

Indiana University
UNIVERSITY FACULTY COUNCIL
March 28, 2017
2:00 P.M. - 4:30 P.M. (EST)
University Hall, Room 1006, IUPUI

MEMBERS PRESENT: John Applegate, Rachel Applegate, Tina Baich, Ed Berbari, Jonathyne Briggs, Ange Cooksey, Donna Dahlgren, Andrew Downs, Alyce Fly, Jan Froehlich, Charles Goodlett, Colin Johnson, Robert Kravchuk, Chera Laforge, Moira Marsh, Bryan McCormick, Robert McDonald, Michael Robbie, Marc Mendonca, Nazareth Pantaloni, Nasser Paydar, Stephen Salisbury, Kenneth Smith, Rebecca Spang, Gregory Steel, Alex Tanford, Joe Wert, Jack Windsor, Susan Zinner.

MEMBERS ABSENT WITH ALTERNATES PRESENT: Steve Sanders (Tim Lemper)

MEMBERS ABSENT: Neovi Karakatsanis, Yusuf Nur, Adam Reneker, Lauren Robel, Jeff Watt, Michael Wolf.

GUESTS: Karen Lee, Jenny Kincaid, Mari-Anne Wokeck, Emily Springston, Doug Wasitis, Mike Sample, Jeff Linder, M Reschte, Fred Cate, Marcia Gonzales, John Salisbury, John Sejdinaj.

Agenda

1. Approval of Minutes

<http://www.indiana.edu/~ufc/docs/minutes/AY17/11.29.16.pdf>

2. Legislative Update (30 minutes)

(Mike Sample, Vice President for Public Affairs and Government Relations, Jeff Linder, Associate Vice President for Public Affairs and Government Relations, and Doug Wasitis, Assistant Vice President for Federal Relations)

3. Executive Committee Business (10 minutes)

(Professors Rachel Applegate, Rebecca Spang, and Joe Wert, Co-Chairs of the University Faculty Council)

4. Presiding Officer's Business (30 minutes)

(President Michael McRobbie, President of Indiana University)

5. Question/Comment Period (10 minutes) *

(President McRobbie and Professors R. Applegate, Spang, and Wert)

6. UFC Approval of Sexual Misconduct Policy Revisions (20 minutes)

(Jennifer Kincaid, Chief Policy Officer, and Emily Springston, Chief Student Welfare & Title IX Officer)

[ACTION ITEM]

Current policy: <http://policies.iu.edu/policies/categories/administration-operations/equal-opportunity/sexual-misconduct.shtml>

Proposed changes: <http://www.indiana.edu/~ufc/docs/circulars/AY17/U8-2017.pdf>

7. Report on RCM Review (20 minutes)

(John Sejdinaj, Vice President and Chief Financial Officer)

[DISCUSSION ITEM]

8. Report on Proposed Revisions to the Research Misconduct Policy (20 minutes)

(Fred Cate, Vice President for Research)

[DISCUSSION ITEM]

Current policy: <http://policies.iu.edu/policies/categories/academic-faculty-students/conditions-academic-employment/Research-Misconduct.shtml>

Proposed changes: <http://www.indiana.edu/~ufc/docs/circulars/AY17/U9-2017.pdf>

9. Report on Conflict of Interest and Conflict of Commitment Policies (10 minutes)

(Marcia Gonzales, Chief Compliance Officer)

[DISCUSSION ITEM]

Transcript

AGENDA ITEM ONE: APPROVAL OF THE MINUTES

MCROBBIE: Colleagues, I...well actually it's not quite two o'clock, and it's very uncharacteristic to start a meeting early. But I think of the circumstances... I think just about everybody is here. Why don't we...why don't we get started and hope that we don't do anything particularly important if someone misses three minutes? Let me start with agenda item one, which is the approval of the minutes. Can I get a motion to approve the minutes, please?

ALL: (inaudible)

MCROBBIE: And a second? Okay, there's a motion to approve the minutes in front of us. Any questions, comments, remarks, corrections, etcetera, on the minutes for anybody? Alright, there being none, I'll put the motion to approve the minutes. All those in favor signify by saying, "Aye."

ALL: Aye!

MCROBBIE: Against, same sign. The minutes are approved. Okay, let me...let me move on to agenda item two. I expect this election will take us longer than thirty minutes. Let me just say a couple words by way of preamble. I think you've been all aware of the President's budget proposal. It is, on the face of it, particularly draconian to us and our interests as a university. Because of that, and a number of other reasons, we decided to move this up the agenda. But, there is also the situation of the Statehouse, which is frankly a lot more pleasant than the situation is federally. I think everybody knows Mike Sample, who is Vice President for Government Affairs, and Doug Wasitis, who is responsible...it says here Vice President for Federal Relations, and Jeff Linder, who is Associate Vice President for State Relations. Doug has to go in about, so let's say, forty minutes, thirty or forty minutes. So, I thought what we could do...Mike could start with an overview of the situation, and then let Doug continue in more detail, have the

federal discussion basically until Doug has to go, if necessary, and then Mike and Jeff can then switch to the situation of the state. So, unless anybody has got the other suggestions with that, why don't we start, Mike...why don't you start with an overview of the situation?

AGENDA ITEM TWO: LEGISLATIVE UPDATE

SAMPLE: Thank you, Mr. President. It's good to be with all of you here today. We... Jeff and I...(inaudible) first time to do this two years ago. I know Jeff and I did it by video conference and we kind of prefer that. It buys some protection for us in case the messages (inaudible) sort of have that separation. There never seems to be a shortage of drama when it comes to government relations. We've all been through years where tuition has been a big issue at the state level, and other issues bubble up at the state level, which becomes particularly problematic. When that calms down, as it has so far, this year, then it seems like we have issues at the federal level that...that become dramatic and demand all of our attention, which is kind of where we are right now. We're in a situation where at the state, things are just coming to an end. April 22nd is the date by which the legislature will determine that they will end... it's the long session, or the budget session at the General Assembly, which sets the biennial budget for us. We have a situation now where we've come through the House budgeting process for state funding for us that's moving to the Senate. So that process is working its way through and it's almost at an end. In Washington, at the federal level, it's just the opposite. It's just starting. And a traditional starting point for the budgeting process is when the President submits the budget from the Administration, which is always, we have to remember, it's always a political document and never is a document that ever gets passed, which is not to say that elements of it won't get passed, or elements of it are things that we have to be deeply concerned about. But this is a process where in Washington they say, you know, "The President proposes and Congress disposes." And it's been now, for a number of years, a situation where the President proposes and Congress then just lets there be a continuing resolution, and they just fund it the way they have, or some version of ongoing funding, as opposed to working, what in Washington is called "Regular Order," which is where you have appropriations process, you have committee hearings, you have a legislative markup to write the bill, you have a bill that would then go to the Rules Committee in the House for a rule to determine the debate, and then the House works as well. And then the process starts in the Senate. And then they do a Conference Committee to reconcile their differences, and then it goes back to both Houses. This has not happened since the 1990s. And so...and so, what has happened, and it becomes more tempting for a President to simply make a political statement with a budget proposal that never really has any chance of passing in its current form. So, where we are now is we're trying to analyze the areas, based on the information that's available, that are of particular concern to IU, and there are a bunch of them, and to look at those areas where we can have some leadership with our peer institutions. And there are some, just to name one of two of them, clearly NIH funding or issues related to Title VI. Indiana University has been a leader on that nationwide. We will continue to do that and take a leadership role in those and other areas. Then, there are some areas where other institutions or organizations, frankly, are better positioned with members of Congress on committees to do...to take the lead on other areas. And so, we will be in the supportive mode for all of that. It's only been eleven days since the President proposed what he proposed in his budget. I've been to Washington last week for two days. I've met with congressional staff in our Washington office. I had conversations with the three members of Congress while I was out there, one on one meetings, either I, or Trevor, or

Doug did that, on last Friday when the health care thing all blew up. The President has sent messages to members of Congress expressing our initial concerns about all of this as well. So, and we've also talked with potential allies in the arts community in Indiana. We're looking at putting together some, you know, efforts to work together to make the case on behalf of the whole state of Indiana, which we will be one of the messengers, but not alone. So, we're working with (intelligible) in the Arts Community here in Indianapolis, and we'll be looking at statewide allies as well. So, in the eleven days that this has happened, we've tried to take a full-court-press approach to that. And, I think, as this process unfolded...there's some news today about the President having proposed some rescissions to gain money as well. We'll talk about rescissions for this year's budget as well. So, it's something where you have to just watch every single day what's going on and respond to it. So, we'll start with Doug to give some more detail to what I've just outlined, and then Jeff can talk about where we are at the General Assembly, and we'll be prepared to answer what questions you may have.

WASITIS: Thanks, Mike. And thank you for allowing me to be here. Let me start by... I've met some of you, but not all of you. I am an IU alum. I was a political science major. I immediately moved to Washington, D.C. after graduation and started working on Capitol Hill. I worked for the House Appropriations Committee, the minority and majority side. I then went to work for a...the lobbying arm of a law firm here in town called Baker and Daniels. And in 2005 I had the good fortune of opening the IU Washington, D.C. office, where I'm still employed. So, Mike is quite right about the saying that the President disposes...President proposes, Congress disposes. And in fact, when I worked on the House Appropriations Committee, we always considered the President's budget, but we didn't always consider it seriously. And I think that's the approach the Committee's taking with this President's budget. Seeing as we can't do everything in the budget, we can't fight everything, we've determined to make four priorities at the outset. What we're proposing are to work with the congressional delegation, to ask if they reject the proposal to eliminate the National Endowment for the Humanities, that they reject the proposal to reduce above 20% of the National Institutes of Health budget. We've asked that they reject the proposal to eliminate Title VI in International Education, and we're asking that they reject the proposal to severely reduce the Work-Study Program at the Department of Education. Let me, if I can, walk through each of these one by one to give a sense of not only the reason, but also what we're doing to try to move this forward. So, with the National Endowment for the Humanities, as Mike mentioned, we're working closely with the Indiana Humanities Council to try to allocate with our congressional delegation for continued support of the agency. One of the things that we put in place is to try to work with Keira Amstutz at IHC to identify a nominee that members of our congressional delegation could put forward for a position on the National Humanities Council. The idea there is that if we have our members invested in supporting an individual to go onto the Council, they're going to be more likely to support and continue to support funding of the agency. Another area within NIH that we're going to be pursuing is a statewide advocacy effort of NIH stakeholders. A couple of days after the budget came out, I approached my colleagues at (inaudible) Crossroads in Washington DC to take their temperature about a statewide-stakeholder letter that we would lead, but would look for other entities both public and private to sign on. We've so far talked with the Bloomington Chamber and Indianapolis Chamber of Commerce. We've talked to Cook Medical, Purdue University, IU Health. These are the kind of organizations that we're going to ask them to assist us to sign on to a letter, again, asking for that Congress reject the proposed cut to the National Institutes of Health. Talking...thinking about Title VI, International Education, for a minute—this is an area where IU has really staked a claim

over the last ten years as being a leader in the community. President McRobbie a few years ago spoke with Senator Coates about (inaudible) being the congressional sponsor of Title VI Funding, meaning that on his watch, the program would continue to thrive, it would not be reduced, as it was severely reduced in 2011. Senator Coates did that, and now that he's retired, we reached out to other members of the Delegation, as they...they also can think about taking this on as a sponsor, and helping to protect the funding. And then the last...the fourth priority is with work-study. I think it's extremely important, as we look at the array of proposed cuts, we identify those that will have a definite impact on our students. And we've got to include something in there; we have to fight for our students. So those are the four priority areas that we've identified. A letter from President McRobbie up to each of the members of the Delegation was delivered last week, as Mike indicated. We've already had one-on-one conversations with many of the congressional offices, and we will continue to do that. I should point out that just because those are the priorities, that does not mean that we're not being active on other...other items that are proposed for elimination or reduction in the President's budget. Within the Department of State, the President is proposing a very severe reduction to the Bureau of Education and Cultural Affairs, where many of our exchange programs are funded. The approach we're taking there is to work directly with Senator Young, who is the only Indiana member serving on a committee of oversight of the Department of State. He serves on the Senate Foreign Relations Committee. I've worked...I've already tried to work with many of the leaders within David Zaret's group (inaudible) in Indianapolis to try to get an inventory of all that we're doing in the exchange world...the grants that we have... currently have with the State Department and that we're interested in pursuing. That information I will share with Senator Young, so that at the appropriate time he can then weigh in with the Chairman of the Senate for an operations appropriations subcommittee. Another area that we will continue to try to focus on, in addition to NEH, is with NEA. I truly believe what happens to NEH will happen to NEA. They really do go hand in hand. So, we're trying to (inaudible) it. We're trying to work with the state arts Community on advocacy for NEA. And again, just because we may not be seen as a leader here, does not mean that we are not doing the work behind the scenes. As I said at the outset, we can't take on every issue or we run the risk of diluting the message. The topics that we've identified to be priorities, NEH, NIH, and Title VI in particular, IU has a very strong track record with this delegation of being solidly on board. And I can stop now and take questions. I mean, I think I've covered most of what I'd like to at least have. And maybe we can think of this as sort of a townhall style effort, and I'd be happy to take any questions.

MCROBBIE: Sure! Any member of the UFC wish to ask Doug any questions? Any discussion? Any questions? Yes! Sorry (inaudible)

MENDONCA: (inaudible)...resolution...is that the best we could hope for right now?

WASITIS: So, continuing... we're under a continuing resolution, as you know, through April 28th. So, today the President sent up a list, and I've got it here, I haven't analyzed it, of proposed recessions for the current fiscal year. I think to mostly to pay for the wall, but also for some DOD spending. For FY17, I think a continuing resolution is probably a good outcome. So, short answer is, yes, I think it would be good for us. For instance, the Title VI program is reduced in the seventh version of its FY17 Bill. It's at the FY16 level in the House version of the Bill, meaning we probably come in somewhere in between, which would be a cut on FY16. So, in some cases, yes, indeed, an FY17...a continuing resolution would be a win.

MCROBBIE: Rachel.

R. APPLGATE: I want to say that I fully appreciate the need to prioritize. I get that.

WASITIS: Thanks!

R. APPLGATE: I also have understood the need for there not to be lone rangers in lobbying.

WASITIS: Yes.

R. APPLGATE: But these are not normal times. And since you did not mention the agency dearest to my heart, which will also be zeroed out, IMLS, am I...I mean, as a citizen I can lobby.

WASITIS: Yes.

R. APPLGATE: But as a professor of IUPUI, can I write things in support of that particular agency?

SAPMPLE: I think the answer is, yes, you can. And I think what we would just respectfully ask is that you keep us informed of that, so that when we talk to members of Congress, that we are not surprised that they've received something from you, and then we can talk to them about how, you know, how that is also an important issue for Indiana University. But, the worst thing that can happen when you're dealing with the members of Congress and their staff, and I was staff, Doug was staff, Jeff is an elected official himself, is to get surprised on things. Is this IU or is that IU, you know?

R. APPLGATE: Right! Right!

SAMPLE: So, if you could coordinate with us, it's really in everyone's best interests. But I think examples of damage that would be done are always helpful for staff members. And I think if you could coordinate that through Doug, those kinds of comments, that's...that's more than welcome.

WASITIS: Absolutely, and (inaudible) on that talked a little bit more about collecting stories, collecting anecdotes of what would be the impact if NIH were reduced by 20%. You know, the skinny budget that came out eleven days ago is very short on detail. So, we really, except for the closure of the Fogarty International Center, we really don't know what's proposed in that 20% reduction. Nevertheless, I think it's important to have those stories of (inaudible) working with folks here at the School of Medicine and Fred Cate's office to come up with the stories that I can then share with members of Congress about the impacts, which is back in the IMLS too, it's...it may be too that there is a letter of IMLS...voices for IMLS, some kind of advocacy group, looking for signators from universities.

R. APPLGATE: Right! Right!

WASITIS: We'd be glad to look at that.

R. APPLGATE: Okay.

WASITIS: If it's something you want to share with me.

MCROBBIE: And that's true with just about any area.

R. APPLGATE: Okay.

WASITIS: That's absolutely true. And again, I want to be clear, just because it's a program, may not be one of our top four priorities, does not mean we won't be trying to work behind the scenes to reject the proposal in the President's budget request. Another one is the proposed 900-million-dollar reduction to the Office of Science. That would be devastating for many of our physicists and others working at the National Laboratory. So, on that, I think where we can be most helpful is to support some of the efforts that are being led by the (inaudible) communities or the (inaudible) communities. So, it's not Indiana University. It's not that we're not wanting to be helpful. It's that we are helpful, but that's not a priority that we're making with our delegation. And I hate the word priority, and I hate to have to prioritize, but I can't walk into an office with a list of seventy items and ask for their help with every one.

SAMPLE: And the other thing to keep in mind is, there are 435 members of the House and 100 members of the Senate in the House...we have nine members in Indiana, you know. Two of them are freshman. Two of them are Democrats who will probably not have that much influence on how this unfolds in the House. So that leaves us with members of Congress who are not always well enough placed on committees to get done what we want done. So, just from a pragmatic standpoint, it's better to say, "Is there a colleague institution in Illinois, or New York, or Pennsylvania, that we can tag on with them and help make the case?" And it's all about being effective here, really. And so, we're trying to identify those areas, and Doug mentioned several, where we have a really strong compelling national story that our delegation can get on board with and promote as their piece of fighting this budget.

WASITIS: In another way, I think we're helpful to, and again, I'm not trying to cut off questions at all, but is to... Mike mentioned that he and I were both staff on Capitol Hill. I worked on the House Appropriations Committee. And so, I've often accompanied members of our Congressional delegation staff to meetings with House Appropriations Committee staff, to help them, sort of, give the right argument for trying to save a program. And I'll continue to try to do that. Sometimes the most effective way a member can be helpful is to simply go to the House floor, grab the Chairman, and say, "You know, I've really got to have this project, or I really oppose this cut and here's why." He doesn't have to make a press release about it; he doesn't have to send a letter; but just that simple communication is something that the Chairmen pay attention to. At the end of the day, keep in mind, it's their job to get the bill passed. They have to get 218 members of Congress to vote in favor of their bill. And so, they're going to want to shape a bill in a way that the majority of the House will be willing to pass. And so, they are very interested in knowing what members think about the budget proposal. And again, what we try to do is arm our members to go fight on our behalf.

MCROBBIE: Rebecca.

SPANG: I was going to ask, and I realize with this Administration it may be a foolish question, what's the timeframe? When are we going to know if the NEH is safe for this year?

WASITIS: Sure! So, the budget process is completely unchanged. The...it's just running a little late this year. We will probably start to know when the House and Senate mark up their individual Appropriations Bill around the June-July timeframe. It's the House and Senate Interior Appropriation Subcommittee where NEH and NEA are funded. We'll know sort of at that time. But, you know, what I do is I read very carefully the press statements that the Chairmen of those committees make, because you can...you can...from that you can tell the direction they're going. I feel very certain no one wants to be known as the member that killed NEA or NEH. From what I've seen, there seems to be support for continuation. But that's the timeframe.

MCROBBIE: Yes.

SMITH: Ken Smith from South Bend. First a quick question about an issue that I think if it is (inaudible) would be (inaudible) as well appealing to Hoosiers if we...if we were involved in it, which is world place safety. So, is that...is that (inaudible) the present budget?

WASITIS: I have to admit I don't know. I can check, and I can get back to you. I don't recall seeing that. But again, it's...I have a document It's pretty thick. Let me check on that if I can and get back to you.

SMITH: Thank you very much! The second question is a long-game question. I was told a couple of years ago that the University of Notre Dame hired a distinguished American op-ed editor to teach faculty how to write and place op-ed pieces—faculty from any part of the political spectrum. But I wonder if we need more voices speaking up who are trained in such things and if you could see such a thing (inaudible)...a much larger number of public voices coming out of the faculty across the state in content-starved newspapers and being interviewed on national public radio, and so forth...if you would see that as a virtue and worth working on, even if some of those people might disagree with some (inaudible).

WASITIS: Well, I have to say, I mean, I think our current team, Ryan and Margie, do a tremendous job. And I've been pleased to participate in some of the efforts to develop op-eds. I think President McRobbie and Dan Evans did an op-ed on the 21st Century Cures Act and I know that President McRobbie has done one on the importance of Endowment Spending. I...I think I may answer by saying this is not my field of expertise. And I don't mean to sort of (inaudible) your question, but...

LINDER: This impacts the state side too. And I think we have to be careful not to overdo it because we're the ones consuming the public dollars, and for us to come out and say, "You know what, I do a good job. You need to send your money our way." What we need to do and try to do it frequently is reach out to...whether President of Eli Lilly or the head of the State Chamber, to say, "This helps us; this is important for our state." Because it's better if it comes from somebody who is not receiving those dollars in many of these cases. And so, you know, and I think we need to share that; we need to have our thought leaders within the university participate in that. But then we also need to get others to do this, too. And at least around the state, a lot of our leaders around the state depend greatly on Indiana University and are willing to openly support us.

WASITIS: And Doug makes a great point, and let me add something about the importance of third party validation. So, on the Title VI program, for instance, it's great that Indiana University has

nine Title VI centers. But what does that mean for the state? Where we've been able to try to get our members engaged is when we're able to bring in letters signed by the Indiana National Guard, who's had their reservists trained at our title VI centers to help them to be able to (inaudible) overseas. Or we've had K-12 principals and superintendents write letters in support of the work that we're doing teaching teachers. Those are the kind of third party validation letters that I think are almost...almost more important than an op-ed from a faculty member, to be quite honest. But I think is...we need all of these things.

MCCORMICK: Bryan McCormick, IU Bloomington. Can you talk a little bit about those cuts to the Department of Education, particularly teacher training or other areas like that...that are being proposed?

WASITIS: I...I... Can I get back to you on that? They did not at least bubble up as far as a level that I noticed when I first read the budget. But again, it's a pretty big document. If you don't mind, if I get back to you. I don't want to misspeak and give you wrong information.

MC ROBBIE: Yes.

LEMPER: Tim Lemper, from IU Bloomington. I'm just curious of the... I assume the Vice President's Office plays no role in this (inaudible). Is that the case? Is there any potential benefit to having a Vice President from the state?

SAMPLE: Well, the Vice President...we've discussed this in the Cabinet meeting yesterday as well... This is an Administration that is short on people who have governing experience. They have campaign people. They have some people who are particular ideological media types like the guy from Breitbart and so forth. But the people who have actually sort of worked in government and know how to make the process work, they're kind of in short supply, which means that among those who do have that experience on Capitol Hill, you know, former Congressmen and former Governor: Mike Pence is...is one of those. So, the question then becomes, you know, how often can you go to him and when he is being besieged within the Administration as well, there will be limited opportunities to do that. We have good relations with his staff; his chief of staff is someone whose office used to be in the same building where Doug's office used to be. They know each other. I...when his (inaudible) came to Indiana University, I negotiated with Josh Pitcock, who was his Chief of Staff. So, we know them well. But, it's not the same if you're Vice President. I mean, you...the call may not be returned and you may not necessarily get, even though you're from Indiana and they know you... So, I think we have to be respectful of the situation that he's in as well. But having said that, the general answer is yes, we will try to use that relationship to get our points across, where otherwise they might sort of be lost in the wilderness within the Administration. Right now, sixty some days into this Administration, everyone including the Vice President is trying to find their role and their place in terms of where their influence is going to be. And so, it's an unsettled environment right now, when you have a President who has never held government office and you have senior staff people who have never been in the government. They compare themselves with Reagan a lot. But the reality is that Reagan had Jim Baker, who came in...who knew how things were... And they had George Shultz, who was an old pro from the Nixon Administration. Those are not people that the Trump Administration...those kinds of people are not who they (inaudible). So, we will...we will try to use what influence we can where, including our good relations with Vice President Pence.

MCROBBIE: Other questions for members of the Council on federal matters? Bearing in mind Doug's timetable. Any other questions? Anybody? Okay. Let's flip to... Thanks, thanks Doug... Let's flip to the state situation.

LINDER: Well, I'm Jeff Linder, and I handle the state government relations for the university. Our state right now is pretty good. I mean our legislators have been very supportive generally. There are a lot of, as always happens, many troublesome bills that were filed, a vast, vast majority of those are no longer active bills; they've died along the way. And generally, a supportive attitude towards higher education, generally. In IU, they've been particularly supportive of a lot of our initiatives, partially because our campuses are doing very good jobs. We're doing much better than many of the other public universities in the state as far as performance. And that's kind of reflected in their views and also some of the funding that's being discussed. This is the budget session, budget here...that's a really big deal, obviously, for us. But, to kind of tag into what Doug was talking about on the federal budget, our Legislators and Governor really like each other. Even the Democrats, I think, respect our new Governor. He's been pretty open. Once again, he's never held office before. But he sent his budget over, and it had almost nothing new, very little bit for K to 12 or higher ed. The House put an extra 0.85 percent in the first year and an additional 1.65 percent in the second year. A major difference in funding from what the Governor had...the Governor had no capital projects at all for any university in his budget. He put in... When it went to the House, they passed their budget in the middle of February; they put in about eighty million for IU, plus another 26 million for R&R projects. Tom Morris and I were over at a meeting with the senate leaders last week, and we're hoping that we can get the R&R that we need for the regional campuses in addition to that, University R&R, that seems to be a thing that we can hopefully accomplish, plus another structure. So, you go from just in our case along from zero capital to, between R&R and other caps, it'll be 106 million, and we're hopeful we can get another 40 to 60 million on top of that. And it's not that they don't like the Governor...part of their view...I'm sure this is going on in DC too...it's like, he's brand new; about all of his people are brand new; what did they know about this? I mean the legislative staff are year-round kind of permanent employees. Now if you would flip from one party being in control of the House to another, they may think, "Well you know, this group is kind of new at this." But, you know, the Republicans have been in the majority for a few terms now, so they've been putting in these budgets together. They didn't criticize the Governor's budget, but their view is they are going to go their way...the House did their stuff, and even though we were talking the Senate...the Senate is going to do what they want. And the way we look at it, not that it always works this way, you start out with some hope—proposals from the Gov., the House adds on some, the Senate adds on some, and so, in the end we hope to get to where we want to be. And I think the Senate will add on, hopefully, more funding for operation for universities in general, which would be a good thing, partially because the House Ways and Means Chairman, Doc. Brown, is a smart guy on a lot of the building projects, capital projects...a fair amount was bonding, but about 120 million was in cash projects. Of course, a lot of people said, "Why don't we do bonding when we can spend more down?" My thought was, "You know, ease up." The Senate has to have some money to spend too. This gives them somewhere...if they've got projects, they can do it without busting the budget; there's cash there, and they can move that over to bonding. And so...and also our economy is doing pretty well in the state. Our revenues are starting to tick up. There will be a revenue forecast that will be issued in about two weeks from now, which will be the forecast that this budget is based on. And we anticipate this upcoming forecast will be somewhat better. I can't tell you much, but it's going to be, we feel, somewhat better. So, when they see that, they'll

say, “Ok, maybe we have another 80 million or 100 million than we thought we would have in projected revenue...and so, how are we going to spend that?” And fortunately, a lot of times they are willing to spend extra. Our state has about two billion in reserves. And so, we don’t have to build up our reserves; we’re already pretty much there. But the present budget out of the House, as I mentioned, has little under 1% in the first year, gets up to about a percent and two thirds in the second year.

SAMPLE: That’s for everybody.

LINDER: That’s for the whole university system. Now, for Indiana University, our campuses, and I have it broken also down campus by campus, was 1 percent in year one and 2.8 percent in year two, because by the performance funding measures, our campuses are doing better than others around the state. And so, we are getting more in that area. They...on the capital side, they put in about seventy-eight and a half million for renovation at the old crescent, our R&R funding is 26.3 million, which is really essential, because that R&R has to be done; and if we don’t get funding for it somewhere, it ends up coming out of operating budgets out of the various school or departments. I mean if something broke, it’s got to be fixed, and we’re trying to get the state to help us take care of that. And at this point, they have... They also...with the IPFW projects since Andy’s here, they’ve put in 4.85 for year two of the biennium, 4.85 million for the IU part of that operation, which is what we had requested. And we’ve spoken with David Long and Luke Kenley, leaders in the Senate, about year-one transition money, and they seem interested in trying to support us with respect to that. So, we will know more... The Senate... Very soon... The Senate budget comes out this Thursday. And so, like I said, our situation is pretty good, and we hope it will be somewhat better after that happens. But, if any of you have any questions, later I can kind of show you the charts of where it may be, so that you’re aware of, you know, kind of where you are. But most of our campuses do well, particularly East and Kokomo, because their growth do very, very well. There are some risks to us because of the road funding issues. And really, if anybody has any questions, I don’t mind you asking the question while I’m discussing something. So feel free to interrupt me if you want to know more. The House proposed the ten-percent gas-tax increase. The Senate just met today; they put in an amendment to do five cents in year one, five cents in year two, and put in an automatic escalator, which (inaudible) inflation adjustor. So, it may no escalate, it could go down. But...so that they don’t fall behind in the future where every year they analyze the cost of doing roadwork, and then adjust the gas tax annually by that amount or that percentage. And I’ve seen that work in other states very well. Legislators hate doing a tax increase. So, our pitch is always do it right and do it so it kind of takes care of itself. Our problem in road funding is our cars get more fuel efficient; they drive more miles on the same amount of gas; and so, you get less money for the same amount of miles being driven and it can’t keep up as costs of doing the roads go up. There are some issues. The Senate would like to do tolling. They’ve added on things like a fee for electric vehicles, so they pay something. I think they’re going to have a funding program that will work. The troubling thing that could be a problem for universities is part of their funding plan would be to take 300 million out of the state’s general fund to use for roads. And that 300 million comes from sales taxes received on gasoline and diesel fuel purchases. So, they would really put all, you know, gas tax, but all sales tax involving gas sales for that, which takes 300 million out of the state’s general fund, which that can be a problem for us. That’s a big number for our state. Doc Brown has been pushing for a cigarette-tax increase, which he’s wanted to do ever since he got legislature over twenty years ago. He has it in for a dollar, which would raise, if it goes through, approximately 275 million. So about...takes care of

the shortfall on the Medicaid funding. And that's what he was going to dedicate it to, Medicaid funding solely to fill that up, so he wouldn't have to take from other parts of government. The Senate is not so hot on the cigarette tax; and I know speaker Boswell has offered to drop it to sixty cents; some Senators don't want to do it at all, which for something so few people do and it's so expensive...even the Chamber of Commerce is strongly behind it. Say it costs us 6 billion dollars a year as a state in lost productivity and healthcare costs because of cigarettes. And then you have the guys coming in who have the smoke shops saying, you know, I'm going to have to lay twenty people off; it's like, "Well, in the big scheme of things, is that much of a deal." But we'll see what the Senate does. But that...that is a risk for us, that in talking to a lot of legislative leaders, if they don't get enough in the cigarette tax to fill the hole, I don't anticipate them taking all the sales tax revenues away from...that we received from gas sales. They may phase that in over, say, three biennium, six years, maybe five years. So, it will be a little bit this year that we would make up through other sources. So, there would not be a big hit to other parts of state government. So, Indiana is not a wealthy state. But we really feel like it's...it's also been managed pretty well financially by both parties. When the democrats were in charge of the Government, they were conservative and thoughtful managing money as well. So, we're not in trouble financially, and we want to keep it that way, but keep our institutions as funded as well as we can along the way. On other things that impact universities, we always have a number of gun bills, and I think we had twenty-three of twenty-four this year, Probably the most popular type of bill out there. We're down to only six gun bills and another one put guns on college campuses. We kind of have a discussion agreement type understanding with legislators and the leaders that they are going to have a study committee to look at it this summer, and we'll see what happens. As you know, many other states, including Wisconsin and Oregon, are giving more gun rights on campuses. And it's...we are very hopeful with six gun bills out there, there are homes for people to try and amend new things on. But really our...the people we've been working with, even the ones we disagree with on these issues, have been honorable and fair to deal with. And I think we are going to end up studying it this year. But it's...this is a growing trend around the nation, and it's somewhat troubling, but we'll continue to work on keeping that from being a problem. Generally, as in many past years, legislators have wanted to get more involved with helping us run the universities, kind of like they've done with K-12 and... They really have been pretty understanding and not as involved in that... I think they're pretty pleased with how tuition has gone, with how the students are reporting back to them as to how they see their university experience. And so, we've not had a lot of problems or a tax on educational side of things this time, which has been refreshing. I always hate to say this, but until my friends in legislature go home, a lot of things can still happen. So, I mean, until they adjourn it's all in play. And so, we need to stick with that. The main higher-ed bill is House Bill 1281, which has a wonderful author, who is very supportive, and it's the Commission's bill. And it really does...manages a number of technical issues that involve higher ed—nothing that's troublesome for us, as such. And it's really just kind of an updating bill. It's pretty non-controversial at this point, and we hope to keep it that way. Probably one of the hottest bills that we hope we are getting more under control is the bill involving sanctuary campuses. And that started out as a very problematic bill. It had a lot of people very concerned. We've been working with our legislative allies, and yesterday they adopted an amendment that really dialed it back immensely. A lot of the things that people were worried about, all the new language and how it would impact the offering of educational opportunities to students' tuition and everything, they agreed to take all that out. And basically there's now a law enforcement bill. There's been a law in Indiana since 2011 that does not allow cities, towns, or counties to become sanctuaries from enforcing federal laws or other laws; and

nothing involving education; they just basically say that public and private universities also cannot become sanctuaries—no new provisions, nothing special for the educational side; it's a law enforcement provision. Mainly if you've got someone in your custody and there's a hold on them from federal authorities or another state, you're required to cooperate with them. And the Chairman of the Committee is, like me, a small-town lawyer. He said, "That's mainly for sheriffs. That's what it is." He said, "You know, should we take it out? It's like occasionally we have somebody for an hour or two while you're taking them to the sheriff's office or something?" But it's, you know, the legislators have said, "We just want to treat you like we treat cities, towns, and counties." And I said, "So, that would be a fair approach to this." So, they dialed it back immensely. And to show that the change in attitude, the author of the bill, who I used to serve with in the House, he's now Senator, he can be pretty tough to deal with on those issues, but he's...he's a good guy. And he's a guy who is very thoughtful. He... I sat down with him to talk about how we would like to see it changed, and he was very receptive. He said, "That's what I want to do. That's kind of what I've been telling people. I want to do this." And he was going to go talk to some people in the House about it. And as I left the Senate Chamber, I got tied up talking to somebody, and he came up behind me and said, "Now what about the DACA students?" And so, we've gone through a when people were asking us, like, are we going to hurt them with this? I said, "No. Actually...and (inaudible) grandfather in DACA students on the educational issues in the original bill that had lots of implications to the educational side (inaudible)." I said, "You know, all the educational stuff is now out. This is a law enforcement bill. So that committee ...I mean, if you want to put on (inaudible), but it really doesn't apply to this bill." He said, "Good." So, the guy who is proposing this is wanting to make sure now that DACA students are not injured by something going on. So, it's, you know, part of our thought when we did some of the initial changes where the DACA students were allowed to get in-state tuition because of the DACA provision—they're now here legally or lawfully—we knew if we built a base of those students, that the local representatives, I think, would find them to be assets to the community and say, "We've got to take care of them. We've got..." You know you get that nucleus of people who are using those services and using them well, and then people want to make sure that that doesn't get taken away. So, really we hope to keep that put together, but our issues involving sanctuary campuses...and I think dialed back to a point where there's no new language about no new things; it can happen to anybody. It's whether a law exists as it pertains to cities, and counties, and towns, which is very narrow, applies to us. And even private universities. And the private universities yesterday, we worked with them...they supported the bill, too, because we had told people, you know, if the privates are in, that's ok with us. If the privates are out, that's ok. It's not our issue. And they wouldn't have kept in...and the privates didn't object, and part of the reason why is the privates get more and more federal and state money all the time. With each passing year, they become more public; with each passing year, we become more private and...so I don't think they want to argue that they shouldn't have to deal with this because the amount of money they get is very significant, especially through the student assistance programs and other things of that nature. So that's kind of a quick summary of some of the top issues. But I would be very happy to answer anything you couldn't...any questions on any specific bills that you may have.

MCROBBIE: Yeah!

JOHNSON: Colin Johnson from IU Bloomington. First of all, I'm thrilled to hear that you've been able to make progress with that particular bill because that's been sort of endlessly concerning

for people, certainly in Bloomington and I think throughout the system. So, I really want to thank you for your efforts on that.

LINDER: To be honest with you, Mike would probably agree. I was pretty thrilled too. I mean, because...

SAMPLE: Jeff can't say it, but I can. This compromised and get everybody out of this mess was Jeff's idea. As a former legislator, he worked this out...he did a yeoman's job in working this his former colleagues to get to a good outcome. So, Jeff's a great asset.

LINDER: But we still have to get it to the final. Let's wait. Also, we had a unanimous vote from Republicans and Democrats, and on a potentially divisive bill like immigration, where they just divide up for reasons they want to divide up, it was unanimous. I'm sorry to question this...(inaudible) You are very welcome!

JOHNSON: It would be very helpful for us to be able to communicate to people (inaudible) actually can take in. I mean, I know that was under way, but this is very helpful. The other thing that has just...because I had just finished doing my taxes... I'm wondering if there's been, you know, one of the things that Indiana does quite well is the tax credit provision that allows donations to public universities to generate a tax credit, and I'm just wondering, because we're in the middle of a sort of bicentennial campaign and Purdue is sort of like, they'll be celebrating their 150th anniversary in 2019, whether or not there've been efforts over the years to try and get the Indiana legislature to expand that. Because I actually think that's one of the sort of mechanisms that incentivizes people most explicitly to give to public universities.

LINDER: You're absolutely right! And for the first time in probably five or six years, they didn't try and take it away. We have this one Senator in particular who is a really powerful Senator, who wants to do away with that. And we have fought him every year, in a friendly kind of fight. He sees... His view is for two hundred dollars or four hundred dollars, you're going to give that to your university anyway. But what we've talked about...that's how you prime the pump. A lot of people give big money, give a little bit here and there and get support for... And one more approach is, to Republicans, is to have the private universities pitch it...the religious universities. And like, for some time, even on Notre Dame's kind of home webpage, there was note about get your IU...or get your Indiana tax credit, you know, give to Notre Dame. And this should...for the first time...the guy who has been after us, did not file that. And so, we're going to try and mount our effort, because we've made the pitch that it ought to be increased because in effect, for every, you know, dollar the state grants us as credit, not to us, but to the taxpayer, a dollar then goes to the university. And so, in costs of leveraging your money, it's a big deal. But it's honestly not as big... I haven't seen the numbers for this year, but it's only about twenty million dollars a year, which is not big money for the state, but actually of that part, about nine million alone goes to IU. So... But for the...even the small private universities, like Clayton College, it might be thirty-five thousand. They really want that...that's an important factor of their giving.

JOHNSON: Yeah! Well, I just think there's an opportunity right now, since both IU and Purdue have sort of major fundraising campaigns, to say, "We could talk about this, but this is our opportunity to sort of get the biggest return off of this. Could you give us some?" I mean, whatever. You deal with this all the time.

LINDER: Right!

JOHNSON: I'm just saying, I just did it, and I know the only reason I give money every year to my own department is because we get half of it back.

LINDER: And that's... and actually in our world, that's a good thing to talk about a non-budget year. Because in a budget year, you hate to be having them give money to things other than universities, which would be giving it back to people. But in a non-budget year, a lot of times you can get them to then put that in place where that's increased, so that for...so, when the next budget cycle starts, you've got that in place. So, that's something we'll obviously be trying to see if we can get done next year.

MCRABBIE: In the short session here, I mean, it may even be that some arrangement to make this, sort of, temporary for the durations of the campaign or something, might even have some attraction to it. So, we'll definitely... That's a very good idea. We'll have to look at that again. Other questions for Jeff? Other questions for Jeff or Mike at all? Alright. OK. Thanks, Mike. Thanks, Jeff.

LINDER: Thank you!

SPANG: Thank you very much!

MCRABBIE: All right. Let's move to Executive Committee business. Who is going to start, Rachel or...?

AGENDA ITEM THREE: EXECUTIVE COMMITTEE BUSINESS

SPANG: No, you are good to start.

R. APPLGATE: No...OK. Just some updates for the University Faculty Council of some things that are going on at IUPUI next month, which is next week. We will be taking a vote to begin the process of amending our Constitution to allow greater representation of non-tenure track faculty at the Faculty Council...Indianapolis Faculty Council level. It is a not sure thing that this will pass, but we...by God we are going to have a vote. It would be a fairly dramatic change right now; we have ten seats that are for non-tenure track faculty and eighty-three that are tenure track, and this would change it to the...to reflect the campus proportions, but also in consistency with ACA18, which stipulates that tenure-track faculty who have responsibility for all three areas of the mission constitutes sixty percent of the voting faculty. And so, the non-tenure track will be increasing to forty percent if this passes. So that's a very large...it's...it consumed about three years of work on our campus. And we're doing it within existing faculty policy. So, there are no proposals being made from our campus to change university policy. That's sort of consuming all of the oxygen at IUPUI at the moment, other than things I don't want to talk about. So off to you.

SPANG: All right! Key things from Bloomington. Thanks largely to the efforts of Naz Pantaloni, we have no passed an open access policy on the Bloomington campus.

PANTALONI: It was a good effort.

SPANG: So, now that there is a Bloomington policy as well as an IUPUI policy, perhaps there should be a UFC policy. We will be discussing, as will this body in just a little bit, proposed changes to the Research Misconduct Policy, and then that's going to come to the UFC Executive Committee for a vote on April 18th. And we also in the immediate aftermath of the Executive Order of January 27th, the so-called travel ban, and then the new version of it, which has, of course, been halted in the courts for now, the Bloomington faculty passed two policies, one for students and one for faculty, on accommodations in response to government action, basically, saying that if somebody, say tenure process...progress towards tenure, or somebody's ability to complete their course work were in some way impeded by not being able to get back into the country, for instance, that we would take that into consideration. We can't, obviously, affect the existence of such bans. But we can say, you know, the university, the campus will make accommodations for those who are affected by them. Joe?

MCROBBIE: Are you done?

SPANG: Yep!

MCROBBIE: Yeah! Ok. Joe?

WERT: Just a couple of quick things. The Regional Faculty Council met today with CRCE, which is a group of the Executive Vice Chancellors of Academic Affairs from the regional campuses. We met before the brainstorming session this morning here, and we had a very good conversation about two things: one, paths to excellence in teaching on the regional campuses for promotion and tenure; and we talked about perhaps creating a best practices manual for dossiers...it could be particularly given for new faculty, so that they can be helped in their path to tenure promotion. We also talked about faculty roles and enhancing student success, and in particular we were talking about looking at policies on our campuses to make sure we're being flexible, and sort of, applying policies related to student success equally to help move that needle. That's all.

MCROBBIE: Ok. Thanks Joe! Any questions? We could do it now. Any questions for Rebecca, Rachel, or Joe? Anybody? Ok. Alright! Let's...what I want to do is...given that we're well over time and the main thing I wanted to raise was the situation with the federal budget, and I'll have an update...a special update coming out on the federal budget and the university's perspective on it, I hope by the end of this week. So, what I'd like to do is just jump to six, and so...because we have quite a few items to deal with this afternoon, so, let me jump straight to six and ask...who is...Emily, Jenny? Here...who is going to start?

SPRINGSTON: Yes. I'll jump in.

MCROBBIE: Ok. Emily. Yep.

AGENDA ITEM SIX: UFC APPROVAL OF SEXUAL MISCONDUCT POLICY REVISIONS

SPRINGSTON: Thank you! If you'll recall, we were here a few months back and took a look at changes...proposed changes to the Sexual Misconduct Policy. At that time, we focused on a few

changes to the overarching policy language and then the procedures as they applied to where allegations were against a student. And then we regrouped with the faculty subcommittee and since then have been looking at the procedures as they apply to allegations against faculty and staff. And those changes are the ones that are in the materials as track change to you. And I really do want to thank the Faculty Committee that worked with us, as well as Jenny. And that included Alex Tanford at Bloomington, Peggy Stockdale here at IUPUI, and Monica Solinas-Saunders at Northwest. We had some really good discussions. And really what we were aiming to do is take our observations of things we saw in the written procedures that were not necessarily clear. There's very little substantive change, other than identifying a report that is available to the parties, and it goes to the Decisional Official, some timeframes that are clearly specified, and some instructions as to writing. A lot of the changes...it looks like a lot are really setting forth a clearer path for the appeals and moving some pieces just so the flow is a little better. So, to jump in, and then there's one piece of a change...proposed changed on the jurisdictional scope of the overarching policy (inaudible), too. So, the page numbers are not marked, but starting on the procedures, and I did page numbers for myself and it's page nineteen, if any of you happened to do that yourself, but we start with just clarifying, cleaning the language on the definitions of the different roles, the Investigator, the Decisional Official, the Faculty Board of Review, and Appellate Official. There's really no substantive change other than university HR, when we have complaints against a staff employee, designated the University Employee Relations Director or designee, because they are doing some changes within HR for who decides in these...these matters. Turning to the next page, under the complaints, again, we have an initial assessment process and then a formal investigation process for things that go forward to investigation. The clarification at the beginning of the complaint language is a change where we say upon receipt of a report alleging faculty or staff members engaged in sexual misconduct, rather than complaint, and the real reason for that is just remember that our reporting obligations and the way things come to our attention is really broad of any possible knowledge or reason to know of possible sexual misconduct. They don't necessarily come in our door as a formal complaint from an individual. So, when we receive that information, that's why we talked about this initial assessment: what's come to us? what does that look like? does that even implicate this policy? what's the right way to address this? And so, that's the change in that language. All the other changes there are either moving, you'll see a switch in language just moving it up. The scratched-out language on the initial assessment in informing the parties, that's just moved to the formal investigation phase; it's more appropriate there. And then spelling out the process that follows, shall apply to where the investigator terms...determines we've fallen under the scope. That's just moving language down. The interim action language, again there's no change; well, there's a slight change, but that...we moved that down to the next page and just made a reference that that often involves other campus officials who might be helping in any sort of interim action that may need to take place while this is going on. The alternative resolution option language, again, we're just cleaning those terms; it was a little bit sloppy as between alternative and formal, and we saw both terms, so we're making it consistent and clarifying the limit on face-to-face mediation, that that that has a limit. That's a rarely used a process, and we just wanted to make it clear when that's an appropriate process. But, the alternate resolution option I think is a really important piece because a lot of these types of things that come through may be best resolved in different avenues other than the formal investigative process that you see happen. I'll move next to the investigation portion. We did clarify here, and as I mentioned we moved it from the initial assessment, just that this is the place to make sure, if it hasn't already occurred, that the investigator is notifying the respondent faculty or staff of all the allegations raised and the name

of the complainants. So, this is...again, if it hasn't already been notified, this makes sure that that's happening and spells it out there. The big chunk of deleted language you see there was duplicative of what is already sitting in the policy up above that you already looked at last section. And we did not want to duplicate language where we already have it in one place, and it's clear. So, that language is up above under the policy that applies to all procedures. Moving to the report of the investigation, this was a substantive change, and we felt it necessary to provide, not only the parties, but campus investigators on every campus to have the same instructions as to what that report looks like. We... This is a best practice. This is what we train them on. But we felt it needed to be spelled out clearer here, and what contains in that report. That report is forwarded to the Decisional Official, and we felt that we needed to add a little just...little more instruction of how that goes, the ten calendar days for the parties to then provide comment to a Decisional Official following a report. So, there's a two stage, of kind of, in the due process rights piece there's at the time of interacting with the investigator to provide your account and to answer the allegations. There's also the stage here to provide that, and provide any further comment directly to the Decisional Official. And we put a time frame on that. Turning to the next page, under finding decision, again this is the finding decision level by the Decisional Official, very little changed there. But you'll notice we removed the language that referenced a summary that was provided to the parties because we've now taken care of that through that report that they'll be able to see, and clarifying that the DO provides them written notice of the fining and sanctions. We didn't make changes to the sanctions other than switching the language between a withholding compensation to affecting compensation. The next stage is where we really felt there was also need to just make the flow cleaner, and the instructions to everyone involved, the parties as well as the officials, and that's the appeals process. And we moved up and tried to better explain how someone requests a Faculty Board of Review, and that that's the first step available in the appeals process for either party, where it's faculty member who enjoys Faculty Board of Review.

SMITH: In the last line of the fourth paragraph, it uses the word "enjoys." Is there a legally appropriate term that is not quite so unfortunate that we could use there?

TANFORD: Where is...is that the last line or...?

KINCAID: How about just say, still has the right?

SMITH: (inaudible) First paragraph, the last line.

SPRINGSTON: Yeah, so...

KINCAID: How about still has the right?

SPRINGSTON: Does that work?

MCROBBIE: So, what was that Jenny?

KINCAID: Instead of "if the (inaudible) decline, either party still enjoys the right to submit an appeal directly to the AO", it would be "still has the right to submit..."

[Indistinguishable conversation]

SPRINGSTON: Or retain?

WERT: Or just still retains?

KINCAID: Retains. Right! Just simply, retains.

MCROBBIE: Why don't we just take that as a small incremental adjustment?

SPRINGSTON: Ok. Good!

KINCAID: An enjoyable amendment.

R. APPLGATE: Thank you! We'll strike the use of the word "enjoy."

SPRINGSTON: So, what you see that follows is not a change to the substantive way of what...of how to seek a review and when the Faculty Board of Review may grant or how they determined. What we did was we just felt we'd spell out those steps there that sat in a later place and was a little bit bunched together and harder to understand. So, hopefully that reads clearer. It does track the language that the Appellate Officers on the next page follow. And then... But it does provide some instructions for requesting it, the time frames, and allowance of exceptions in terms of those time frames for good faith that we need to do that. Again, these are things that we do in practice, but spelling it out here, I think, was found to be ideal for the group that we looked at it. The language of that, a little bit farther down, that says, "the Board receives the report may not conduct new fact finding," that's not new language. That, again, was moved from the portion on the very last page where you saw that language deleted. So, we've moved those pieces and tried to spell that out more clearly. On the following page, we had a lot of talk about what it is the Board may ask of individuals and the idea that if someone does submit...does want to make statements, does want to be involved, then that does open them up to the Board being able to pose some questions related to that. Adversarial hearing language, that's just a move. The Faculty Board of Review, and what their recommendations, again nothing changed there, except cleaning that language of affirming or recommending alternatives. We moved that language as well. It clarifies the ten days to submit to an Appellate Officer by any of the parties, and that the Appellate Officer receives that recommendation and any additional thing submitted by the parties. And then it spells out, again, the Appellate Officer's three potential outcomes and the notice to the parties. Then the last section is what was, you know, not much changes there, because that's the appeals process that applies to any staff or to faculty parties to a faculty case that didn't take advantage of the Faculty Board of Review step. And that's a part that we felt was not...was less than clear in the current written procedures, and so that's the effort to kind of pull these apart and walk people through step by step process. The only other change there is in terms of the bases for appeal, the finding responsibility not supported by the evidence in the report, rather than an error, and the faculty...the Committee has spent a good amount of time finding the right language to put there (inaudible) they're not doing any new fact finding, but on its face with that report is that it's just not supported by what's before the Appellate Officers. That, as it reads at the very end, concludes the Appeals Process. The only other change is on page two of the policy. If you'll recall, the last time we were here, we had a discussion about

jurisdiction. So, we did take a stab at trying to address what this body was concerned with. And what we've done is tried to clarify exactly how the policy applies. And then for cases where it doesn't apply, that final language about our other institutional processes that may apply to those situations, but just not this policy. And I hope I've summed up and haven't missed anything in there. But I'm happy to answer questions.

MCROBBIE: Okay, can I start firstly? And this is an action item for approval, so we should probably do it by way of motion, and a second, and then discussion on the motion that could be obviously less detailed, as necessary. So, can I start with a motion?

SPEAKERS: Foremost.

MCROBBIE: And a second? OK. So that's the motion in front of us, so discussion. Yes.

MARSH: I have...I have two. One is a question and one is a question that might be worth pointing out a slight oversight. And a third thing is I think... Did you...did...is this the version that made...this (inaudible) made a change that took out the requirement, the training, the annual?

MCROBBIE: Yes.

SPRINGSTON: It did.

MARSH: Thank you. Thank you. Thank you. That's marvelous.

SPRINGSTON: Ok.

MARSH: To start with the...maybe the easier one first, under Appeals, there seems to be an inconsistency in that...I cannot find the page... Where the appeals to the Appellate Officer, so down towards the bottom of that page, the first paragraph it talks about "cases involving a respondent who was a staff employee, or in cases where there was no prior review by the Faculty Board of Review." At the beginning of the section where about who may appeal to the Faculty Board of Review, it says...it simply says, "Either party may make an appeal to the Faculty Board of Review." But in this sentence...the first sentence I read seems to suggest that the path...that path is not open to staff. So, what's...it's entirely unclear to me if one of the parties is a staff member, do they have the right to appeal to the Board of Review or not?

SPRINGSTON: If the... Yes, if that's not clear...if the respondent is a faculty member, then either party enjoys that Faculty Board of Review. And that's because of the equal appeals right obligation that we have. So...

MARSH: So, on that second sentence under appeals, is...maybe it should not be there? Where the first part of the sentence it talks about with the cases involving staff, or needs to be...or it just means for cases where the respondent is a staff member? Is that what that means?

KINCAID: Well I think it would be just if you're opting...if you have...you are eligible to have a Faculty Board of Review, like either side and you don't take advantage of that opportunity, you

would go directly to this stage. I think that's, yeah...Or you are staff...it's a case concerning a staff member who doesn't...is not eligible for a Faculty Board of Review, would go right to that state.

MARSH: So, that takes me back to my first question, then is that if one of the parties is a staff member, does that person have or do they not have the...have the possibility of appealing to a Board of Review?

SPRINGSTON: It will hinge on who the allegations are against. So, the status of the individual who is against.

MARSH: OK.

SPRINGSTON: So if it's staff respondent, then Faculty Board of Review is not a right they are...that they...

MARSH: Ok. That perhaps needs to be in there then, because as I read it, it was very unclear to me.

R. APPLGATE: Wouldn't the general campus rules about Faculty Boards of Review still be in place? So that, I mean, our Constitution says, these are the people who could have a Faculty Board of Review. And so, if you're not in that category, then a Faculty Board of Review does not cover non-faculty.

MARSH: Ok. Well, then that would be fine. But that's what needs to be in here, because there are parts of this appeals process that change what campus level Board of Review policies and procedures are. So, you know, if this part hasn't changed, that just needs to be clarified.

SPRINGSTON: So, in the part under requests for the Faculty Board of Review, it starts by saying, "Cases involving a faculty member as a respondent."

MARSH: Ok. So, if the complainant then is a staff person, and the faculty member is a respondent, that staff member could appeal to the Board of Review.

R. APPLGATE: Because they a...they... Somebody has to be harmed. I mean, you're appealing a sanction against you. I mean that's what our Boards of Review here is. They have to...something has to happen to the person who appeals.

SPRINGSTON: Yeah! And this is just equal appeal rights, as conveyed through the regulations and timeline guidance. So, it's the equal opportunities for appeal. So, that's the piece in ensuring that faculty do...we didn't lose that Faculty Board of Review, then it was, well then, we need to allow this to be something that's requested by either party.

R. APPLGATE: That's interesting.

MARSH: Yeah!

KINCAID: We did add the reference to the specific campus FBR policy, in terms of initiating it, because that was the question, sort of, how do you start? And that's a little bit different on every campus, you know, in terms of who you write to and how you start. So, there is a nod to that there. But there are things in this that campuses have had to adjust to, and some, on Bloomington, adjustments have already been made there.

SPRINGSTON: I imagine it could...I don't know, tell me if this works, but where it starts, "In cases involving a faculty member as respondent who otherwise..." I keep coming up with "enjoys," but "...has the right to request a Faculty Board of Review." And that would modify that, just a little bit more, to clarify.

TANFORD: This conversation is not making any sense to me. I believe the concern is that an interpretation of this policy might be that a staff member can force it to a Faculty Board of Review against the wishes of the faculty. And that would not...that's not the intent, and that isn't... So, I believe her question is, does the language have to be changed to reflect that? Everybody gets to go to the AO. But only a faculty member can initiate a Faculty Board of Review. A campus could have a staff Board of Review.

KINCAID: Well, that would be a change. I mean our original intention was to create that right to Faculty Board of Review for either party. And that's not a...it didn't really come up as a problem at our initial sort of pass through this. If it's something we need to look at and adapt to... I don't know if that is going to be a problem for us in terms of the regulations.

SPRINGSTON: I think...I'd rather not figure out...I'd be more comfortable if we said we'd look at that as a next step, because I do think that means a little bit more digging to figure out if we'd be comfortable. The regs say equal opportunities for appeal rights, whatever you offer to one or the other. So, that would be a situation where possibly a respondent's found not responsible, and the complainant is saying, "I'd like you, Board of Review, to look at this, as a step before the appellate."

MCCORMICK: In the case where a faculty member is the complainant, as opposed to respondent, this is then not available to them as well, because the...this is only if they're a respondent. But if they're complainant and the decision is against what they wish, there's no...they don't have access to this.

R. APPLGATE: Yes, they do.

SPRINGSTON: You are right. It's about who's the respondent. So, if they're on the complainant side, they could have the Appellate Official, but not a faculty review... It's an interesting...

MCCORMICK: So, it sets a situation in which a staff member has access to certain things that a faculty member would not?

MCROBBIE: That can't be right. Sorry. John?

J. APPLGATE: I'm wondering if this is what we've seen before in this whole world, which is that the Department of Education regulations and expectations don't exhibit a full understanding of

the way universities operate. And so, that distinction and the fact that a Faculty Board of Review is a special kind of thing for a special kind of purpose is probably not something that's kind of risen to the level of their analysis. I wonder if it would satisfy Moira's concern if we just took that particular problem back, because there really does seem to be a mismatch of how we actually operate and what the regulations tell us to do. And it's going to be sort of a complicated matrix of...or set of flow charts to do it. Probably not something we should do on the fly. So, if it would be okay to live with this till our next version, maybe then we could take care of it in a more systematic way. I just sort of worry about doing it on the fly, and then creating even more problems. Are we doing it? Are we creating more problems?

MCROBBIE: Are you trying to get in, Alex?

SPANG: I was going to suggest following John's suggestion, that since there already is a subcommittee that's worked on changes, this is something that it could continue to work on, and look at this passage, and try to figure out how to make it say what it ought to say. Does that make sense?

MCROBBIE: So, are you proposing that subject to discussion...possible discussion about other items, that the proposal would be to sort of pass it?

SPANG: Yes, with the idea that more revisions will come.

MCROBBIE: With the explicit understanding that it has to go back for that particular item to be addressed. Yes, Alex?

TANFORD: Could our procedures, since we meet as the UFC so rarely, as I understand it permit the Executive Committee to do some kinds of things in between times? Do we need a vote or could we do that with the understanding that our little subcommittee will bring it back to the Executive Committee for clarifying this language in ways that preserve the rights of the faculty?

MCROBBIE: Rachel, do you want to say something?

R. APPLGATE: I have a procedural...

TANFORD: It would be done before November, or whenever we meet again.

MCROBBIE: That seems (inaudible) sensible...

R. APPLGATE: Right. I have a procedural thing, as I'm prepared to turn over these university policies to our own Constitution and Bylaws Committee for the necessary revisions to our stuff. I'd rather just do it once. So, I'd like to vote on as much as possible, and then get the Executive Committee, rather than waiting until the full UFC votes.

MCROBBIE: No, but I think...

TANFORD: That was my point.

SPANG: That was the suggestion.

R. APPLGATE: Yes, exactly. So, I'd say, yes please.

TANFORD: Could the argument is let's not try to jerry rig it now. Right? Let's give it some thought. To do that, potentially as a long delay, unless we understand that the Executive Committee has the ability to approve what the Working Committee does.

MCROBBIE: Which I believe it does.

TANFORD: Which it does. I wanted to make sure that people understand that.

MCROBBIE: Right. Ok. So, there's quite a lot of other changes here. Any other member of the Council got comments on any of the revisions to the policy? Any other comments? This has attracted a lot of attention in the past, so I suppose this is gratifying. You seem to have reached pretty much the right (inaudible). Yes.

MARSH: At the risk...I don't want to (inaudible) the conversation, but then coming back to page two, the new text that was added about (inaudible) situations not covered above. Could you give me an example of what kind of situations that's supposed to cover? Cause, I can't figure it out.

SPRINGSTON: So, I think it was some of the examples from last time of an individual who may have engaged in a criminal felony, sexual assault, or something off-campus, we learn that they've done that. But it hasn't been on our campus or met another member of our institution. But... So, maybe someone was arrested or charged, and we are aware of that. And then what do we do, and how we look at that. So, the idea is that we can look at that under other existing procedures.

KINCAID: Also they, too... If there's a sort of lesser harassment, sexual harassment case or something, if where...it...may be one of our community members, but not involving any university programs, then it doesn't even rise to the level of being covered under other policies. So, I think by taking it out of this, it sort of...it gives us both the ability and maybe very serious cases to look at it under misconduct policies, or consider that it would be or wouldn't cover it at all.

MCROBBIE: Jack?

WINDSOR: Yeah. Going back to motion that the UFC full Council give the UFC the Committee power for final approval?

MCROBBIE: Well, we've got a motion in front of us to approve it. Maybe we could add that to that motion, just so we have one motion. So, let's take it as amended to say that if that's acceptable. We're assuming a certain draftiness to be done here. Because I think it's acceptable to people, yeah. Other comments or questions? Any member of the Board for the Council, please. Yes?

MCCORMICK: And this speaks to the same passage in terms of the behaviors. And I apologize, I'm not familiar with some of the other conduct policies specifically. But we've identified sexual misconduct as a specific type of behavior. If we become aware of a student has been charged

with assault off-campus against a non-other community member, does that rise to the level of conduct that we might investigate in other policies? Not of a sexual nature.

KINCAID: The same passage is in the student code. That's where we took it from originally...

MCCORMICK: Ok.

KINCAID: ...when we put it here on the first of the initial drafting of this policy. So, that could be looked at...

MCCORMICK: Okay, and that was more...that was more along the lines of what I was asking: is this consistent...?

KINCAID: Yes.

MCCORMICK: And that's, you know, we've identified certain aspect of behavior, but do we consider other dangerous behaviors, as well, that are not sexual in nature.

KINCAID: Yes! Under the student code, right? That's right!

MCCORMICK: Thank you!

MCCORMICK: Other questions? So, I'll take the motion as basically to approve the revisions to the Sexual Misconduct Policy with the added proviso that the relevant section...sorry, but what's the section, the relevant part...?

KINCAID: It would be the Faculty Board of Review and Appeals (inaudible) the Appellate Officer.

MCCORMICK: ...that that section be further considered by the working group with a view to bringing it back to the Executive Committee for approval. Is that roughly it? Is that...?

KINCAID: Yep.

MCCORMICK: Ok. Ok. Any further discussion on that? Any further discussion? Ok, there being none, I'll put the motion, all those in favor (inaudible) saying "Aye."

ALL: ["aye" votes]

MCCORMICK: Against same sign? That is carried. Alright. Terrific! So, let's move on to the...sort of an update on the RCM review. (inaudible) members of the Council an idea of how that is going?

AGENDA ITEM SEVEN: REPORT ON RCM REVIEW

SEJDINAJ: For those of you who I haven't met, I'm John Sejdinaj, new Vice President, CFO. I actually started...tomorrow will be seven months. So, (inaudible) a couple months in President McRobbie actually to do a review of RCM at the institution. What was interesting is to see, as you

get this on the very first page, it's the first time we've really been looking at it on a university-wide perspective. RCM reviews have been done on the Bloomington campus and on the IUPUI campus before, but never collectively as a whole. So, as I...as I put into slide, the methodology...the first time it's university-wide. I say...I just put this term down, unified with independent campus review committees. And on the back of this, you'll see a two-page document: these are the very committees. So, what's happening is there's a university-wide Steering Committee. Then, there's a Bloomington campus Review Committee, an IUPUI Review Committee. For the first time the School of Medicine has wanted to do a review. So, there's...they've set up a Review Committee. The regionals are not doing reviews, but are plugged into the Steering Committee and the Budgetary Affairs Committee. There's a Budgetary Affairs Committee of the faculty, which Jack is chairing. And so that the faculty have input and can see into all of this. And then, the last Committee is the (inaudible) Financial Advisory Committee and to me personally, that's a really important committee, and let me tell you why. Prior to my coming here, President McRobbie created a new structure where the financial people at the campus reported to the campuses, but (inaudible) to me, and that's this last group on the last page. And they've been very, very helpful to me in my first seven months. We really are acting as a team. We're addressing issues together. We collaborate a lot. So, what I've been able to tell the Campus Review Committee, if you have any questions, bring it to your Financial Advisory Committee member and we'll work it through our system. And it's just been very, very collaborative. And I can't say enough about that group and how well it's working. So, the other point I'd make in terms of methodology is we've really focused a lot on wanting to be transparent in this process. So, we've had... You'll see information sharing. We kicked off the whole event. We actually did... I have (inaudible) listed. But we did actually did a session first with the Senior Steering Committee, where we were sharing information across campuses. And I think in that Committee meeting people were saying, "Oh, well, you know, there was a presentation on the Med School. I never knew that about the Med School," or IUPUI, I remember Chancellor Paydar saying, "Harry, that's a good analysis that Bloomington's doing. Can we do that as well?" And so, there was a lot of information sharing. And at that meeting Johnny Applegate suggested we should do this in terms of a retreat format. So, we kicked off the whole initiative with a retreat that included all the Committees that you see on the back pages. We shared all the information from all the campuses; we talked about university tax; we had the Government Relations people talk about how things look going forward in terms of the appropriations; we had Todd Schmitz come in and he had to present on enrollment dynamics. So, everyone was kind of working from the same base. And all of that information is on a Box account and it's been videotaped. And so, it's available out there. And...and again, I think it's been really important to have the transparency and the information sharing. So, if you flip to the second page, you'll see the RCM Review Committee just from a hierarchical level. There's the Steering Committee. Then the three Committees at the bottom are doing the campus reviews. But we have plugged in the Faculty Budgetary Affairs Committee and then the Financial Advisory Committee that I look at providing information to everyone in the whole process. We set out in the very beginning...the Steering Committee came up with a few goals, which are the bottom slide on page two: first to understand the flow of funds through the RCM model; there was a lot of sharing of information in the beginning of...this is how IUPUI does it; this is how the university assessment works; this is how Bloomington does it. So, understanding what's there to start with...looking at the formulas in the various campuses to see how the assessments are being done. And one of the big things that...one of the big goals that came out is like, we have the schools getting money through the RCM process; we have the assessments; but we really need discretionary resources as well for

the President, the Campus Chancellors, and so on, to be able to invest in new initiatives. So, how do we find those resources as well? So that's one of the things that people are looking at through the Committees. And then again, I think it's important to understand the environment that we're in, you know, Jeff Linder, and Mike, and Doug did a very good job of explaining what's going on with the state. We're very fortunate to be in Indiana, and I'm sure some of you have talked to your peers in some of the states and what the appropriations levels are like, but they still are pretty modest when you think about what you want to do in terms of salary increases and the benefit increases and so on. Tuition increases have been very modest the last few years. Purdue just announced another zero percent tuition increase. So, that's going to put pressure on us. So, when you look at, you know, revenues growing at two percent, and you want to do staff increases and faculty increases, and benefit increases, they're usually more than two percent. So, it creates pressure. So, having everyone understand those dynamics, and we tried to share a lot of that information at the retreat. And then taking all that, the campuses will start coming up with what they think that, you know, formula changes if they can think that they should make in order to have RCM work. And we've kind of asked everyone to like think...think of five years, think of the next five years and what models will work for the next five years. On page three, we just listed out, you know, as the groups are looking at things, think about some of these things. I use RCM resource allocation model. Just question, is it the right model? You know, should we be more centralized or is the RCM the right model? What are the strengths of the model? What are the weaknesses? What are your proposed changes and rationale? Also, think of the impact if you're going to recommend a change, really think through: what does it do to campus? what does it do to the schools? will it have an effect on the University Central? and will it somehow ripple to the other campuses like the regionals who, you know, aren't as big as Indianapolis or Bloomington. Do changes increase the flexibility? You know, one of the goals is to have some flexible resources to do new initiatives. And do the changes...address the current environment? I also, on page four and five, I... Page four is, at the retreat, Bloomington did a presentation, and it just took two pages from their presentation to kind of give you a feel, just a feel for how Bloomington is looking at it with their Review Committee. They're looking at other questions: how to...how we do RCM on the campus, challenges and adjustments made over the years, challenges that we should look at today, trends and how we can cope with them. And then you'll see on the bottom of the page some more specific things: you know, what...how do we think about our commitment to doctoral education? how do we allocate state appropriation? funding the center through the Provost Strategic Funding, commitment to liberal education; and allocation of the cost of university tax. So, some of that...it just gives you a flavor...some of the things that they're starting to talk about in Bloomington And then on the other page, page five, you can get some of the feel for things that are going on at the IUPUI campus. Again, tuition fees, state appropriation, indirect cost recovery, financial aid, chances, reallocation, and Campus Strategic Fund. And then you'll see at the bottom page some of the questions they're asking themselves: do we have the, like, right level transparency? do we have the right mix of resources at the school in the non-academic units? do we have the right level of accountability in the non-academic unit? how do we support the growth of non-academic units? is the...as the School of Medicine moves outside of IUPUI's RCM, what does it mean to non-medicine units? how do we fund campus expenditures that are mandated or do decide...or that we decide to initiate and look at drivers for RCM or the way we change the asset...or the way that we charge assessments? So, this is just to give you a flavor. Everyone is pretty early on the process. If you go to the last page, (inaudible) six, you get kind of a sense of a timeline. We had the kickoff, which I mentioned, in February. We just did a progress report last weekend, and basically the progress is Bloomington has had a few more meetings

than the other groups. IUPUI and the School of Medicine are early on, and they've just started to organize. You've probably seen, some of you've seen, that IUPUI has done a survey, and they've gotten those survey results. So, they're early on in the process. What we hope to do is do another check-in at the end of April and the end of March. And what we've asked people to do is, before they come to the Steering Committee with their check-ins, talk to the Faculty Budgetary Affairs Committee and get their input first. That was one of the recommendations that Jack had. So, that's the process. I think we're early on. Again, I think there's been great collaboration so far, good transparency, and we'll wait and see what the various groups come up with.

MCROBBIE: Questions for John? Yeah. Alex.

TANFORD: Could you clarify exactly how to pronounce your name?

SEJDINAJ: Sure! You...this is...you say it and deny it: say deny.

MCROBBIE: Any other questions for John? Oh, sorry, Rachel, yeah.

R. APPLGATE: I was just wondering sort of the level of granularity of the recommendations you expect to come out of this.

SEJDINAJ: Some of it...some of it I think would be specific in terms of the formulas, when we get down to the formulas, because I think they're looking at how do...how are we going to do this assessment. Like, just to give you an example...you may have seen this (inaudible) like, IUPUI, in the way they do their assessments and now they weigh everything. So, they could be very specific to maybe more general or (inaudible) take something off the top (inaudible). So, I think it's a little...I don't know yet. It'll...it's a little early, maybe more in the April meeting...

R. APPLGATE: Yeah! It's fast time line for very granular stuff.

SEJDINAJ: Yeah, and it...I think we thought that what we would do is try to get May and assess...and know that we probably... Everyone says that if we're going to implement something, it's probably 2019, not 18. So that we'd...we probably would need some more time. But at least we'll get a good flavor by then.

SMITH: For the regional campuses do you expect any particular kinds of possible implication for their lives, our lives?

SEJDINAJ: I would say to the extent that something changes at the UA level, potentially, and we have Ray Wallace is plugged in, we have some of the Budgetary Affairs Committee. But I don't think it will be... I don't know yet. But that's...that was one of the reasons we kept putting in, let us know it was going to be an impact, consider the impact to other campuses.

MC ROBBIE: Joe? Mike?

J. APPLGATE: I was just going to add that the reason that the regional campuses don't have a Review Committee is because there are five different versions, and so having a single Committee didn't seem to make a whole lot of sense. And there really is a range, and they seem to be working

well for the campuses. There's kind of a center of gravity of at least informational RCM that is using those tools to understand the flow of funds and where the revenue is coming from, and where the expenses are going to. But having...given that there was the range, it didn't seem to make sense to have it on at the same...in the same way that Bloomington and IUPUI did. And of course, for Bloomington, it happened to coincide with their five-year review cycle for RCM anyway. I think that was part of it. So...

MCROBBIE: Other questions for John? Yes? Ed?

BERBARI: This is somewhat (inaudible), but you pointed out that Purdue isn't raising their tuition, but I've heard that said, and that's the way you talk now days, people tell me that they are changing the ratio of out-of-state students compensate, and I don't know if...I would presume that Bloomington would have that as an option more than any of our other campuses, just as Purdue has that option as a way to restore...I don't think it's smoke...I think it's kind of smoke and mirrors when people say that they are not raising the tuition in state, but they are raising it by...or they are changing their budgets by having more out-of-state students. And I don't know if that's an option for any of us (inaudible) the regional or IUPUI. But it certainly can be... You know, in other words, it's one of the (inaudible).

MCROBBIE: The crucial determinant...certainly in recent years of our tuition has been the level of the state appropriation—the fact that the state appropriation was fairly good last time around, (inaudible) has enabled us to keep tuition to...well, free tuition to Bloomington campus, to keep it down to, I think it's like 1.5 percent on the other campuses, it really is going to be determined by how the state of appropriation look, or what the nature of any tuition increases are going to be.

SEJDINAJ: I would say...from the President's point...I think I can only remember the first (inaudible) Budget Proposal. But it...because we do so well on performance funding, I think in the (inaudible) proposal, we would have picked up 17 million because we do well in Performance Planning, and I think Purdue would have lost three or four million because (inaudible) out of state and give up the Performance Funding. So, there's tradeoffs.

MCROBBIE: For us, the big one is got to be the little appropriation, which is still holding fairly...fairly good. Jack?

WINDSOR: I just want to thank the President as well as John for all of the efforts making this an open and transparent process. Thanks to (inaudible) and the faculty (inaudible). Thanks!

MCROBBIE: Thanks Jack! All right! Why don't we move on? Thanks John, I appreciate it! OK, Fred Cate (inaudible) has joined us to talk to the revision to the Researchers Conduct Policy.

AGENDA ITEM EIGHT: REPORT ON PROPOSED REVISIONS TO THE RESEARCH MISCONDUCT POLICY

CATE: Thank you very much! I know you've been at this for a while. I very much appreciate the chance to join you. This is here for you right now as a discussion item. So, let me just say a few

words and then leave you time to discuss. I've been in the job of Vice President for Research for nineteen months now, and one of the things that has surprised me most in this job has been dealing with research misconduct. Research misconduct is largely defined by federal law required to have a policy. It is however an extremely burdensome and time-consuming activity, both for my office and the people who handle it, I think very well, and also for the faculty and graduate students who were involved either as complainants or respondents. Nationwide the average to precede a research misconduct case from beginning to completion is two years. So, think about that for a moment. You've been accused of plagiarism or falsification of data, your grants are on hold, if you are a graduate student, your graduation is on hold, and meanwhile we're proceeding through a process which nationwide takes an average of two years. Now, I'm pleased to say IU already has that down to a year and a half, and we would like to get it down to considerably faster without sacrificing, of course, the procedural due process that's so important to the rights of faculty and graduate students here. We don't handle undergraduate research misconduct cases, usually, and so, that's why I'm leaving them out of this. At any moment in time, we have twelve active research misconduct cases, and so, that means twelve of our colleagues who are dealing with this. Another surprising thing about research misconduct is that in many cases, in some of the past twelve...past nineteen months, in a majority of cases, the person who starts out as a complainant ends up as a respondent. So, let me just explain to you what that means. So, you run a lab, let's say, congratulations. You're publishing in the leading journals in your field. Somebody out there, and there are now professional trolls who do this for a living, and I don't mean troll as an adjective; troll is really what they call themselves. They are constantly looking for evidence of falsified or duplicated figures. So that they send a notice to the lead author, say to you, and they say, "Look. This figure is falsified. So, then you determine the person in your lab who made that mistake, and you bring the complaint against them. But of course, you're the lead author, and so, as a result, the inquiry committee almost always says, by the way I think the complainant also here should be a respondent. So, midway through, you find yourself in both roles simultaneously—something our existing policy has been silent on. So, we see a large number of these; we see significant delay; we see this shifting roll where respondents-complainants are getting mixed up. And also, I would just add, and again this is required by federal law; this is not something we have any choice about in this room or elsewhere; but that is...the research misconduct investigation process has extraordinary powers. So, I learned years ago, and you know, serving on Faculty Appointment Committees, if I needed access to somebody else's email, cause they were out sick, it had to go all the way to the Provost to be authorized for me to get access under limited conditions to exactly those emails. In a research misconduct investigation, the first thing we do is sequester all of your email, and your entire computer, and all of your files. And by the way, if you use equipment in your lab that stores data, that data has to be sequestered as well. My very first week on the job, thank you very much Mr. President, I had to go out and rent space in a freezer because we had seized the bio specimens that had to be kept at four hundred degrees below zero, and we didn't have a place to keep them. And so, this is the type of activity a research misconduct investigation involves. They are very serious; they are very thorough; because as...not only are we required by law to do this, but as you know, this is the integrity of the university at stake: is our research reliable? So, the policy before you, as a proposed policy, has been to (inaudible) Research Affairs Committees in both Bloomington and Indianapolis and has benefitted significantly from their input. It does a number of things designed to try to streamline the process to make it more understandable and to make it operate more quickly. So, one thing it does is it separates policy and procedures, something which we don't do very often around here, but it seems very useful to say what are the things that must be

policy and what are the things that are procedures that implement that policy. They're all in one document, but they're labeled first policy, then procedures. Second of all, right now we are required again...and again, by law, you must have an inquiry where you believe that there is a substantial likelihood that a research allegation...an allegation of research misconduct may be true. And then that inquiry, if positive, leads to the appointment of an Investigation Committee. So, we have two separate Committees. We go through the entire process of having to appoint two completely separate standalone Committees and under the Faculty Council's Policy, the Investigation Committee must have a non IU member who is a peer of the respondent. So, we spend often three months trying to identify that person and get them to agree, work out an indemnification agreement, get the first meeting scheduled to get them in. So, two changes that are included in this would, one, instead of having a new Inquiry Committee every time, would have a Standing Committee on Research Misconduct, any two members of which could serve as an Inquiry Committee for the purpose of determining should there be an investigation. Remember that two Committee process. And then it would eliminate from the Investigation Committee the requirement that there be an outside and non-IU member. It would allow us to use our peers for this purpose, which would again substantially reduce the amount of time it takes in order to get this process moving. It includes much more and much stricter deadlines for when various phases have to be completed. And if you want to exceed those deadlines, it requires authorization either from me, or if I want to exceed those deadlines, from the President. It deals explicitly with what happens when a complainant becomes a respondent and makes clear that the due process rights (inaudible) immediately, and that from that moment on, the complainant is entitled to the full due process given to all other respondents. It...right now, Investigation Committees, when they meet, the respondent can request...can require...can choose under the policy that those meetings be public, which means that all of the witnesses have to testify in public. This is an enormous disincentive, particularly on graduate students to testify. And so, we would eliminate that. We would take out that option. They would... By the way almost never is that used; it is only used when you are trying to either slow down the process or to intimidate someone, history would suggest, and it would simply eliminate that; it would say these proceedings are going to be conducted in private. They always lead to a written report, and that written report would be treated as it is today. Another thing which this policy does, which I actually think is quite important, although I'm not sure I've convinced anyone else, and that is, it makes explicit that the duty to prevent and to report research misconduct is shared by all of us as members of the university community, that this isn't a...it's not just a judicial type process, which is how we have largely treated it; it is a question of professional responsibility and of our responsibilities as members of the university community. And it also makes possible, particularly where an individual has admitted responsibility, which happens in about a third of cases... Right now, we still have to go through the full process; you admit responsibility, I appoint an Inquiry Committee, the Inquiry Committee meets with you, you admit responsibility; the I appoint an Investigation Committee; then you meet with them; then the Investigation Committee reports to me; then I issue a ruling that you admitted nine months ago to the research misconduct. Now, it allows for us at...provided that you have been advised of your rights and you have admitted, I mean, again not running roughshod over anyone, to short circuit that process where the respondent says, "Look, you know, let's move this on. I know. I get it. Now can we move to the...to the what are going to be the sanctions for having to...how does the university protect (inaudible) integrities protected?" And then, it defines key terms. Right now, the policy uses some terms that are defined by federal law and some terms that are not defined by federal law, and then it did not supply definitions for those. And one of the most important of those is "reckless." And again,

in my very first month on the job, I spent a lot of time at the University Council's office, trying to come up with definitions for "reckless." What is "reckless misconduct?" Now, there's a definition proposed in the in the policy. People will be on notice what "reckless" is, and you can change the definition for what "recklessness" is, if you think appropriate. So, why don't I stop there and happily take any questions or suggestions for changes?

MCROBBIE: Can I talk just before, Alex...?

CATE: Yes.

MCROBBIE: I think that the way we regard this is really like a first reading. So, this is...this is to get input and what have you for the next version to be brought back for action. So, Alex.

TANFORD: The creation of the honor code, the duty on all of us to report and... thinking of that...does the violation of that duty entail any action?

CATE: It doesn't. It doesn't in this document. At the end of it, it's not research misconduct to not do that.

TANFORD: So, it's not research misconduct to not report research misconduct.

CATE: Exactly!

TANFORD: Wouldn't be in...

CATE: Right! Federal law defines research misconduct as effectively plagiarism, falsification, or fabrication, and this doesn't in any way seek to expand that.

MCROBBIE: Yeah, Bryan.

MCCORMICK: To what extent are the allegations that are being made in cases frivolous? I mean, this is one of the other challenges, I think, with a research misconduct is it's a potential for retaliation or smearing somebody's name. And one of the challenges, I think, that I see is that there's, at least in the policy, there's very little discussion about frivolous allegations.

CATE: Almost none of them are frivolous in the sense that there is nothing there. What often will happen though, is one person brings a case of research misconduct, and then the respondent claims against the complainant for research misconduct. And it is more likely that that looks like a retaliation plan or is frivolous. And that's why it does include a paragraph about frivolous claims being the bases for action. And that, by the way, was in the old policy. That's not added. In the initial instance, we don't see many claims that were frivolous.

MCROBBIE: Yes.

RENKER: With the removal of the peers from outside the university, have you looked into whether or not that changes the outcome of these or whether or not it leads to or gets rid of any sorts of bias in these investigations?

CATE: In terms of the outcome, every single Investigation Committee report that I have got has been unanimous.

RENKER: Ok.

CATE: So, I don't think it changes that. In terms of the dynamic within the Committee, I just don't know, and I don't think there's any really good way to find out. What we usually discover though, is the outsider follows the insiders, and so, we delay the process for months to get this person; we get them here; we have to do, you know, make sure they don't have conflicts; they always want an indemnification agreement; they get there, and then they tend to do what the local colleagues say, because the local colleagues, you know, know the ground better. So, it's not at all...nobody has suggested and...we have discussed this issue widely...that the outsiders really add something in terms of procedural fairness or due process. I don't really know why that was added originally.

RENKER: Thanks.

MCROBBIE: Yeah.

SMITH: Do you envision any particular complications or challenges with the university with a range of campuses carrying out this body of policy?

CATE: No, we do it now. This is one policy that's entirely centralized; it's all run out of one office. There's no local version of this policy if...if you will. And we do have cases on all of the campuses, over time, but not at this moment. But there is no campus that is immune from this policy being there. One thing we do discover, and I don't have an answer for this, but I just want you to feel my pain, so...and ultimately, it's your pain, I mean it's the faculty's pain, and that is where there will be...I mean research misconduct is actually a pretty narrow concept. And so, you can do all sorts of things that might be mean-spirited, not cooperative, not very nice that honor research misconduct. And so, we currently get on a fair number of allegations that we never let proceed into the systems because they just don't meet the definition. And we're not looking for...for more procedures, I promise you.

MCROBBIE: Yeah. Yep.

ZINNER: So, Susan Zinner from IU Northwest. So, I can understand how sometimes an open procedure might discourage some people. On the other hand, it seems to me there are sometimes when it might be necessary. So, I would be a little concerned about totally removing that. So, I'm not sure if there's any way you can take both things into account in your policy.

CATE: Well, the issue of open or closed, and I'm just making a note, it's a very good point, is in the procedures and the procedures can be waived in instances where the fundamental fairness of the proceeding requires it. And so, this...I would think, I mean that's how I would think about this, that if the parties agreed that this was a proceeding that needed to be opened, that that would then be within my authority, under the procedures as the Deciding Official to say we're going to make an exception and open it. We could make that more explicit. I'm just hesitant to

encourage it, because it is really brutal for the people involved, in the cases I've seen, and that's all, you know, it's a limited subset. It's really brutal to have to go through a public proceeding.

MCROBBIE: I see someone else over here. Yeah. Yeah.

GOODLETT: Fred, I've read this once. I have some details I wonder if could communicate to you directly. But...so, I won't go through those...but a couple...two things: one, there are many cases where there are references made to charges and even defined as a charge, but I think it ought to stick to allegation or that, because an allegation can lead to a charge or it can lead to another finding. So, I think that wording is a little bit of a concern to me. But you pointed to the inclusion of "recklessness" or "reckless" as a term, and while I think that's a very important consideration, putting it sort of separately in aside in your definition from research misconduct per se, sort of elevates it, when it's really a pattern of behavior that is part of research misconduct. So, I think it maybe needs to be defined within research misconduct itself. And then, there are many terms in that definition that are going to be very difficult to operationalize, as I'm sure you've struggled with: "substantial risk," "ordinary prudence," these kinds of terms, where they might have intuitive meanings, but when it comes to an inquiry into research misconduct will be the source of a lot of dispute, I think.

CATE: Please do send me the comment and I welcome them. I think "reckless" is actually...I mean, it's just...they're just alphabetical (inaudible)....

GOODLETT: Well, I guess what I was suggesting is if you...under research misconduct you have the examples of what they are, and I think reckless patterns of behavior fits within that listing, rather than separate from misconduct. It's sort of...I mean, can you bring someone up on an allegation for simply being reckless in the way they handle their...their methodology, for example.

CATE: No!

COOKSEY: No!

GOODLETT: So, I think it fits within the context of...but it's an important problem. But it's going to be one that as investigations expand, you look for patterns and other examples, and it fits within the inquiry, but I'm not sure it fits separately from research misconduct.

CATE: Right. I'm just saying it's not separate from Misconduct. That's just a definition of the word. "Reckless" is actually the standard of proof. You have to show that the conduct is either "knowing" or "reckless," and that's it by law; we don't have any choice on that.

GOODLETT: And that definition of what "reckless" is, is what I'm really concerned about.

CATE: Ok, well, you suggest a better one, and we'll happily look at it...or suggest it to the Research Affairs Committee...

GOODLETT: I can, you know, I can...I can...I can bring up some...some points about it. I'm not sure I want to try to define it.

CATE: Ok.

GOODLETT: But, you know, “ordinary”...I mean, I'm not sure what this document means by “ordinary proof.” That's part of the process.

COOKSEY: That's a legal term. “Ordinary prudence” is a legal term. Isn't it? Am I correct?

CATE: Yes.

GOODLETT: And can it be applied across a variety of different sorts of research in that same context?

COOKSEY: I would think...I should probably defer to the legal...lawyers here. But doesn't “ordinary” mean...it's an ordinary standard when (inaudible).

J. APPLGATE: I guess I wouldn't object too much to the idea that these are to be used in their, you know, intuitive meanings.

GOODLETT: Right!

CATE: Yep! Let me say, I'm not...I'm not attached to this definition, in other words, I would love a better one; I'd happily take it. Nor did we make this one up; this actually came out of a group of research misconduct officers that meets nationwide, and it's hard to believe there is such a group. But there really is a group. They met here last spring, and one of the things they did was come up with this definition. And so, I was very glad to be able to hear something, suggested by...

GOODLETT: And it may well be, you know, a standard that is suitable. It's just when I first read it, I wasn't quite sure I would know what being aware of a substantial risk would be. I wasn't sure that I knew what ordinary prudence would be, and I'd have to go through iterations to see that.

MCROBBIE: Other comments? Yes, Ed.

BERBARI: Two questions, Fred. One is, is incompetence, for example, misconduct?

CATE: No. No.

SPEAKER: No.

BERBARI: (inaudible)...in my career and I've (inaudible). And so those kinds of things are not considered...

CATE: You may be right, but don't tell me about it.

BERBARI: All right...and can you give us a (inaudible) bigger job than you expected. What percentage of the cases that kind of go forward are actually seen in our university misconduct? You know what percentage of them from out, I say, misconduct...

CATE: I would say three-fourths either lead to a final determination that there was research misconduct or a determination that there was not research misconduct, but I nevertheless refer the matter to the person's Dean or Executive Associate Dean because the behavior, particularly towards graduate students, seems so inappropriate. I can't say anything about that, in other words, that's not within this policy; nor am I trying to get it within this policy. But that is something that somebody should be looking at.

MC ROBBIE: Yep.

LEMPER: So, (inaudible) that this is partially rehabilitative rather than just punitive, two questions. One is, is acceptance of responsibility considered in the sanction, and if so, would it be more effective if it showed up actually in the discussion on page twelve, the actual formal policy about sanctioning?

CATE: I would say the sanctions...the word sounds so much bigger than what actually in most cases really happens. In other words, if you publish something that is false or plagiarize, the sanctions are typically...you have to withdraw the publication; we notify all of the journals involved; because at this point, we're protecting the university's reputation. If you did the work involving a colleague elsewhere, we notify their university. We...in the time that I've been in this job, we have never imposed a sanction on a faculty member, like you will lose a month's pay, or something like that. That's just not the way we approach this, it's not meant to be punitive at all. It is meant to be highly dissuasive that you want to get involved in this process and you want to go through the professional embarrassment of having to withdraw your published work, or having it... If it's fund...federally funded, we have to notify the federal government. And we actually, in most cases, they accept my determinations or my predecessor's determinations. But they're actually getting more and more...we're getting more and more scrutiny about that. So, you know, were we tough enough? You know. Did we...did we investigate hard enough? And so, it's clear it's being taken seriously at that level as well. But we don't, like I said, we don't see sanctions typically that are what the word would imply. You might call them more repercussions of how do you correct the research record as a result of this behavior.

MCROBBIE: Any other questions?

R. APPLGATE: Can you...?

MCROBBIE: Yes. Sorry. Go ahead.

R. APPLGATE: I'm very sorry.

MARSH: (inaudible) more of a comment. I actually looked at the drug policy and the old one side by side, as I had nothing better to do. And I'm looking at it from the point of view of someone who from the...has tried to...Committee A on campus tried to assist privately, who'd gone through the process... This is so much better. Good so, kudos to you and to (intelligible) for doing this. This is just so much better.

CATE: Thank you.

MCROBBIE: Rachel?

R. APPELEGATE: Just to prepare for when we do work on it, as I understand, this has gone to both the IUPUI Research Affairs Committee and the Bloomington Research Affairs Committee.

CATE: It has.

R. APPELEGATE: So, it's not as though we're the only ones looking at it.

SPANG: And the BFC is also going to get a presentation on it next week.

R. APPELEGATE: Yeah, it's coming to our IFC, too

CATE: I love presenting that.

MCROBBIE: It's clear. Yes, Jen.

FROHELICH: Hi, in the case of misconduct, should you find it, is there any category other than "reckless" or "aware?" Would you either be one or the other if the case was positive?

CATE: There will be three categories that there can be a finding of research misconduct in: you intended to commit a research misconduct...

FROHELICH: That's where...

CATE:...you knew about it, but may not have intended it, in which case I know it's a thin line, but the federal law recognizes those differences, so we do, too; and the third is that you behaved so recklessly that, you know, what we think of that as, you should have known about it, like a competent researcher would have known about it in that setting.

FROHELICH: So it's aware with intent, aware without intent.

CATE: Exactly!

FROHELICH: ...and reckless.

CATE: Exactly!

FROHELICH: Ok.

MCROBBIE: Other questions? I'm mindful we need to keep about two minutes. Anything else? Any other questions? Ok, Fred, well I guess, you just go through the process now with the view to bringing the final version back.

SPANG: The idea is to bring the final version to the Executive Committee for a vote on April 18th.

CATE: Thank you, and thank you for (inaudible).

MCROBBIE: Thanks, Fred. Let's see. Marcia Gonzales is going to give a quick report on conflicts of interests and conflict of commitment policies.

AGENDA ITEM NINE: REPORT ON CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT POLICIES

GONZALES: Thanks, everyone, for allowing me to give you an update. For the last year and a half now...(inaudible), General Counsel's Office, and the folks (inaudible) Research Compliance have been working on two goals, which is to streamline the conflicts of interests disclosure process and, essentially, also streamline policy. Currently, the only online disclosure process we have is the one that's done for research in the fall each year. However, our university policies have at least five different policies, which would require one towards disclosure or another, including one's for staff, one is for...some for faculty, the state conflicts of interest and procurement. We're a little bit behind other universities because they already have a single conflicts of interest disclosure process. What we're trying to do is get it onto a single online platform. We do have a platform identified as the KC module. We have all of the questions loaded that has been reviewed by General Counsel's Office Research Compliance, and it includes not only the research questions, but also questions involving startup companies. We did not include nepotism because nepotism is already handled as a single process. It's a single policy now, and that's moving along quite well. What will happen is certain categories of individuals...it's on...I don't know if you'll be able to see it on the smaller slides, but the proposed scope would include all faculty and individuals with specific HR position levels. Now, these position levels were chosen because based on the description of those positions, they have a certain level of authority or approval. So, for the most part, they are PA levels four and above. It's (inaudible) depending on the classification, Healthcare providers... But we also include Fiscal Officers; those with signature authority, procurement and, you know, other administrative positions as well. We welcome to apply it to other departments and are open to suggestions.

R. APPLGATE: Do you want the questions now are at the end?

GONZALES: Whatever...whatever you prefer.

MCROBBIE: Ok.

R. APPLGATE: We have some academic specialists who overlap with some faculty

GONZALES: Ok.

R. APPLGATE: It's a fuzzy category.

GONZALES: Yeah, we are...we can include whoever the group would like to include in the disclosure process. That's not...that's not a problem. Cause the hope is, you would get an email sent away; it would open up through KAS authentication; your user demographics are populated. You will answer some questions; if, for example, you don't do research, you may not see the research questions and all; if you know the clinician, you're not going to see those questions; if you are a clinician, we've also incorporated question that include IU Health's conflicts of interest

questions. There is a couple of questions that were added as well. What we're trying to create is a one-stop shop. So, it would essentially create a single database; it would then go through the routing for Research Administration or Research Compliance. So, the routing would occur as it normally does now. For the non-research conflicts of interest related questions, it goes into a database. We would then create a report, and we would push those reports to each of the Deans of each of the schools. And then how that's adjudicated will be determined by each school. I know some of the schools already have a Conflicts of Interest Committee and review process in place. So, essentially what we're doing is coordinating, collecting information, coordinating that. Now, the reason why we're also moving towards creating a single, if you will, policy is that should someone have a question, there's a single source to go through, versus the five or six policies that we have in place. Now, creating a new policy, which we don't have a draft ready yet, we're not changing the policy, we're streamlining it. So, there aren't any major changes that are going to come up. However, the applicability in some of the definitions will be streamlined, so that it's consistent across, you know, gifts and gratuities, procurement, conflicts of interest for staff, conflicts of interest for faculty, etcetera. So, the hope is to make it seem less on your end, that way, as Deans and decision makers of (inaudible) from the university, you have information to make decisions on behalf of the university. And if anybody wants to see them over, I'm happy to show it to you.

MCROBBIE: Sorry Jan...Jan, sorry. Could you start again?

R APPLGATE: We couldn't hear you.

MCROBBIE: Could you speak up again?

FROEHLICH: Will this replace all of the COI policies that currently exist on all the campuses?

GONZALES: Yeah!

FROEHLICH: Well, that's ok.

GONZALES: Yeah! But not change the policy, but just...

FROEHLICH: No, that's no...

GONZALES: Yeah!

FROEHLICH: Will it populate for you every year and other...?

GONZALES: Yes!

FROEHLICH: Ok.

GONZALES: The hope is...because for many of our research...researchers, for example, they have to put in financial interest (inaudible) entities, which they do work with every year. So, next year, the information will come up; you'll just have to update it. It's taken so long to get to this point because that was a key feature that we needed.

FROEHLICH: OK. And that's true in every category regardless of what you are doing preclinical or clinical research?

GONZALES: Yes. Go ahead. Sorry!

FROEHLICH: That's ok, go ahead.

GONZALES: And so, if folks were needing to update it, in the past you would have to, you know, create a new, you know, type in a new form. That's, you know, you would just have to pull up your form, review it, and just update the section you believe needed to be changed.

FROEHLICH: Great. Now, do you have access to see...(inaudible) have access to all of the different categories? You said, for instance, if you're only doing this, you won't have to fill out...

GONZALES: Yeah. Our hope is that if you are checking, you know, if you don't do any research, then those research questions won't pop up. So, this will be... So, you're only answering the questions that are relevant to you.

FROEHLICH: Alright. The questions are there. For instance, people do change their focus. I sometimes do clinical research; sometimes I don't. So, I would think that they would be there for you to...

GONZALES: Absolutely!

FROEHLICH: OK. And it populates with last year's every time.

GONZALES: Correct! Perfect! And it's...and it's, you know, it's being fed through KAS and HR data. So, when it comes under departments there...so that helps with reporting as well. So...and we'll work with each of the schools. If there's a certain way you want to see your report, that's fine, too, because it's a major database, so we just you know which (inaudible) to pull.

FROEHLICH: Great! It could also be a source, I'm sure, for a variety of other questions that people might have.

GONZALES: Exactly! Because, you know, right now, I chair the Industry Relations Committee for the School of Medicine. So, we often talk with Research Compliance because their gathering, or Research (inaudible) because they are gathering information that we might not have. And, so, you would say, "Oh, so and so only updated their form (inaudible)." We can just look it up, and so would the Deans be able to look up the information, because I've gotten a feedback where some schools would like to, you know, look at it from a context of commitment perspective as well.

FROEHLICH: Right! Right!

MCRORBIE: Other questions? Other questions for Marcia? Other questions? All right. We'll take that again. I think that (inaudible) meets again, you'll be developing this as a formal policy here.

GONZALES: Yes!

MCRORBIE: Alright I think that's it. With that, we are adjourned.

MEETING ADJOURNED AT 4:30 PM