity into their endeavors to make the world a better, more just place.

Copies of the resolution will be sent to surviving nieces and nephews, the Language Education Department at IU, the VITAL Program at the Monroe County Public Library, and close friends and colleagues in literacy, Brad Antonides and Karen Shepherd.

Thank you.

**ROBEL:** Thank you. Boy, very different lenses and huge impact, both of them. Please stand.

Thank you.

I can't tell you how many alums I've met, I didn't have the privilege of meeting the people that Anabel Newman worked with, but I can tell you how many people I've met who worked with Bill Haeberle who just felt like he was responsible for their lives and success.

## **AGENDA ITEM FOUR: EXECUTIVE COMMITTEE BUSINESS**

**ROBEL:** So okay, we turn now to our president for executive committee business.

**MARSH:** So good afternoon. I do not have too much to say, which is good because there will be plenty more said in the rest of this meeting. But two things I want to draw your attention to.

Once again, the elections, for the BFC elections of all kinds are about to start. I think I'm going to create a new position. We've talked about dog catcher, we don't have a dog catcher, but we might perhaps need an appointed honorary position for chief squirrel wrangler on campus, but maybe not.

So the election will be open within a few days, beginning with the primary or the nomination process. I do encourage all of you to talk to your colleagues within your units or even. Because we still have at large seats anywhere on campus and encourage them to say yes, to a nomination and nominate them.

In fact, the governance works best if it's shared broadly. We will be talking about that, another aspect of that later on today. And if anyone has testimonials that they would like to send us that we can use to encourage more broad participation, you can lie, if you like, or not.

But please do take that process seriously. We've found that the best way to get broad participation in BFC is through a personal touch, a personal contact. It's all about relationships at the end of the day, so I do encourage you to, Talk this up. And the second thing that I want to draw your attention to and this will all become clear in coming weeks is that so far as the BFC legislative agenda for this semester, our is pretty much full.

We have tentative agendas for the rest of the semester. And they're almost all completely full. Now, things can change, of course. But just so, especially this is directed especially at committee chairs. If you have business that you want to bring to the floor for action this semester, you should be letting the executive committee know now.

And even at that we may not be able to guarantee it. So I see that as both a good thing and a bad thing that we have lots to do. But as usual it's all happening at the same time. Which brings me to my favorite quote on this matter, which is that they say time was invented to make sure that, God invented time in fact so that everything doesn't happen at once.

But when it comes to the BFC, it appears that doesn't work.

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

**ROBEL:** Well thank you. And I really do want to thank all of my colleagues on the BFC. Particularly those of you who are chairing committees, for the work that you've all done recently

to assure that we are on track and on schedule to have our meetings be used protectively and to get to the end of your agendas by the end of this semester.

That we all have the experience of being in the last faculty meeting of the year. And none of us like it for a reason. So there's a, it's good for us to be in this position. I also want to commend to all of you, the Mexico Remix series.

There are six events happening this month, there are 12 events in March and 9 in April. So there is lots to do in every cultural venue on campus. All the library possibilities, the Grunewald, the cinema, just everywhere you can look there are things that are involved in exploring the wonderful culture of the arts and humanities in Mexico.

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

**ROBEL:** So please, take advantage of that. I don't think I received any questions ahead of this meeting, correct?

Good, so we're jumping right on. We start with a proposal from the nominations committee regarding non-tenure track election units. And I turn to Diane Henshel.

**BENDER:** Could I ask one question though, are we allowed to ask questions ourselves or do they have to be submitted ahead of time?

**ROBEL:** Sure go ahead.

**BENDER:** Okay, thank you. Yes, so I apologize for asking again about the status of BFC policy on GenEd. But it does seem like it is important for the BFC to come to some agreed upon understanding of what that status is. And to make that understanding explicit and public.

And mainly so that so that schools and departments can have some clarity about what the status of GenEd is.

**ROBEL:** Can I maybe stop you right there? Because I know that the educational policies committee has been deeply involved in this. That the executive committee has been deeply involved in this.

And that the Vice Provost for Undergraduate Education does a report on general education every year. So if there's something that is a question as opposed to something that is currently before one of the committees, including the Executive Committee, fire away. But if it's something that is in front of those committees, it would be great if we could honor and respect our committee process.

**BENDER:** I think I would like to go on and ask the questions, if I may.

**ROBEL:** All right.



**BENDER:** Okay, so, and I'm doing this with understanding of what's happening on some committees anyway. Okay, so two questions I have are about the status of BFC policy on diversity in the US.

So here's the first question.

**ROBEL:** That is on the agenda for later.

**BENDER:** Yeah, I know what the situation is, it just seems like this, my judgement is that this would be the most appropriate time to ask. But if you want me to wait.

**ROBEL:** I would. We've got it on the agenda and it's a full agenda.

Thank you. Okay. Anything that's not on the agenda when we'll have an opportunity to raise it? Okay great.

**RUTKOWSKI:** Yeah I'm not exactly sure about the correct route to take on this, but I'd like to raise this issue. So in the Herald-Times on Saturday, trustee Patrick Shoulders, expressing frustration with the perceived underperformance of men's basketball and football said, while student athlete graduation rates and student safety are important, football and basketball coaches aren't given multimillion dollar contracts just to follow the rules.

They're supposed to be competitive. And these are quote from the paper not Shoulders directly, so I don't know what the actual words really he said, and the minutes aren't yet available. And his meaning is an explicit however it suggest that winning at whatever cost is what matters. And I think that this mindset is antithetical to our mission as a public institution.

And especially in light of recent controversy at Michigan state as an example, Penn State as an example. I think it would be appropriate if the BFC would either have a motion to support Fred Glass, or to have a comment of some sort in reaction to this.

**ROBEL:** Ken?

**DAU-SCHMIDT:** I'm anxious to hear people's opinions on this. I actually, I'm on the Athletics Committee. I actually raised this very issue with the Athletics Committee by email today. And the debate in my mind was whether—because I would certainly agree with you and actually being on the Athletics Committee I've been very impressed with what a good job Fred does in terms of making sure that the department takes our students seriously both students, and as athletes. And he should be commended for that. And I think the winning will come, and we can worry about that secondarily.

So I did raise it with them.

The only thing that was in my mind was whether, in some ways this was a comment by one disgruntled trustee? And the men's basketball team then had this wonderful victory, so in some ways, I'm thinking we should just ignore it and not draw attention to it.

But I would agree with you, that it occurred to me that we ought to perhaps pass the resolution and I raised it with them. I haven't heard back from them yet but we might start with the resolution there that we would bring with the BFC. But I would be interested to hear what other people think about this.

Because I'm not sure what the right answer is. Whether we just ignore this or whether we actually respond to it.

**ROBEL:** Other comments? Yeah.

**DUNCAN:** I'd say that if the committee is already talking about this maybe we give you space to craft something to bring to the BFC.

I would certainly be happy to support a resolution about how we're prioritizing the correct things for our student-athletes.

**ROBEL:** Great. And Bob?

**KRAVCHUK:** I think perhaps before any action is taken that Trustee Shoulders should be asked to explain his comments and the light in which he intended them.

It might have been a case of very poor choice of words. He does represent the alumni after all, and he might have been pandering somewhat to the alumni and what he's hearing from them. It doesn't excuse what he said, but I'd really like to know what he really intended to say.

**ROBEL:** Okay, Alex?

**TANFORD:** In my role as past president, I had to, I got to attend several meetings of The Board of Trustees. And Pat Shoulders was consistently a big supporter of the faculty, and the students and the university in general. So I agree with Bob and Ken that the best place to talk about whether something is required is in the Athletics Committee.

And I would urge them to think about it and get in touch with Pat. Because I'm sure he did not, I can't imagine that he really meant, all of a sudden, let's abandon academic standards for our athletes.

**ROBEL:** Does that seem okay to let the Athletics Committee take the next step?

**RUTKOWSKI:** Yeah, I'm in support of that.

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

**ROBEL:** Okay, great, thank you so much, all right. Now maybe move to a proposal from the Nominations Committee, because I know you've been trying to get to this one for some time, Diane.

**HENSHEL:** Hi, welcome everybody. I'm going to go through the slides and you'll notice that I did not change the circular.

And all I've done to the slides is add a slight interpretation of the layout for the 60/40 rule. And we're hoping that any changes at this point that can come to the floor can be adopted so that this could pass today. So that we can take the NTT representative elections or nominations and appointments through the process at the same time as the elections for the rest of the BFC.

So that's just putting context on here. So we do have, after the constitutional amendments, we have an uncertain number of NTT representatives that need to be decided. I'm not doing this. Do I have the clicker? You guys have the clicker. There we go, sorry. Remember that the way that the amendments set up the NTT representatives, they are to be elected by voting unit based on rank.

So professors of practice—there's really only enough for one professor of practice for the whole campus. For lecturers, 397 is enough for approximately eight for the whole campus if we kind of divide it up. Clinical, it's about three research scientists, it's about three for the whole campus. The question then becomes what the total number of NTTs would be based on the 60/40 rule.

As you can see on the right hand side the two gray ones you saw last time. The blue is the take home from the discussion here in the BFC's last meeting where a number of people said that they would agree to accept the Emeriti as part of the tenure-track representatives.

We currently have three tenure-track representatives who are in the president's ranking, and that puts us at enough to have up to 17 on tenure-track at this time. So therefore, we're going back to the same proposal from the Nominations Committee. One for professor of practice across the whole campus.

Three for research scientists across the whole campus. Three for the clinicals across the whole campus. Four for the lectures because when you break down the number of lectures from the college versus the others, they have approximately half. So that would be, if we have eight, that would be four.

Kelley, you'll see has approximately another half of that, so approximately a quarter. So two from Kelley School of Business and then two from all the other academic units is the current proposal. The way we would work out the terms, we have three NTT that are currently elected and all will complete their term next year, not this year.

That means we have an option for trying to get up to 17, up to 15, as quickly as possible. So what we're proposing is that we have five NTT appointed for a one-year term. And that would make eight people that are going to be elected then in the 2020 election.

And then seven appointed for a two-year term and then those positions will start to be elected in 2021 that set of positions. We are already preparing emails to request nominations from all IUB faculty, as well as specifically from all BFC members, and, specifically, all NTT people that are currently on committees.

Nominations Committee in general, the basic practice is to assume that we are trying to get representatives across the campus. So the basic principle for the way nominations work is that, if you have for example, three clinicals, they are not going to all come from the College. There would be one from the College, one from someplace else on campus.

And then the third one, if it's from the College, it would be from a different unit in the college than the first one. So we very much try to have representation from across the campus from different units across the campus, and not to have much redundancy as much as possible.

So that means paying attention to which units they're coming from in clinical, which units they're coming from in lecturers, which units they're coming from in the scientists, and then where the professor of practice are coming from. So just recognizing that we could build into the proposal something that guides the Nominations Committee.

But the Nominations Committee already has a practice of ensuring distribution. So at this point, the other point is this question of how to resolve conflicts, and that's been turned over to the Constitution and Rules Committee. And I don't know if they wanna say anything at this point, so that's not the issue.

Just so you know that these are the considerations that were being discussed by Constitution and Rules. So at this point, this is the proposal we are voting on, specifically: so for 15 non-tenure-track member seats at this time, breaking it up so that you have election units for the lecturers from across the College.

Election units for lectures from across Kelly. Election unit for lectures across all other academic units. Election unit for clinicals, the whole campus. Election units for the research scientists, the whole campus. Election unit for the professors of practice, for the whole campus.

**ROBEL:** Great, thank you. And this comes from the Committee, so it does not need a second.

#### **AGENDA ITEM EIGHT: QUESTIONS/COMMENTS ON THE PROPOSAL FROM THE NOMINATION COMMITTEE**

Thank you very much. And I think it's an appendix to the by-laws. And so at this point, I'll open it for discussion, Bob.

**KRAVCHUK:** Actually, I'd like to ask Diane a question or two. The first is, what you're asking us to vote on now, is this proposal here.

But that would not necessarily preclude us from adding additional NTT representatives based upon the findings of the Constitutional Rules Committee and their recommendation to us, correct?

**HENSHEL:** Correct.

**KRAVCHUK:** Okay, thank you.

**ROBEL:** Questions or comments? Yep? Fritz?

**BREITHAAPT:** A simple question, A mathematical question. How many people does each member of the BFC in the future represent?

How many TT people are behind one TT member and how many, approximately, are behind each NTT? Just to get that ratio. It used to be like 1 to 50, but I think their numbers are changing.

**HENSHEL:** Yeah, I honestly, it was some place still in the close to 1 to 50 range, give or take 10.

I can't remember. Is it still exactly 1 to 50?

**DOWELL:** It's still approximately 1 to 50.

**BREITHAAPT:** And this proposal, the goal is to make it pretty equal, which I like very much, of course.

**HENSHEL:** Yeah, so the nominations committee ended on 15, one of the ways that when we were calculating it was to match the relative representation for the tenure track.

All right, are there comments? Alan?

**BREITHAAPT:** Since I'm editor already...so I like the spirit of this. One of your proposals includes now the emeriti, and I've been thinking about this for a while and I've been going back and forth about it. And at this point, I think I feel better about it if we don't count them as TT which makes the math more complicated.

And the reason is that basically each member of the BFC should represent an active group of faculty members who are active on the campus right now, who are employed here, and can thereby also be influenced by those people they actively represent. In the case of the Emeriti, I'm not saying they're not people that they represent in some way, but the influence on campus is a different one.

So I like the idea that each member of the BFC really stands in for 50 or whatever precise number it is others who are active on campus. So I feel like I'm a little bit cautious about that one, thank you.

**HENSHEL:** So just to respond, we moved the Emeriti over to ten year track for now.

To enable us to have 50 non-tenure track, which kind of worked out well in terms of the way we wanted the proposal to go. Because it really does match 1 to 50 approximately across, and if we took the emeriti away, then we would have to take away one of the non-tenure track seats to preserve 60/40.

And then we had to choose which one to pull away. So this is a temporary until we turned it over to Constitution and Rules to work out how to handle this.

**ROBEL:** I think Alan was next and then Barb.

Barb.

**CHERRY:** I just want to say I support what Dianne just said, that I think the Emeritus issue, how to count them or not is something that would probably be better left to longer deliberation or more considerate deliberation by how to treat them.

And so we're taking it up by the Rules Committee. So exactly the kind of discussion we're having with how to treat them and to enable the 15 NTTs, I think it's fine to include the Emeriti for now. It's just my personal view. Thank you.

**ROBEL:** Other questions or comments. Jim?

**SHERMAN:** Yeah, thank you. I can't resist making a brief comment that to assume that Emeriti are not active across campus may not be exactly correct, so...

**ROBEL:** All right. Luckily, we do have Constitution and Rules to think through these issues and in detail, okay. Alan?

**BENDER:** Yeah, a little detail but just make totally sure, I think what we're voting on is just what the appendix will say the actual units are.

And we don't have to say what the numbers are. But it's good that we're coming to some understanding of what they're going to be. But I think, technically, our job is to say in the appendix, The College of Arts and Sciences represents one election unit for lecturers, and so forth.

**ROBEL:** That's a good point. Thanks. All right.

**SEIZER:** I wasn't able to see, but what is the total number now that the BFC, I think there was a number there, but I wasn't able to see from the corner...

**ROBEL:** It's 15—Oh, the total of the BFC...

**SEIZER:** Yeah.

**ROBEL:** Would be 73.

**SEIZER:** 73?

**ROBEL:** Well, is that accurate?

**HENSHEL:** No, it'll be 71 after this, because this is with 17 max. It'll actually be 71.

**DUNCAN:** So I saw that these seats are getting phased in slowly and I know why. But do you have the breakdown for which of the seats that are on this chart will be brought in first versus which others?

It seemed that there were two phases, or am I misunderstanding that?

**HENSHEL:** So what we're going to do is appoint, we're taking the nominations, and then instead of electing, we're just going to have nominations appoint them. And then, it's going to be a combination of number of votes they get and they're distribution.

We'll give them the choice of whether they're going to go for a one year or two year term. So as we start slotting out whose got a one year, whose got a two year term, we'll get to the bottom, where it's going to be we're asking you for one-year or we're asking you for a two-year term, based on distribution, et cetera.

**DUNCAN:** Yeah.

**HENSHEL:** So what we're trying to do—

**DUNCAN:** Okay.

**HENSHEL:** Okay?

**DUNCAN:** Yeah, we figured it out. The language was just initially confusing the appointed part.

**HENSHEL:** So it's-

**DUNCAN:** But all the seats are coming in. Just, some of them are coming in for one-year terms and some for two.

**HENSHEL:** Correct, and so what the rolling out is when they start to get actually elected in. Okay.

**DUNCAN:** And I definitely support some of those going to election sooner because that allows us to actually see expressed democratic will. Awesome, thank you.

**ROBEL:** Well, this is Solomonic. Let's see if we can maybe bring this to a close and have a vote on it.

All in favor? Excellent. That looks good. And opposed? Congratulations.

**MARSH:** Before we move on, I just want to say again, and thank, this is a huge achievement. It may not feel like it but it does feel like. And it's a huge achievement, and it's a huge change to the BFC.

And I had initially thought I would list all the various people who have been working for the last five years to get us to this point. But there's just too many of them, some of them are present here, others are not. Talking to people on the Faculty Affairs Committee, the Sub-Committee on Non-Tenure track issues, the Task Forces on Non-Tenure Track issues, the Nominations Committee, and this body.

This is going to really institute a new era for the BFC I think and it's the biggest change, as I've said before, the biggest change I can remember in the BFC in many years. So, congratulations to everyone and thank you.

**ROBEL:** All right, great. So...

**DUNCAN:** I just wanted to take a moment to personally extend my thanks to everybody for that vote.

When we come in next semester, I really look forward to being able to say, I'm not *the* lecturer but rather one of several.

**ROBEL:** Hear, hear, hear. That's great. All right, well, thank you everybody.

## **AGENDA ITEM NINE: REPORT FROM THE EDUCATIONAL POLICIES COMMITTEE**

**ROBEL:** Let's move onto the report from the Educational Policies Committee and Simon is it you?

**BRASSELL:** Well, there are two matters that have been discussed on general education issues by the Educational Policies Committee that we wanted to bring forward to the BFC at this juncture as a report on our ongoing discussions, deliberations, and movement towards action, and the two items revolve around, one that has already been mentioned, which is the diversity in the US, and the second relates to a proposal that is being made to the Executive Committee. So the first of these is then the continuing discussions and actions associated with the original charge



that the BFC gave to the EPC back in April 2016 to explore the enhanced diversity requirement within general education.

And there are two steps that have taken place previously. The first of those was a change in the circular that specified that the degree requirement rather than shall address issues of diversity in the US. The change in language approved by the BFC was that they *must* address. And so the idea then was to move forward and the next step was to, the appointment of a diversity task force to specifically make recommendations based upon what the learning outcomes for the diversity in the US requirement should be.

And that report came back in April of last year and that has then led to, last semester, an open EPC meeting on October the 19<sup>th</sup> to engage various campus constituency in discussion associated with a number of aspects of the diversity in us learning outcomes.

Especially as to how some combination of academic and co-curricular requirements could accomplish those objective. And how they might be included as part of the students' first year experience, and how they should be assessed. And those, rather than providing immediate answers to those questions, were more a case of embarking on the conversation of how the diversity in the US requirement could be met.

Following further deliberations in the Educational Policies Committee, we now bring three recommendations forward to the BFC to continue this process of enhancing the diversity in the US requirement. And so, the first recommendation is the General Education Committee should now move forward to implement that requirement as a non-optional component of the shared co-curriculum.

This is essentially implementation of the language change from *shall* to *must*.

The second recommendation is then that each school and the college should assess student achievements of the learning outcomes recommended by the Task Force. And report their unit's assessment back to the General Education Committee, noting where there are changes in the curriculum, or co-curricular programs arising from the assessment process.

So this is largely intended to provide a means of gathering information about how the diversity in the US requirement will be met.

And the third recommendation follows on from that. Which is that the annual General Education Committee report to the BFC should include each unit's report on its progress toward meeting that requirement.

And so these are the three specific recommendations that are coming forward from the EPC to the BFC.

There is a second set of recommendations that are in many respects coupled to this. Which is a proposal that's going forward from the Education Policies Committee to the Executive Committee. Which is the idea that we need to look to the future of education.

And it seems timely, therefore, to follow the example that was set by the diversity in the US of establishing a Task Force. And the idea here is that the task force should explore the future of General Education. And the idea here is to couple it to the bicentennial to explore the future general education in the third century of the Bloomington campus.

And the idea there is to evaluate to specific aspects in terms of identifying what components should be incorporated general education in the foreseeable future and propose how those may be facilitated in the future, in a sense of looking forward and then how a transition from our current manifestation general education might move forward to new initiatives and new opportunities and new directions to meet undergraduate education goals.

And the second aspect of the proposal is recognizing the fact that the general education programs at many peer institutions, and that they are obvious examples best practice that might be encompassed here on Bloomington. So the idea is not just to look internally, but what we are doing and what we could do, but also, especially through the possibility of campus visits from experts in general education elsewhere, to have a sense of how we can incorporate best practices from other institutions. And those are the specific recommendation to the BFC and the proposal that the EPC is putting forward to the executive committee.

Thank you.

**ROBEL:** Simon, can you specify what if any action you need from the council with this point. The second of those was a recommendation that's working its way through the EC.

**BRASSELL:** The second is very much informational to the BFC, recognizing that part of that proposal to the Executive Committee is that the Nominations Committee would be responsible for populating the Task Force and informing the members of the BFC.

Hopefully that information can help those individuals interested in the future of general education to know that there is further action that will be taking place and the task force will be formed to help that. The idea behind the recommendations to the BFC for these three action items was to bring forward a report on what we are proposing.

There was not the opportunity in this BFC to actually include that in terms of formal voter approval by BFC and the main consideration for EPC is whether members of the BFC would like a further opportunity to discuss this and bring it then to a formal vote at a subsequent BFC meeting.

## **AGENDA ITEM TEN: QUESTIONS/COMMENTS ON THE EDUCATION POLICIES COMMITTEE REPORT**

**ROBEL:** Okay, terrific, thank you so much. So, I take it that what you'd like is advice at this point?

**BRASSELL:** Absolutely.

**ROBEL:** Okay, may I open things up for that advice?

**SHERMAN:** Yeah, I have been talking for many, many years about the importance of having a general education course in the areas of judgment and decision-making, which could be taught with a variety of courses.

And I just wondered is this one of the things that the task force might do?

**BRASSELL:** I think the agenda that the task force sets will be entirely based upon recommendations and suggestions that come from the faculty. In some respects, the idea for the task force is to have an open playing field, and not being constrained by what currently exists in general education on this campus.

But rather be trying to be foresighted in building the best general education that we could possibly have on this campus.

**ROBEL:** Alan?

**BENDER:** Yeah so, I continue to think that would be good, for the BFC to really be clear about what policies it does and doesn't have, on GenEd.

And so, for diversity, the BFC has a policy that's called Indiana University Bloomington General Education, and it's the only GenEd policy on the BFC Policies website. So if one searches on the BFC Policies website for "general education," one policy comes up and it's not this. This is, I mean the B16, 2011, that's a different sort of document, but so in the policy about GenEd So on the one BFC policy on GenEd, the policy says that diversity in the US is not required.

So that's what that document says. And so I just think that if the BFC already believes that diversity in the US already is a GenEd requirement, or that it should become one, but that would be a document that should be revised, 'because it's the BFC policy on GenEd.

And then similarly, if the BFC does want to require schools and departments to assess student learning with respect to diversity learning goals in each of their undergraduate degree programs; as well as, to require schools and departments to create and submit annual reports on those assessment efforts, I hope the EPC will go ahead and propose a policy about all of that, that can be discussed by the BFC and voted on by the BFC. I hope that's the idea, that we do this in the form of formal policy.

Thank you.

**ROBEL:** Okay, any other advice for the committee? Yep?

**HOPKINS:** This is less advice and just more of a thank you. On behalf of our student government team and multiple student government administrations that have come before us.

As well as, so many of the students we represent. A diversity requirement in making this non-optional is something, a request we've heard so often. And then we came into administration we knew this is something we wanted to lobby for, and we had one of our students on your committee that didn't necessarily know the technicalities and the ways to go about that.

So just thank you so much for your work on this, and we're really excited to see this happen.

**ROBEL:** Thanks, Maggie. Okay, any other discussion? Eric?

**RASMUSEN:** Yes, like Alan, I'm confused about what the policy actually is because, what's posted just says that it's recommended not required. And I'd like to see a discussion of what would be...whether we should have a diversity in the United States course.

I thought last fall it didn't seem very popular with the BFC, and that I don't want there to be an end-run around us by the committee itself. Things like a thinking course, as Jim was suggesting, or the other things that are in the circular, the writing courses, the information fluency, enriching educational experiences, all of these ought to be considered in deciding whether we should add to our GenEd requirement, or whether we should add at all.

**ROBEL:** Okay, Dennis?

**GROTH:** So because it's put forward here as a recommendation to have it within the shared goals, it doesn't actually imply directly that you have to create a new course.

It remains up to the academic unit of the student, to define for their students within the context of their discipline, to determine how they will accomplish the learning outcomes. As was presented to the EPC and to the town hall, each of the schools has put forth varying levels of detail on specifically how students accomplish the learning outcomes today.

The College reported that their diversity in the US requirement aligns with the outcomes that were specified by the Learning Outcome Task Force. And so, therefore they felt like they met that requirement, and they would continue their implementation as diversity in the US course that students in the college would take.

Other programs, in particular programs like Education, Social Work, the Kelly School of Business, documented and described how the learning outcomes were accomplished. Not in a specific course you would see, here's a course on diversity in business, but rather how those outcomes were covered in some detailed way in a variety of courses across the curriculum.

Such that there was no way that students could get through, for example, the business program without covering those learning outcomes. So, this recommendation doesn't state everybody has to create course. This also doesn't state everyone can't create a course. They can, they can create as many courses as they wish.

They can actually with at the school level decide that they want to have many courses that their students are required to do so. But it's in the context of the shared goal that it's a responsibility of the academic units to determine how their students satisfy that.

The idea behind the reporting is to address a separate set of issues that became clear throughout all of this. That the schools had reported that this is what's been going on and been going on for a while, and yet the perception was nothing was going on, and nothing had been going on ever. Is it one or the other? I don't know but transparency on this and continuous transparency helps.

And we'll make this a better requirement and a better set of learning for our students and move us ahead in a substantial and substantive way.

**ROBEL:** Okay, Jay?

**DUNCAN:** I would like to echo what Dennis was saying there that, in many ways, I think it's much more of a desirable goal to have this curriculum addressed as part of every portion of each program's curriculum.

That these requirements should be supported by all of the classes that students have access to rather than having a program create a course that they try to pretend covers this wealth of material and then isolate that from everything else that the program does. So if the task force wants to explore an option for programs being whole integration to the curriculum, I think we might see more effective conveyance of this material in that manner.

**ROBEL:** Put the actual recommendation up, Simon, so that... Mm-hm. Okay, thank you.

**J. COHEN:** With regard to this particular recommendation, one concern that I have has to do with the sense that this policy seems to add a considerable amount of administrative work to faculty and administration to implement, as well as, to continue to report, and does not take away any administrative work from the current mode of recording, reporting, approval and so on and so forth from the existing general education program that we currently have.

Again, rather, it would create new systems of recording on top of existing systems. And so I'm wondering, in this case, if there is any way for the EPC in its recommendation to take this into account, to try and create, if you will, something that is not going to create that much additional work on the part of the faculty.

My concern here is that the faculty's good will for doing this may very well become a little bit strained given the current responsibilities that they have for Gen Ed and for other programs and modes of reporting and evaluation.

**ROBEL:** Thank you. I wanted just move on because I'm at the end of the time we have allotted for this.

And there's quite a bit here. And what we've been asked for is advice to the Educational Policies Committee. So if you have further thoughts, I would ask you please to share them with Simon. And Simon, thank you for moving the ball forward and reporting at this point.

## **AGENDA ITEM ELEVEN: REPORT FROM THE FACULTY BOARD OF REVIEW**

**ROBEL:** Let's see, where is Beth?

Hi, Beth, come on up. Come right up here to the reserve spot. And while we're at it, is Jessica also here? We might as well bring you up as well. So, we have seriatim reports first from Beth Gazley for the Faculty Board of Review. And then, from Jessica Lester, from the Faculty Mediation Committee.

And I'll start Beth with you. Thank you.

**GAZELY:** Well good afternoon everybody. I'm Beth Gazley. I serve as chair of the Faculty Board of Review, and I'm reporting on the 2017-18 academic year. I still am chairing the committee this year. We're one of five elected committees of the Bloomington faculty council.

And our activities fall under policies ACAD 22 and under UAL 3, governing respectively grievance processes and sexual misconduct processes. And I just wanted to mention the other individuals who served on the committee at this point or another, if you see them please give them a shout out. This is important work, but it's hard work.

There's Judah Cohen, Beth Cate, Barbara Dennis, Lessie Joe Fraser, Lori Ginger, Pete Kloosterman and Jody Madeira. So our job is to be the court of last resort. From peers of peers, for campus due process appeals by faculty members and librarians, we hear cases of faculty members who are not happy with the personnel action.

They range really pretty wildly from compensation and disciplinary actions to non-reappointment, or non-tenure cases. And we don't re-hear these cases, we don't substitute for an appeals process that's already due to somebody that they have access to within their own units. Such as for instance a salary review process, or salary review committee.

Those should have already have been tapped before somebody comes to us. The common factor in our job is to make sure that this person was treated fairly through the processes and stages that were already available to them. We start with a formal of grievance from the faculty member if we decide it's actionable under a scope of authority, which usually means the person's eligible to grieve, we send a grievance to the administrator, who's being grieved against.

And we solicit a response. And we may ask for additional information from other parties. And I should mention too because this actually came up this year at this stage we also look at the membership of the committee and make sure the members of the committee don't need to be recused because somebody is grieving from the unit that they're in, so that avoids conflicts of interests as well.

And our ultimate task is to give a recommendation to the administrator who supervises the one being grieved against. And what we're looking for is significant procedural errors that reasonably would've effected the outcome of a case, or bias in the process. So, we make three decisions. Ultimately, we render a case ineligible, we uphold it, or maybe partially uphold it.

We may recommend a solution, or we don't uphold the grievance in which case the faculty members options move off campus. So, first I'll tell you the grievances that came before us. There were two cases that came to us that we decided we were not eligible to hear because they came from academics specialists.

And I'm going to make a point about that a little later on. And then one case of sexual misconduct in which the administrative findings and sanctions were upheld. That case came from SPEA. So before you ask, no, I did not serve on that committee, I recruit and recuse myself in a special board of review was appointed by the faculty council.

So that's our report, one case, and that's generally good news. These reports are kept in the faculty council offices. You can look at them if you have any questions about trends over time, I do have some of that information. But generally speaking, this is the committee that you never want to see meet, because it means something went wrong in the process.

And so a single case in our book is not perfect, but it's close to perfect. So, now, I also am going to take the liberty of just making a few recommendations. And I'll explain why in a minute. First of all, let me see yeah, so the point I want to make is the work we do we do under some pressure and, their decisions affect our colleague's livelihoods.

So all though I think we do learn from our experience we go along, sometimes because there are so many moving parts to this committee the Provost Office or the faculty counselor are also involved. And the recommendations I make here are things that I would like you to consider.

So for the Provost Office, one of the things I would like to suggest is that the board of review meet with the vice provost for faculty in academic affairs on an as-needed basis. As new administrators come on board to explain our role, to walk through the policy, and emphasize the importance of a tight timetable.

And then also answer any questions about how the process can move smoothly. And then next is a reminder that these cases start in departments and schools. So it might benefit the campus for the provost to include information. About the grievance process, maybe even our annual reports. And the training of new deans to help them understand where things might go wrong.

If that isn't already done. To the faculty council, I'd like to reinforce the value and meeting before you jointly. With the mediation committee because it helps us understand. How these two parts of the grievance process are being utilized jointly by faculty members. And one benefit, of course, of doing this is to generate a better big picture.

Conversation about policies governing the grievance processes we're doing right now. Next point, when I reported to you last year, I observed that some minor language. Of some policies governing our work. Is either outdated or inconsistent across policies. And the good news is that Alex Stanford's in the process of organizing.

Recommendations for updates to these policies. So shout out to Alex as well. And the board of review is participating in that process. But I wanted to make this point again, because I wanted to observe a case. That came before us in this reporting year that touched on a key question.

Does a faculty member have a right to a hearing? Does a faculty member have a right to a hearing? Because, right now, they're given the opportunity for a hearing. And the university academic council's ACA52 but UAAO3 and ACAD22. Which govern us, the board of reviews role. Allow the board of review to make the decision to hold the hearing.

On the bases of whether it will inform the case. And so, right now, a grievant has the opportunity but not the right to a hearing. And if that's the intent to the faculty council, then nothing needs to be changed. But I want to tell you in none of the cases I supervised did we see any chance that a hearing would change the outcome? So that's important to mention as well. My only point here is that as these policies get updated. The council may wish to revisit for itself, which is more important. Possibly denying a hearing on the basis of expediency.

Or, guaranteeing a hearing on the basis of procedural justice. And a guiding question might be, which choice offers the most fair. And respectful academic grievance process for our colleagues? And last, if you'll find it helpful, is the FBR's plan to continue, as I did. For this first time this year to include in our reporting numbers.

The number of employees who were turned away for ineligibility. And, of course, this is a soft number but we don't know how many people to try. But since access to the board of review is for employees. With faculty and librarians status only, it might help us to understand.

The grievance needs of employees like academic specialist. Who teach, but are not faculty, okay. So I will take questions later. I'm going to turn this over to my colleague.

## **AGENDA ITEM TWELVE: REPORT FROM THE FACULTY MEDIATION COMMITTEE**

**LESTER:** Thank you. Good afternoon everyone. Thank you to Maura, and the executive council for the invitation to share our annual report.

I'm Jessica Lester, the incoming chair of the Faculty Mediation Committee. And I serve on this committee with Heather Akou, Carolyn Calloway-Thomas. Dan Adrian German, Don Gjerdingen, and Leslie Rutkoswki. Prior to sharing the details related to the activities that we've been engaged in. Since January of 2018. I'll also be touching on 2017 as well.



I did want to remind the council of the scope and the nature of the work that we engage in. To start, our organization and the procedures of the Faculty Mediation Committee are outlined in policy BLACA, D-22. Grievance and Review Procedures of the Bloomington faculty. I draw upon the language of this policy in my report.

To contextualize our work over the last year. Broadly, the Faculty Mediation Committee generally serves tenure track. And non-tenure track faculty, librarians and administrators by investigating grievances. And attempting to resolve them through mediation and consultation. In the past, prior to the installation of the ombudsperson Alex Stanford. For many people, this committee was the first step in the grievance process.

I quote from the policy here. Members of the committee shall address each grievance with impartiality. Investigate it thoroughly. And base their report on a sound knowledge of university policies and procedures. The committee should strive to resolve grievances by keeping its procedures flexible. And encouraging discussions between the parties to the grievance.

If the grievance is not mediated satisfactorily, the committee shall report. Its finding in writing to the petitioner, end quote. Procedurally, when we are contacted by an individual, we complete. And I quote here from the policy, a case history record, including the calendar and decisions. And we compile them, collectively as a committee.

And as noted in the policy, we, I quote here. Accept and act upon all cases presented to us. So with this as our context since January 2018, we have been contacted by four petitioners. One case involved a salary adjustment. One case involved a concern related to academic freedom.

One case involved dismissal. And one case involved issues related to initial appointment and contractual related concerns. Of these four cases, two were to the best of our knowledge, dropped. And or pursued through other means. This included the case related to academic freedom concerns. And the case related to a salary adjustment.

Two of the cases, that is the case related to dismissal. And a case related to initial appointment and contractual concerns were engaged. And investigated fully by the Faculty Mediation Committee. Our work has, perhaps, in it's most technical sense. Not resulted in successful mediation as outlined by the policy.

However, our work has resulted in developing written summaries of our findings. In these two cases, which are just now being finalized. And finally, in an effort to report our activities in full. In the fall of 2017, we were asked by the executive committee at that time. To engage in discussions regarding the place and role of the Faculty Mediation Committee.

And specifically to attend to this notion of mediation as a process. And so, in November of 2017, we also began to engage in discussions related to that. And more recently, the full Faculty Mediation Committee has also sought the advice and guidance, from a procedural perspective, of the new ombudsperson, Alex Tanford.

And making sense of how we might better support petitioners in navigating the grievance process. I'll close here, and of course, welcome your questions and comments. Thank you again for the invitation to share today.

### **AGENDA ITEM THIRTEEN: QUESTIONS/COMMENTS ON THE REPORTS FROM THE FACULTY BOARD OF REVIEW AND THE FACULTY MEDIATION COMMITTEE**

**ROBEL:** Would members of the council have questions for Dr. Jessica?

**MARSH:** A quick question, I guess this is for both of you. Could you tell us how many of the cases that went to the board of review. Had previously been through mediation?

**GAZLEY:** An odd thing about us is we work independently. So Elizabeth knows the answer to that but we don't. I mean, unless a grievant has identified that they came.

**PEAR:** I would have to look up those numbers for last year specifically. I don't have it off the top of my head.

**GAZLEY:** I don't think any. But we do keep a full record.

**ROBEL:** If you think about it, it does makes sense for them to operate independently. The goal of mediation is to try to resolve a dispute short of a formal process. The goal of the FBR is to provide the formal process. So there are reasons to think about them being separate.

And, in fact, I believe the FBR under the procedures is not supposed to be considering the written write ups of the mediation committee. Yep, is that right?

Yep.

Who's up? Hi, John.

**WALBRIDGE:** Sorry. I'd like to add suggestion to the proposals for the Faculty Board of Review that one of the things that they reported to the faculty council is the ultimate disposition of the cases.

And in particular, whether they were substantively what the board of review recommended because it's not the board of review that makes the final decision. That's ultimately, I guess, in most cases Lauren. So it is relevant to know whether the administrators are in fact doing or not doing what the board of review recommends.

**ROBEL:** Would you like to answer that?

**GAZLEY:** Yeah, that actually is in our policy and it is reported. So the case, maybe I was going to fast but the case that we did here this year was upheld, and yeah, the administrative action was upheld. And they generally are, not always, but they generally are.

**ROBEL:** Okay.

**HENSHEL:** Jessica could you tell us how many academic specialists were involved in your actions?

**LESTER:** Of the two cases that were continued forward since 2017, there were zero academic specialists.

**HENSHEL:** But how many altogether were requested?

**LESTER:** Of the four cases that initially petitioned this, three were tenured or tenure-track faculty members.

One of them is research scientist.

**ROBEL:** So none of them were academic specialists? Okay. Other questions for the committee, yeah?

**TRINIDAD:** This is more of just a general question about the mediation process itself.

When I think of mediation, I think OF professional mediators. And so, is there, are there guidelines or is there some sort of external personnel reference you have for conducting these mediations, or how do they actually occur?

**LESTER:** That's a great question and that's actually one of the aspects that we were engaged in discussing in 2017.

What does it mean to name ourselves a mediation group? Recognizing that there is a whole body of scholarship and expertise around the mediation process. So one of the things that our discussions in the fall of 2017 highlighted was the potential need to explore what it means to do mediation given that what we're charged to is to engage in investigative case history, and given that most of us are not trained as mediators, we're quite good at exploring in detail the history, but in many regards, the degree to which we engage in mediation is perhaps limited by our own skill set.

So I would take your comment as highlighting our continued need to explore what does it mean if we're claiming to effectively engage in mediation, as you note? In my report, I indicated that we ultimately shared reports which highlights that there wasn't a common ground achieved. Which perhaps also points to some of our own limitations.

**ROBEL:** Anne?

**ELSNER:** I'm sorry but I don't know what an academic specialist is, who would teach? And are they represented anywhere here? If they're not faculty, I presume they're not students. Are they staff, or what are they?

**ROBEL:** Elisa?

**PAVALKO:** So academic specialists primarily do administration.

Many of them are center directors. They do a wide variety of work, but some of them do teach a little bit. A lot of time they're teaching, I'd say maybe 25% of them teach a course or two. A lot of their teaching might be independent study, but a lot of them probably the biggest category are center or program directors, and so they do a lot of administrative kinds of work like that.

So they're academic appointees, but the BFC does not define them as faculty.

**ROBEL:** And I think the flip side of that is to say, most of them do not teach, the majority do not, right? Okay, other questions? Ken?

**DAU-SCHMIDT:** Just I was a little confused by the statement that you weren't sure whether there should be a right to a hearing.

I actually, when I practiced labor and employment law three decades ago, I learned the basic outline of due process for public employees and then with the AUP on committee A, I went over it again. And the debate has changed so much, I had to go back and check the law to make sure the standards haven't changed.

But they really haven't changed in the 30 years I have been either practicing an attorney or an academic. And as I understand it, if there's any property interest at stake, and tenure position is a property interest, or if there's any liberty interest at stake, and accusation of a crime are a liberty interest, then there is an absolute right to a due process hearing.

And exactly what that due process hearing consist of is debatable, but there's actually pretty good authority and judicial opinion. Well, there's at least one good law review article by a judge that suggests that, at a minimum, it would be notice, opportunity to be heard, opportunity to be represented, opportunity to cross-examine.

So I was just confused by this question about whether or not there was a right to a hearing.

**GAZLEY:** Well, okay yeah, so I didn't say I thought there wasn't. I said, the way the policy is written that governs our behavior, the Board of Review decides if there will be a hearing.

If a hearing is necessary, it'll inform the process, it'll add new information or new material that the necessity of say, maybe, cross examining somebody or getting new information out of them might help the case. And we, so I turn it over to the faculty council really to decide—you govern this policy—to decide whether that right should be encoded because currently it's in one policy but it is not in other policies.

So you really have two issues I think in front of you. One is you could just reconcile the policies pretty easily but in the process of doing that you do have an opportunity to just pause and ask this question about the right. I took a liberty of bringing this to you but I did it because I speak on behalf of somebody who understood that the hearing would not change the outcome but still fought very, very strongly that hearing was part of the procedural due process that should be afforded to them.

**ROBEL:** I do recall though that it's the opportunity to be heard and an opportunity to be heard can be expressed from a due process standpoint through more things than a hearing. So people who have a due process right to tenure, which we do, it is a property interest. But the opportunity to be heard does not have to be necessarily a formal hearing. And that's, I think, the current state of the law. That being—

**DAU-SCHMIDT:** I did go back to look up that, I would have to differ with that opinion and I think the university would be ill advised to try to skimp on due process.

**ROBEL:** Well I have no interest—

**DAU-SCHMIDT:** Courts take it more seriously than we do.

**ROBEL:** I have no interest in skimping on due process. I do have an interest in protecting the FBR from situations in which the FBR process, where the FBR, our colleagues, make a determination that nothing would be furthered through a hearing.

And recall that the FBR process is in essence the administrative exhaustion before people can go to court. So I just want to say that it's a complicated... I think Beth's point which is if you want to afford an actual hearing to every case that goes to the FBR and take away the discretion of our colleagues on the FBR to make a determination of whether that would actually aid them in their decision, that's on the recommendation of the faculty affairs committee. But I think it's important also to remember where in the process the FBR is. The FBR is essentially the final decision, the last big opportunity to make an administrative appeal within the university. It's not the end of the possibilities for a review or hearing.

All right, other questions for our colleagues?

Well thank you so much for serving on these committees. They can be no work until suddenly they are a ton of work. And no work until it actually makes a huge difference in somebody's life. And then a ton of work, so I very much appreciate your service.

#### **AGENDA ITEM FOURTEEN: PROPOSED RESOLUTION AGAINST HARASSMENT**

**ROBEL:** Let's see, now I think we turn to, Is it Celine?

**CARTER:** Yes.

**ROBEL:** Yeah.

**CARTER:** Good afternoon, to my left is Diane Henshel, president elect who spearheaded this resolution. And to my right is my colleague Frank Diaz, also a member of the Diversity and Affirmative Action Committee with me.

And we're just presenting this resolution, and here it is.

Okay, so this is in response to an incident that we all know about that was featured in the IDS. But I think it's really important to respond and underscore.

And I know as a co-chair of the Diversity and Affirmative Action Committee especially in regard to bystander intervention. One of the additions was the term sexual orientation that we added to the resolution. Moving forward, we wanted to make sure that any intervention trainings around bystander intervention were very well vetted and have documented efficacy.

And that is all.

**ROBEL:** So we can look at it? So this comes as a recommended resolution from the committee. Is there discussion?

#### **AGENDA ITEM FIFTEEN: QUESTIONS/COMMENTS ON THE PROPOSED RESOLUTION AGAINST HARASSMENT**

**DUNCAN:** As a faculty member I would love nothing more than for that to be mandatory for everyone. I think it's incredibly important. I think without it we face a number of dangers on the campus.

We're asking students occasionally to be in situations they're not necessarily prepared to handle. We're asking faculty members to be in situations they're not prepared to handle. I know, I may not be prepared for an incident like that without this training. So I'd like to have that.

**ROBEL:** John?

**WALBRIDGE:** What is the incident that this is responding to? I'm behind on reading the IDS, I'm afraid.

**CARTER:** This was an incident, I think not even a month ago. It was end of the week before Martin Luther King—it was before Martin Luther King holiday, the end of the week.

And it was regarding an African American student who was waiting for the bus and a man was harassing the student. And saying very inflammatory, hurtful traumatic language. There's that, this traumatic environment of bias and intolerance. But what was more concerning was that the

student's experience while waiting on the bus and getting on the bus was that their peers around them, who were in most cases,

**ROBEL:** There's no report of what they were.

**CARTER:** Okay, I'm going to back that up then, thank you. We're tittering or making way for the person making the comments. And also post-incident did not ask, if they were okay, or if they needed help or if they could contact the police on student's behalf. So it was a real failure in the part of the bystanders to support someone who was having a traumatic experience of bias and harassment.

Would people care to elaborate on their understanding of the incident?

**ROBEL:** I can elaborate a little bit. The police were involved in this eventually. The person who was engaged in the yelling, as best the police can figure out was not a member of the university community.

And I'll probably stop there on the description of who it was.

And so I think everything else is accurate. I think that the people at the bus stop from the police's take on it were scared. And so they didn't, bystander training might have been helpful for them. Is that, do you want to talk about the other or just that one?

**CARTER:** I would just like to underscore a prior conversation around diversity in the US requirements. And to echo how often in dialog with students, the students requesting the diversity in the US requirements are asking for facilitated trainings and conversations around how to talk about and relate to bias in their lives and on this campus.

And so I'd just like to dovetail with this resolution to underscore the need for the co-curricular and curricular piece of diversity in the US. So the two are separate, but I see them as inextricably linked.

Is this the one you wanted?

**RASMUSEN:** This looks to me like training in political correctness.

And when I first saw the resolution, I felt offended and harassed myself because it looked like it was code words aimed at conservatives and Christians. I didn't know of this incident which makes it sound much better, because I would like it if our students were prepared to know how to defend others, to have courage, to know how to intervene.

I still think the training is a bad idea, looks like here this idea of another requirement. And if it's a requirement in something like this, I don't see how it can be prevented from being a training in political ideology. I would see that happening almost for sure. And where there is faculty orientation or freshmen I don't want to see some kind of professional grievance person with documented efficacy trying to take up their time.

**DIAZ:** I'm sorry, Eric, am I understanding this correctly that you're characterizing, I want to be really clear with my words here... That preventing harassment of students on campus based on their ethnicity, race is somehow conflated with the idea that this a political ideology. Are conservatives...explain your conception 'because I'm very confused by this.

Because I would imagine that this would also apply to anybody that's being harassed. But to my knowledge right now white Christian conservative men are under no significant threat on campus, at least documented, of this kind of harassment. So could you clarify that for me, please?

**RASMUSEN:** Yes, I would say that the faculty are overwhelmingly liberal.

Conservatives are a small minority. I was harassed ten years ago in a political affair, you may remember. And code words diversity are often meant let's not tolerate conservatives. Harassment often means when we teach people how to harass somebody with an unpopular opinion. What's the other big word here?

Tolerant usually means intolerance of conservative opinions. I think they'll add maybe, not the intent here, but maybe it is. I think often people on the left progressives think that conservatives are demons who have to be suppressed.

**ROBEL:** I don't know where to go next.

**DIAZ:** I'm sorry, I'm sorry.

I think we have to be really careful.

**ROBEL:** We got all kinds of hands up at this point so.

**DIAZ:** I'm sorry.

**ROBEL:** Let's see Colin, Marietta we will work our way around and give—

**DIAZ:** Can I make one last statement?

**ROBEL:** Sure.

**DIAZ:** I think we have to be careful to contextualize this, we're making a lot of assumptions based on this language.

And I want to highlight underscore again that I don't think it's a conservative or liberal thing to attack someone's race, ethnicity, and to help what no matter what your political or religious beliefs are. To help others understand that anybody under a situation that is under harass, including you by the way, as a liberal progressive, I'll just out myself I'd protect you if you were being harassed.



So I don't think this is an issue of that and I think we have to be careful to talk about this language. And make these assumptions about what this languages intending, nothing other than to protect to make sure the students on our campus feel safe, which I think is the ultimate goal outside of anything else to do, if we can't do that we're in trouble as an institution.

And I think we can argue that at another point, thank you.

**ROBEL:** You want to flip back to the first. So religion is a protected category there, right? Okay, let's see, where to go? Colin, are you next?

**JOHNSON:** Yeah, I mean, I think in some ways I hear your concerns and I respectfully disagree with your reading of it.

**SIMPSON:** It sort of took my breath away. I was—Yeah, I keep pressing that button, right? The light goes on the light goes off. I think that anything that supports all of our students and all of our faculty in feeling, and I do mean all, in feeling safer on this campus can only be a good thing.

As a person who often feels like the other in the room. I think that what we can do together to support each other, even though often times we have very different viewpoints, I think will be a good thing. When I read that article in the IDS, I was very troubled by it.

And I didn't hear a public statement that supported whoever that person was, whether or not they were part of the university community or not. So I was troubled by the silence surrounding that incident. And so I think if we can do something to lessen those kinds of things and the impact that they have on our students.

And for all of the unspoken incidents that happen, that are never reported in the IDS. I think education is, of course, key. Because there's so much happening that, as I said, things that never get reported, that have lasting impacts on all of us, clearly. I think what we can do as a faculty, and as a body that will help across campus.

I think we should do whatever it is that we could do, and I agree wholeheartedly with what just said, thanks!

**ROBEL:** Thank you, Marietta. Yep.

**GUERRA:** I just want to say from the student perspective that this story in the IDS, while it is egregious and quite public, it is just a sliver of what some of our students go through.

And so I'd like to be clear that there are many of our students who you know, they tolerate bigotry on a daily basis or they feel like an outsider or an imposter. And so these this what we're talking about here is very important. The university promotes a free place to express ideas.

But we need to allow everyone to the table so these protections are very, very important.

**ROBEL:** Okay, Fritz?

Okay, I couldn't see it. Okay, I have a different issue. It's a very minor one, I don't insist on it. But as an historian, I find the formulation the current growing climate of intolerance misleading.

I think there's more attention paid to it. Which is a good thing that we actually talk about these cases all the time. But I feel all of these intolerance cases and bigotry have been going on for a long time. In fact, I'm actually am slightly more optimistic that the long term is actually they'd be getting more tolerant.

So I would propose simply to replace the vaunting of this current growing climate of intolerance, which strikes me as very presentist here to say more discourages any form of intolerance.

Minor point.

**ROBEL:** All right, let's see Padraic, were you next?

Okay.

**DUNCAN:** I work with student groups that represent some of the students who have some of these identities.

And they very much tell me about the experience they have on campus with bias. And I simply can't imagine having to be in their shoes and deal with that. I would like to suggest that anytime we are ourselves, so in the majority that we cannot imagine that kind of harassment, that we might want to extend a little compassion to the people who aren't.

And the protected class here, does not specify an ideology. It specifies people who have often specifically been targeted throughout history for these kind of attacks. There's nothing about this that is inherently political. It's an attempt to train people that when we see a confrontation starting, we should de-escalate that confrontation for the safety of everyone present.

That is not a liberal or a conservative ideology, this is a safety concern. This is training on how to keep people from getting hurt.

**ROBEL:** That has been the focus of the bystander intervention training on the campus. We actually are engaged in quite a bit of that, we work through culture of care with the students too.

And we've been working quite steadily to increase the number of opportunities over time. I haven't looked recently, but it seems to me that we did something like 4 to 6,000 of these kinds of bystander intervention training. It's facilitating people being able to have some courage and to protect the people that they're with.

I think that what was particularly difficult about what happened at the bus stop is that the person who was harassing is also a member of a vulnerable group and that caused a lot of fear. And that often happens when people have mental illness. It causes a lot of fear in bystanders.

And so having, I think what the intent of this is is really to help give students more tools to deal with situations in which they feel fear and they feel fear for the safety of the people around them, is that correct?

Yeah?

**HENSHEL:** Okay, so can I address a few points at this point.

First of all, Fritz, since the election there has been increasing incidence even in Bloomington. So to say that there's growing intolerance is actual reality, I'm sorry, it's happening. Overall I would say our society has been growing more tolerant until recently. And I will say that the feedback that I'm getting from people who are in touch with students and some of the students, and I hear it's happening to staff and I've been assured it's happening to faculty too, is that they are feeling the pressure.

They are feeling the comments, behaviors are happening more. So we may be, I may be, you may be kind of not seeing it may be blind to it, but it doesn't mean it's not happening. And what's been happening in the country is hitting us also. So I think it's important to say that and recognize that we do have a growing climate of intolerance.

And at least state what's going on and be pretty blunt about it. The other thing, can you go to the one, for the recommendations in the classroom. So this point about encourages all academic appointees in the classroom and Eric, this addresses you also to a certain extent. Part of the problem is that there is current training right now for faculty to work with students more sensitively.

I guess is the way to do it, so that faculty know how to not be offensive, not harass, not discriminate, not anything against students who are of different colors, races, whatever. In the classroom, what is not being trained right now and I did check with Sidel about this s that faculty are not being trained to recognize when it's happening to themselves.

I presumed they might recognized it or not. But between students and they're not trained how to prevent it from happening to students, the training currently is how do faculty work best with students. Not how do faculty oversee a climate of tolerance in their classroom and that's what's missing, and it's been pointed out to Sidel at this point.

And I haven't gotten beyond the discussion back and forth with Joan Middendorf, but I'm sure they will start to deal with this. So, yeah, the point of this is to recognize what's been happening. And to try to get to the point where we can get to where we wanted to be which is tolerant of everybody and open for full freedom of expression, because that's what we are, we're a university.

**ROBEL:** Let's see, Rick and then Ann.

**VAN KOOTEN:** Eric did described an incident where he felt harassed, that wasn't included on the first page. So why can't we include political ideology on the first page?

**HENSHEL:** That's fine, I also apparently missed sexual orientation somehow.

**VAN KOOTEN:** Go back?

**HENSHEL:** Yeah, this was not intended to be anything other than inclusive and I wrote it in probably an hour max.

**ROBEL:** Okay, Anne?

**ELSNER:** Well, does everyone in here do the Title IX training or just us?

Okay, so every year when we do the Title IX training, when we're reading what we're supposed to do, I feel confident that I could report. But I don't feel confident that I could disrupt a situation effectively, I could think of ways I might do that, but I'm not really sure that I could do that.

So the question for me was immediately not about whether this was a good idea, of course, I feel it's a good idea. But the question is, how do you train the average person to disrupt a peer? I have some ideas how I might do this in a classroom when I'm supposed to be in charge.

That I really don't know if I'm walking across the bus stop or down Third Street and everyone's on their phone and I just don't know if I could do that. And I think the training, we'll have to be a pretty big effort to be effective, not that we shouldn't try, but it's not going to be easy.

**ROBEL:** Good bystanders intervention training also trains bystanders on when should they intervene, because it's unsafe to do so. You know it's as important to recognize our limitations, I think, sometimes as it is to think about the needs of people who have been subjected to something that's difficult. Okay, let's see.

Frank and then Bob.

**DIAZ:** I just wanted to, I like statistics. I like informing my decisions based on that. The FBI, the 2017 hate crime statistics, if we want to use that as a sort of bellwether for increased intolerance. Every category they track race and ethnicity, religion, sexual orientation, gender identity, disability, and gender.

In every single category with the exception of gender, there are significant increases in harassment based on race, ethnicity, religion, sexual orientation. And so again, just to underscore that when we make these decisions anecdotally and also based upon what's happening locally in our community that we also have a broader picture.

So in response to Fritz, while I agree with you I also think that there is probably a reasonable, there's probably good reason to include that language at the moment. Yeah it depends how we wanna count when harassment goes up and down. I can tell you as a person who comes from a Latino family, and whose had my family up here the last two or three years, and who is of mixed ethnicity and other issues, I don't feel safe.

**KENNEY:** I guess I'd like to think that even if it were demonstrable that intolerance was declining, and an incident like the one of the bus stop, happened, that we would still be moved to have such a resolution. As a historian who has often made the mistake of judging the present as being a trend, I take Fritz's point of the danger of presentism.

And I look at this resolution and I don't see it materially weekend at all if those, if the change that Fitz recommended were made. So, I'd like to make a motion that those words be replaced with, I think was any form of, right, of those five words.

In the previous slide. Right, the current growing climate of be replaced with any form of.

**ROBEL:** I assume I've got a second from Fritz? Okay. Thank you.

Discussion on that change?

All right, all in favor? Opposed?

All right, would that change?

Bob, I'm sorry, I think I lost you there.

**KRAVCHUK:** I just wanted to quote from memory some words from the founder of modern conservatism, Edmond Burke. The only thing necessary for the triumph of evil, is for good men to do nothing.

**ROBEL:** All right, Rick?

**VAN KOOTEN:** I don't know if it was a friendly motion to include political ideology or kind of make a motion to add that to the list?

**ROBEL:** Yeah go ahead and make the motion.

**VAN KOOTEN:** Make the motion to add political ideology.

Is there a second?

Okay, discussion? Yep?

**TRAVERS:** I'm just wondering of something like that would be included under the term other differences.

**ROBEL:** Okay, Alex?

**TANFORD:** Well I generally support the idea behind it.

We do have a statement on diversity, and a university policy, which includes things beyond this list including veteran status and things like that. They are linked in the preamble. So I worry that the more specific things we add to that paragraph the more it raises the negative implication that anything not mentioned is not covered.

And so while I support the theory behind this, if it were up to me I would in fact propose an amendment to delete the, you know, to take a couple of references out. So that it does not appear to be a complete list. Because I worry about the negative implication.

**ROBEL:** Okay, other comments? Yep, John.

**WALBRIDGE:** What this is substantively is a recommendation to have everyone on campus do by standard training. Given that we're doing a certain amount of this already, do we have evidence that it actually works?

**ROBEL:** Evidence? Have we done a study? We've heard from our students that that they appreciate it.

I think a lot of it has been focused on unsafe situations around sexual assault. But it has also included other kinds of unsafe situations. And I could let the students speak to this, but I've gotten lots of appreciation from the students about the opportunities to do this.

Yep.

**GUERRA:** I just wanna comment that a lot of students do make it known that the Bi-Standard Intervention does help. And the reason is, you know, the might know that that would have been the right thing to do if they really thought about it, but in the moment they're not thinking about it.

They're just witnessing something happen. So having that just jog their memory thinking about the Bystander Intervention Training, it really does help.

**ROBEL:** I'm sorry, I shouldn't have even let that last conversation happen because it is off the topic at the motion that's on the floor. So the motion that's on the floor has to do with political ideology.

Adding it the list if there's anything to remain to the motion that anyone would like to say. Let's see, we've got two over here.

**BULLOCK:** Quick question, to what extent can a person's beliefs or ideologies be considered or framed under the notion of a political ideology? 'Because that seems pretty broad.

**ROBEL:** And Jon?

**TRINIDAD:** Yeah, I'd just like to support Rick's proposal. I mean, I see Eric's point, and it won't ameliorate all of that. But in the background of all of this, I think we need to always be mindful of how our attempts at inclusion might get resistance from other camps.

And so if we try to add this wording to the recommendation, it won't make it perfect, but it will perhaps frame it as it's not an attack on conservatism. And, therefore, to the extent that then some population in the campus reads this and doesn't get offended and have some sort of blowback, I think that's a good reason to include it.

**ROBEL:** Any other last comments on the motion on the floor?

**MARSH:** I also want to speak to the amendment, speak in favor of adding it. I agree with all the other comments that have been made. This is not an exhaustive list, it couldn't possibly be. But harassment on the basis of political affiliation does happen.

There was an infamous case in Nebraska in just what, a year, a year and a half ago which got national headlines. And so I think it would be a good thing to add.

**DUNCAN:** I think Alex is absolutely correct.

The more things you put in there the more it dilutes what we are actually trying to say. There are some nationally protected classes that aren't included there. Veteran's status, disability status, that we know have documented upticks for harassment. I don't think we need to include this one. I think and...

Ah, my apologies I didn't see it, but veteran's status. I'm going to argue against what Jon said supporting it. That small percentage of people who may look at something like this and immediately say, this is an attack on conservatism. Frankly, I don't think there's anything you can do to appease those people, because it's not.

**ROBEL:** All right, Jim, to the motion.

**SHERMAN:** Yeah, I think to leave this out. Because there are too many things already, makes it a political statement.

**ROBEL:** All right, can we go ahead and vote on the motion on the floor?

All in favor?

Okay, opposed?

It looks like the motion carries.

Is that accurate?

Yeah all right, so we're back to the resolution as amended with the two amendments we have. Are we ready to vote on the resolution?

Rachel.

**R. COHEN:** Can you actually switch to the next page for me? I'm a little worried that this only talks about classroom and university programs.

This incident happened at a bus stop and seems to this resolution then seems to apply that this is only supposed to happen on university sponsored events or classes, where it seems instead to, we would want it to be anywhere on the university property. And so I feel like that wording might want to be looked at.

**ROBEL:** Okay, other discussion? Susan?

**SEIZER:** I wanted to take up, I think, what Anne mentioned. I mean, could we have training not just for freshman, new transfer students, and the staff and faculty orientations. Can we expand the training to current faculty?

**ROBEL:** Is that the first line? I think the first line says all current students, staff, and faculty.

**SEIZER:** So how would this be implemented? I'm curious to know.

**ROBEL:** It's a resolution at this point. I have to—it's not a policy. I would take it as encouragement to see what we could do. Doing anything at scale for the number of people who come to the campus typically is going to be in some kind of tension with the documented efficacy part.

So if you think about the other areas where we're required to assure that we're comprehensive... Title nine is a good example. We have online work. Online work and bystander intervention is unlikely to be the kind of deep work that is going to be efficacious. And so I'm just telling you as your Provost that I think the sentiment behind this with one... I have one concern that I'll express perhaps last is...I support it, but documented efficacy at scale is a very difficult thing to achieve.

Yep, Alex?

**TANFORD:** I just wanted to respond to one thing. On the third of those sentences that's limited to classroom and other university programs, that's a separate category than the first two.

That specifically the two situations where an academic appointee, a faculty member is likely to be in charge. So that's a slightly different situation than a faculty member waiting at the bus stop which would be covered by the general intervention training.

**ROBEL:** Yeah?



**HERRERA:** I have a question regarding international students, do they have their own orientation? International students?

**ROBEL:** They do, they have general orientation and then there is additional orientation. Dennis, is there anything you'd like to—? I have that right, don't I? Yeah.

**HERRERA:** I would like to make a friendly amendment about either international freshmen or new transferring international student, orientations, they are different?

**ROBEL:** Are they? I mean International students are still our students. They're either new students or they're transfer students.

**HENSHEL:** Israel could you say exactly how you would change the wording that would make it not redundant?

**HERRERA:** I mean the word international, freshman, or in parentheses as we have for transfer students, or new transfer and international in parentheses because of the different orientations.

**HENSHEL:** So are you saying transfer, and/or international? Is that what you're saying?

**HERRERA:** New, transfer, and international or international.

**ROBEL:** I don't think, I actually don't think that's necessary and Dennis would you like to?

**GROTH:** There's an orientation for freshmen. There are also orientation, and actually the way that transfer student orientation works is coupled with that same orientation program.

The students are managed just a little bit differently from a cohort standpoint. And then from a temporal standpoint, a logistics and timing standpoint, there's an international student orientation that occurs. But it is still for either freshmen or for transfer students, and depending on the particular circumstances of an individual student will determine what are the things they have to do during orientation.

So I don't think this in any way creates a loophole that says international students don't, wouldn't be encouraged to have training there as well, at the same as a domestic student.

**ROBEL:** Okay, do you want to keep—

**HERRERA:** No.

**ROBEL:** Okay, great, Alex?

**TANFORD:** There is one group of students that does not appear to be included in that, and that is entering professional or graduate students.

And I worry, because the new appears to refer to new undergraduates by Dennis' explanation. And I'm worried that by having transfer parentheses, it will be read as applying only to people who are undergraduates.

**ROBEL:** Do you have an amendment you would like to offer—

**TANFORD:** Just, strike-

**HENSHEL:** Could we do it at first year?

**TANFORD:** Strike the word transfer.

**HENSHEL:** No, could we do it as first year, instead of freshmen, just call it first year and that's first year for everybody?

**TANFORD:** Just call them new students, whether they're freshman, graduate students, or transfer, they're all new.

**HENSHEL:** So it would be included in all new student, staff, and faculty orientations in the future?

**TANFORD:** Yeah.

**HENSHEL:** Yeah, all new students.

Okay, so I guess that's a friendly amendment we have to vote on.

**ROBEL:** You move that amendment, is there a second?

Okay, discussion?

All right, all in favor. That seems easy.

Great, any other discussion?

**TRAVERS:** Yes, I had a quick question about the very last sentence of the resolution. It says the BFC encourages all academic appointees to counter all forms of harassment. Do we need to include any language that qualifies the means with which we counter those forms?

For example, saying something like in compliance with our IU principles of ethical conduct, or do you think that's something unnecessary?

**ROBEL:** Colin?

**JOHNSON:** Well, I would just point out, my understanding is that this policy is, or it's not even a policy, it's a resolution encouraging people to receive that training.

It's not a policy turning people into mandatory interveners. It's a recommendation to give us training so that those who would like to intervene feel like properly equipped to do it. So I don't know that it makes sense to legislate the definitions of those things, 'because I think that would actually fall into the category of speaking...it's actually some of the concerns that you're expressing.

I say we leave it to the professionals. I mean, that's the spirit of the resolution. Yes, to actually see credible, presumably fairly politically-neutral and, nonetheless, efficacious training in this area. So I would say no. That would be my feeling.

**ROBEL:** Any other comments

Could you put the last, the page with the recommendations up for just a second?

So, here's a question from me. The recommendation is to encourage these people to become more effective bystanders. And then it's to encourage academic appointees to do specific things in response to language in the classroom. So those are separate things?

**HENSHEL:** The issue is that we are not necessarily as faculty trained in both observing and understanding how to handle, it's not always language, sometimes it's just behavior.

**ROBEL:** Well—

**HENSHEL:** So the issue is that we recognize and feel empowered to because we know what to do to step in and say, that's not appropriate behavior, that's not appropriate language. So it is language, but it's language and behavior, there's no question that there is subtle unspoken language.

**ROBEL:** Okay that's helpful to me because, so you intend the part about the language to be simply threats, or violent language?

**HENSHEL:** Boy, I sure hope it wouldn't also include violence, but—

**ROBEL:** I mean that's what it says.

**HENSHEL:** It was supposed to be all forms of harassment.

**ROBEL:** I'll just tell you where I'm coming from.

**HENSHEL:** Yeah, yeah, yeah.

**ROBEL:** Anytime I see anything about telling faculty what kinds of language they respond to in a classroom and how they do it that raises alerts for me. I don't think this is intended to tell faculty members...it is intended to have them do something in response to things that happen in their classrooms.

I just think that's one of the most sensitive things you can talk about and I'm kind of astonished that nobody, you know, that's why I've been waiting this long to see if anybody else brings it up. I think it's you know, we have policies against harassment and discrimination, we have policies of conduct around threats and violent language.

I'm just a little concerned about putting those into an obligation on faculty members in the classroom that I don't quite understand yet. I'd like to have some discussion, maybe it's just me.

**HENSHEL:** Yeah, I'm just trying to, because I don't remember what the original language was, but I spent a lot of time thinking about this one and the intention was for recognition of the behavior and the language as being inappropriate is the first piece of it.

Because, it seems to me that faculty don't always recognize it, and therefore you can't do anything unless you even recognize it's happening in your classroom.

**ROBEL:** And it's not intended to tell people what they're supposed to do in their classrooms?

**HENSHEL:** No, not in any way shape or form.

**ROBEL:** Okay.

**HENSHEL:** Yeah, it's a sensitizing and allowing faculty to know what to do when they see it happening.

**ROBEL:** All right, Alex?

**TANFORD:** Yeah, it just uses the word encourages, and it doesn't make it obligatory. And as a person who's very sensitive about academic freedom in the classroom, which is of course guaranteed also by university policy, it doesn't seem to make the training available to those who wish it, strikes me as a good idea.

**ROBEL:** Okay, well we are at 429 despite the tolling of the bell outside.

Is it the councils wish to vote on the policy as amended?

Okay, all in favor?

All right, that looks pretty definitive.

Opposed? There you go, all right, I believe we shall adjourn at this point in our usual way. Thanks.