

**Indiana University  
UNIVERSITY FACULTY COUNCIL  
March 26, 2013  
1:30 P.M. - 4:30 P.M. (EST)  
University Campus Center 307, IUPUI**

**\*\*\*RECEPTION TO FOLLOW IN CAMPUS CENTER ROOM 450B\*\*\***

**Attendance**

**MEMBERS PRESENT:** John Applegate, Simon Atkinson, Charles Bantz, Ed Berbari, Peter Bushnell, Carolyn Calloway-Thomas, Chris Darr, Charles Gallmeier, Don Gjerdingen, Cassandra Guarino, Peter Kloosterman, Michael McRobbie, Laverne Nishihara, Fran Squires, Herb Terry, Patrick Thomas, Barbara Vance, Lesley Walker, L. Jack Windsor, Susan Zinner

**MEMBERS ABSENT WITH ALTERNATES PRESENT:**

**MEMBERS ABSENT:** Cathy Ludlum Foos, John Hassell, T. Scott Herring, Jim Hollenbeck, Pamela Ironside, Michael Kaufmann, Steve Mannheimer, Stephon Moore, Michael Nusbaumer, Yusuf Nur, Lauren Robel, Marietta Simpson, Jodi Smith, Frank Wadsworth, William Wheeler

**GUESTS:**

**Agenda**

1. Approval of Minutes

<http://www.indiana.edu/~ufc/docs/minutes/AY13/10.30.12.pdf>

2. Executive Committee Business (10 minutes)

(Professors Carolyn Calloway-Thomas and L. Jack Windsor, Co-Secretaries of the University Faculty Council)

3. Presiding Officer's Business (10 minutes)

(Professor Michael McRobbie, President of Indiana University)

4. Question/Comment Period (10 minutes)<sup>1</sup>

(President McRobbie and Co-Secretaries Calloway-Thomas and Windsor)

**\*\*\*Executive Session\*\*\***

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<sup>1</sup> Faculty who are not members of the Faculty Council and who wish to address questions to President McRobbie and co-Secretaries Calloway-Thomas and Windsor should submit their questions to the Faculty Council Office at [ufcoff@indiana.edu](mailto:ufcoff@indiana.edu). Meetings are open to the public. Our documents are available at: <http://www.indiana.edu/~ufc>

5. Discussion of Current State Legislation Pertaining to Higher Education (30 minutes)  
(Jeff Linder, Associate Vice President, State Government Relations and Professor John Applegate, Executive Vice President for University Regional Affairs, Planning and Policy)  
[DISCUSSION]

\*\*\*Executive Session\*\*\*

6. Export Control Policy (20 minutes)  
(Professor John Applegate, Executive Vice President for University Regional Affairs, Planning and Policy; Professor Simon Atkinson) [ACTION ITEM]  
<http://www.indiana.edu/~ufc/docs/circulars/AY13/U6-2013.pdf>

7. Core School Dean Policy Revision (10 minutes)  
(Professors Carolyn Calloway-Thomas and L. Jack Windsor, Co-Secretaries of the University Faculty Council) [ACTION ITEM]  
<http://www.indiana.edu/~ufc/docs/circulars/AY13/U7-2013.pdf>

8. Definition of an Academic Credit Hour at Indiana University (20 minutes)  
(Professor Barbara Bichelmeyer, Associate Vice President for University Academic Planning and Policy) [ACTION ITEM]  
<http://www.indiana.edu/~ufc/docs/circulars/AY13/U8-2013.pdf>

9. Intellectual Property Policy Revisions (20 minutes)  
(Professor Simon Atkinson) [ACTION ITEM]  
<http://www.indiana.edu/~ufc/docs/circulars/AY13/U9-2013.pdf>  
<http://www.indiana.edu/~ufc/docs/addDocs/AY13/U9-2013Clean.pdf>

10. Sabbatical Leave Eligibility (20 minutes)  
(Professor Simon Atkinson) [ACTION ITEM]  
<http://www.indiana.edu/~ufc/docs/circulars/AY13/U10-2013.pdf>

11. Indiana University Code of Conduct (20 minutes)  
(Professor Don Gjerdingen) [DISCUSSION]  
<http://www.indiana.edu/~ufc/docs/addDocs/AY13/IUConductCodeDraft.pdf>

### **Minutes**

**MCROBBIE:** Okay. So, let's—let's get started. Ladies and gentlemen, welcome to this meeting of the—of the UFC, formal meeting with quorum of the UFC. First agenda item is the approval of the minutes. Could I have a motion to approve the minutes of the last meeting, please?

### **AGENDA ITEM 1: APPROVAL OF MINUTES**

**WINDSOR:** So moved.

**MCROBBIE:** And a seconder?

**UNKNOWN SPEAKER:** Second.

**MCROBBIE:** Any...?

**TERRY:** I have an amendment.

**MCROBBIE:** I was just about to ask that, Herb, you are very enthusiastic today. [Laughter]

**TERRY:** Go ahead!

**MCROBBIE:** I was just going to say any—any discussions, comments, corrections for the minutes, please? Herb, yes?

**TERRY:** On page thirty two, I am credited with an “indistinct comment.” [Laughter] And it’s an important indistinct comment—

**CALLOWAY-THOMAS:** —you want to make the comment now?

**TERRY:** The missing word in there is, “public.” The point of my comments was to make sure that in the course of setting up a website with a link to IU Foundation policies, we had accidentally strengthened the case for those who might want to argue that the Foundation is a part of us. The public records laws of the state apply, and so forth. So, if it’s possible, to replace “indistinct comment” with “public,” I’d appreciate that.

**MCROBBIE:** I think we can take that correction as a friendly amendment as it were to the—to the motion for approval of the minutes. Any other comments on—on the minutes? Any other corrections, additions, changes anybody wants? Okay, there being none, let me put the motion for adoption of the minutes. All those in favor, signify by saying “aye”. [Aye] Against, same sign. The minutes are adopted. Thank you. Agenda item two, Executive Committee business. Carolyn and Jack?

## **AGENDA ITEM 2: EXECUTIVE COMMITTEE BUSINESS**

**CALLOWAY-THOMAS:** I want to say good afternoon to everyone. We’re truly glad to see you again face-to-face on the IUPUI campus, and although the last such meeting was eagerly anticipated, there was some slight trepidation because we were about to test whether our reform measures had resilience, and they did, and we’re so very happy, and I knew that I was going to be making this comment today, and I was fearful that the comment would not fly, but it did. Thank you.

First, I want to offer gratitude to campuses and faculty who supported the stance that President McRobbie, members of the Board of Trustees, Jack and I took at the February 14<sup>th</sup> meeting of the Board. Recall that on that occasion, Jack and I spoke forcefully about legislators infringement upon the business of Indiana University. Reporter Mike Leonard of the *Herald-Times* of Bloomington was there, and as a consequence, the story received front page coverage. Under the under the stunning banner, “IU officials lash out in frustration over Legislatures encroachment.” For some reason, I did not think that that was what we were doing, lashing out, rather I sensed that we were making an observation of huge import, which required a response and action. And responses occurred in the form of the many comments and emails that we receive from faculty across the state lauding our efforts. And all of us have been moved by this. We have also received modes of expression in the form of five resolutions from the following campuses: IU Kokomo—and I really do want to give a shout out to Chris for starting this [applause].

**DARR:** You just piled on.

**CALLOWAY-THOMAS:** You mean I can go on?

**DARR:** [indistinct comment]

**CALLOWAY-THOMAS:** IUPUI, IU Northwest, IU South Bend, and IUB. Other resolutions are forthcoming, and as soon as we receive all resolutions, Professor Laverne Nishihara of IU East and I will craft a compelling preface for all of the resolutions which will serve as a collective, unified representation of this body for distribution to the faculty and the public at large. Second, I’d like to observe that members of the UFC Executive Committee have selected a Vigilance Committee, consisting of co-chairs Professor Jack Windsor and yours truly. The other members of the Committee are Chris Darr, President of the IU Kokomo Faculty Senate, Paul Kriese, IU East Political Science Professor, Herb Terry, President-elect of the BFC, Lesley Walker, President, IU South Bend Academic Senate.

It should be noted for the good of the order that prudence, sagacity, and goodwill will govern actions of the committee. We will be judicious and measured in both words and deed. Our goal is not to antagonize state legislators, rather the purpose of the Vigilance Committee is to preempt legislators usurpation of the academic authority of Indiana University. Through an active monitoring process, the committee will work with IU Government Relations office and Mr. Jeff Linder and others to ensure that faculty will be fully informed of bills originating in General Assembly committees. Issue regular updates to the UFC, be attuned to new systems and ways of being responsive to IU faculty, and file a yearly report with the UFC office. Chief of Staff Dr. Craig Dethloff is in the process right now of organizing our first meeting.

Third, I'd like to mention that Treasurer and Interim CFO MaryFrances McCourt gave a report on financial literacy at the March 19<sup>th</sup> meeting of the BFC. Members of the Council had a lively and informative interaction with Ms. McCourt, and offered that such courses be taught by regular IU faculty. As you know, this is a key initiative that President McRobbie outlined in his 2012 State of the University address.

Fourth, we are pleased that the IU Code of Ethics is on today's agenda, and I will not intrude upon Vice President Applegate's and Professor Donald Gjerdingen's time, but I would like to commend Parliamentarian Professor Gjerdingen for the excellent report that you hand crafted for us. And I would also like to extend the same congratulatory words to Professor Simon Atkinson for his and his committee's work on export control and intellectual property issues. The latter item is also on today's agenda.

And finally, since this is the last official UFC meeting for me in my role as senior co-Secretary of the UFC, I just wanted to offer the kindest and most heartfelt words that I can to my junior co-Secretary who was my senior when I came aboard in 2012. Jack is hardworking, has a sharp mind, and an ability to get to the heart of issues. His re-election is a testament to his leadership skills. He and I have worked beautifully together, and I just wanted to extend my commendation—my highest commendation to him. Thank you, Jack.

**WINDSOR:** Thank you. Likewise, it has definitely been a pleasure to interact with my other co-Secretary. I've learned a lot how—not necessarily how to speak more elegant, I've not lost my Alabama English at all, but I still speak in bullet points, and I look forward to the next couple of months working with her to move agenda items forward.

Briefly, I just want to mention that the parking issue has kind of been stagnant because most of the focus has been on the state budget. However, the steering committee will meet next week, hopefully with some data to start moving the process ahead. One of the things that President McRobbie charged the UFC and each campus with was if the parking is the answer to an additional finance research or some other options. We've charged the Budgetary Affairs Committees on each campus to come up with additional ideas of financial resources, and we keep pushing these committees because they have not brought forth any novel ideas as of yet, but we keep pushing.

Additionally, I want to briefly mention research funding as the federal budget is in question. Research funding, NIH funding, it's all in question. One of the issues that has occurred on my campus with our research committee has been the issue of limited submissions, and I will be discussing this issue with the vice president for research on Monday also. Thank you.

**CALLOWAY-THOMAS:** And that completes our report, Mr. President.

### **AGENDA ITEM 3: PRESIDING OFFICER'S BUSINESS**

**MCROBBIE:** Thank you. Thank you very much, Carolyn. Thank you, Jack. So, let me—let me move to agenda item three which is some comments from me. I want to—I want to make, speak of the devil, I was—

**LINDER:** —[indistinct comment]

**MCROBBIE:** I was—I was going to make some comments, and note that we would have Jeff here later for the meeting—Jeff's already here—to—to comment on the situation in—in the statehouse and with the legislature and so on. So I have one comment on that now, and we'll wait 'til—'til we have that Executive Session. I do want to comment just a little on some fiscal matters, or matters that are relevant to the fiscal state of the university. I try to—to reasonably regularly communicate with the university community by way of a president's update that I put out every three or four weeks, and I just released one. I think it was—it should have gone out last week, on the situation with respect to tuition affordability and—and that particular grouping of issues as well, and I hope you've all seen that. I hope you all get those—those updates.

And I just—I just wanted to—to—to comment and summarize again a couple of matters that came—that came out of that because I think they're fairly important. There—there are, I think, really two—two ways that one can deal with the whole issue of affordability of—of higher education and affordability of degrees—advanced degrees and—and one is through blanket policies that—that—that freeze tuition and freeze other things. And another is a more targeted approach that endeavors to try to isolate particular matters that one is trying to affect through fiscal policy, and we have taken consistency—consistently in the last three years the latter approach. So, our goal is—our has been to—to focus on graduation rates, improving graduation rates across all of our campuses, and that of course means improving the—the rates of time to degree. And we've done that through a number of different—using a number of different mechanisms.

One is the summer tuition discount, which we announced a couple of years ago that provides a twenty-five percent discount on students who are enrolled during the summers—during what we're now calling generically the summer semester and that, of course, has the—the added benefit not only of speeding up their time to degree and affecting the cost of their overall degree, it also has the additional benefit of better utilizing our facilities over—over the summer semester, facilities that we have to both cool and staff and we have the staff in the university, of course, who are employed twelve months of the year, et cetera, for that—for that particular period, and we started that last summer. We're continuing it this summer. It's been—it's—it's, I think, been modestly successful. We hope to see it improve in—in future years. There were

some issues to do with financial aid being available over summer that we're hoping can be rectified at the state and federal level and so on as well, but that's been one way we've tried to both improve graduation rates and improve the cost of—of a degree at IU. And, of course, that's—that—that discount is applicable on all campuses.

Secondly, I announced in my State of the University speech about six months ago that we would, for students who were on track to graduate in four years after their sophomore year, we would provide a, what we call a completion scholarship for those students to hold them harmless or effectively to freeze their tuition for their junior and senior years, and that will—that will start next—next academic year. And that again—so provided they also graduate in four years. That again has the benefit of—of cutting the cost of an IU degree, and—and increasing the graduation rates and the completion rates for—for our—for our students. Again, that again is applicable on all campuses, and it is—it is without precondition as to the students' financial needs, but it is, of course, it does have an academic precondition, that is, that they're on time to graduate.

Both of those—both of those particular initiatives are focused very much on improving the graduation rates of our students, and reducing the cost of an IU education, and those are the—the two ways we have approached—two major ways we've approached those issues. Now, we—on top of that, we're also very mindful of the whole issue of student debt, and I don't have to, I think, tell the Council much about the—the problems and issues there. I mean it's—it tends to be on the front page of either the *Wall Street Journal* or the *New York Times* every second day, that whole issue. I think—I think there's an article, I forgot, it's either in the *Times* or the *Wall Street Journal*. I've forgotten which I was reading this morning, but one of the two of them. Yet again another article about default rates.

So there, of course, one of the problems is that much of—much of the—the funding that's still or the funds a student borrows is out of our control. It comes through—through third party mechanisms. So, what—the way we've tried to address this problem is through an extensive effort. Again, I think as the Council's well aware, but as a—through an extensive effort aimed at student financial literacy, and that's being pursued in a number of different ways. There's a wonderful website. I don't know how many people have seen that website, and if you haven't, maybe Craig could circulate the URL for the website that lists the various aspects of student financial literacy. We've established an office of Student Financial Literacy, and so on. And again, this is a cross university, cross campus initiative as well to better educate students about—about debt and to better assist them in dealing with issues of borrowing for—for their education and so on. And, of course, to try to better bring home to them how it is in their self-interest to graduate as quickly as possible to take—take advantage of these various schemes that are available to them to reduce the cost of their—their education.

Now, having said all that, I also noted in that—that particular document that—that I expected to take a recommendation for a tuition increase to the Trustees. I have not yet, and we have not yet formulated a figure for that tuition increase. I expect that it will be a reasonable and responsible tuition increase that I will recommend to the Trustees. I'm—I'm very mindful of the fact that overall, in excess of eighty percent of our students across all campuses are resident students—Indiana resident students. I'm well aware that salaries of residents of the state of Hoosiers have stagnated over the last five years. In fact, on some measures, they've actually declined. So, tuition increases are effectively taking money from people whose salaries have not really increased over the last five years, and, in fact, if anything, in many cases may have declined a little. So—so whatever tuition increase that I do propose is going to have to be a—modest and judiciously arrived at—at one as well. But, I am mindful of the fact that we also have costs. I think when I first maybe spoke to the Council as president over five years ago, I noted that if we didn't do something about reining in healthcare expenses, they would exceed \$200 million. Today, they exceed \$200 million, and probably I could say in another five years, if we haven't done something about reining them in, they'll exceed \$300 million. And I hope that prediction doesn't come true, but that—that is clearly a major, major source of our continuing increase in costs, but—but everybody has a stake in trying to rein those costs in, and I—I know that some members of the Council have been—have been involved and been helpful in some of the efforts that the university has engaged in to try to rein in those costs.

So, that is the situation. The big imponderable, the big unknown—and we'll get to this in just a minute after questions and comments—is, of course, what the legislature does. I don't want to steal too much of Jeff's thunder, except to say that so far things have been looking fairly good, and one has to be extremely cautiously optimistic in this game. Things can change overnight for unexpected reasons, but it will clearly be helpful to us in—in moving forward, and—and—and addressing issues of tuition increases and so on to know what kind of increase that we will get from the state for our operating—as a response to our operating request, and also in capital in other areas as well. So that's the situation. I just wanted to reemphasize those points that I—that I set out in that document that I circulated to you because as people have asked were we looking at freezing tuition. I think you've heard what I've had to say about that, and we are really taking a—a different approach, and our goal is really a targeted approach to—to assisting our students in getting their degrees and getting jobs, and of course there's—there's a lot of work being done on now—now trying to comprehensively improve our advising services, both academic and career advising services across all campuses. I'm expecting reports at the end of the—end of next month from all the campuses on what effort they're—they're engaged in, and what action they're taking to improve advising in both—in both those areas. I was—I was struck in the last couple of days in reading some dossiers on students for some student committees, the number of students who complained about advising services. I think that—I just think that clearly a lot needs to be done to improve the quality of—of our advising services and—and—



and this is—this has been a theme that I have heard for the last—the last couple of years, and—and that, in turn, I think does impact on their ability to graduate on time again, and also helps them, I think, in achieving employment when they graduate.

So, with that, maybe what I can do is just segue directly into the question/comment period, ask if anybody has got any questions on what I've just spoke about, any matters to do with that or any questions for Carolyn or any questions for Jack.

#### **AGENDA ITEM 4: QUESTION/COMMENT PERIOD**

**CALLOWAY-THOMAS:** I have a question for you, President McRobbie, prefaced by a comment. I wonder to what extent the students know about some of the initiatives that you have articulated today, and that you have articulated earlier in some comments that you have made, especially with regard to tuition cost and those matters.

**MCRABBIE:** Well, they—they—the students were collectively informed in a number of different ways directly through—through email and other—and other mechanisms about these various programs to—to provide either discounts or effectively rebates on tuition as well. There's been a marketing campaign that's been carried out on—on all the campuses and it's—it's varied from campus to campus. The campuses that run them themselves. I think a lot of campuses have made a lot of effort to bring these programs to the attention of their students. I certainly know that parents who are aware of them at least—at least anecdotally. I've hardly met a parent who doesn't—who doesn't know about these schemes, that isn't going to be telling their students—their student, sons or daughters, to—to take advantage of it, but—but we—we need to continue to do that because I think there's some evidence that—that—that this has not, if you'd like, fully penetrated the student body, although it's a little—it's a little difficult to know whether that can ever be fully achieved, but we're certainly going to continue to—to work on that Carolyn. Herb? Sorry, Ed?

**BERBARI:** Perhaps this is a recommendation or a point of discussion. It revolves around what I remember of Jim Garland as president of Miami University in Oxford, Ohio. He—as a state institution, he was faced with many problems you were, and what he did was decide to have one tuition rate for all students, whether out of state or in state. And then look at the amount of money that the state gives and prorate it for the Ohio scholarship for the instate students that the state legislature would be providing. And, in a sense, it sort of takes us out of being the bad guy because that's what happens. You really, really have, you know, an unenviable job in terms of when—how do you deal with the costs and budgets and so on, and it really sort of flips it a little bit and says, you know, if we create a really clarity of the drivers of what our education costs, and everybody has to pay the same amount, and those of you who reside in the state, the state is going to provide assistance to you, and—and as it goes up and down, let's say

because of the budgets and so on, at least the students will know who is giving them their tuition money or, you know, who is providing the extra “oomph” to their discount, and so on. And it keeps the university, I would think, out of sort of being in the cross hairs of it all rather than it’s a shared situation, and we all have to take responsibility for it.

**MCROBBIE:** Yeah—

**BERBARI:** Have you thought of those kinds of things or...

**MCROBBIE:** Well, I think one—one of the issues with that is—is going to be that the—the overall appropriation is—is done—is a series of line items so it’s going to vary a little from—from campus to campus. It would be a little hard to do. And secondly, it really is genuinely the ca—I mean, there’s a lot of cross subsidization goes on within the university. If you—and—and it is generally the case that some degrees cost more than others and so we try to handle that through fees. I mean, if you did something like what you suggested plus fees, that might work.

And the other thing—the other thing though, of course, is that we—we have this—this mechanism for—for funding student financial aid, which—which really is that effectively is what it’s doing is—is that out of state students, or even less able in state students are actually subsidizing the cost of very able students from—well, very able students—sometimes very able students from low income backgrounds as well, and—and all of that starts to—starts to undermine—

**BERBARI:** —I just thought it was very creative to put the onus on the legislators to say that they’re actually paying part of your tuition, and if you’re not happy with it, go talk to them. As opposed to [indistinct comment] at your doorstep all the time—

**MCROBBIE:** —right—

**BERBARI:** —in terms of that—

**MCROBBIE:** —right, right, right. Well, Jeff may want to comment on that, but when we get to the Executive Session. Yes, Herb?

**TERRY:** I have a reaction to the Executive Committee’s dunning of the education of the budgetary affairs committees on the campuses. I would urge you next time you do that to also ask them to offer forward any suggestions for campus efficiencies. You know, it is not just a matter of generating revenue, it’s also that, and many of these folks have been involved in campus budgets for a long time. They’ve seen the budgets of various schools. They may be quite able to make some suggestions of things that would help achieve efficiencies at the campus level.

The second thing is just an admonition to all of us, I think, and it grows out of a sad experience yesterday I know Professor App—Vice President Applegate and McRobbie were at the funeral for our Bloomington IUPD Chief Keith Cash. I was there. It was fortunate I had an opportunity the last time I talked to Keith at one of the Trustees meetings to accidentally tell him that I thought he was doing a really great job, that sort of thing. That was just luck. I would hope all of us take some time from time to time to thank the staff and others on this university—the folks who—who just, you know, they keep it running. In his case, they keep it safe. I can't tell you how many adolescents at Indiana University probably had their careers not adversely affected because of the good judgment of Chief Cash of the IUPD, and so I just, you know, remind all of you that life is fragile. If there's some IU staff member or something whose work you value, take a moment [indistinct comment].

**MCROBBIE:** Herb, that—that was extremely well said, and I would like—I would like just to—just to add to that. I think it's worth the Council knowing. There were two things that really stood out, maybe three things that really stood out yesterday from the—from the point of view of the broader university. One was—one was there must have been, somewhere in the vicinity of four hundred police turned up for Chief Cash's funeral yesterday, from all over the state, and outside the state. The chief from Wisconsin came down, from the University of Wisconsin was there, and so on. It really was quite—quite remarkable. And I think from—from the point of view of the—of the university, I thought it was a—it was a wonderful gesture and really speaks to the growing esprit de corps on the university-wide police department as it is now that—that every chief from every other campus was there to—at Keith's funeral yesterday, and I thought that was a wonderful gesture on their part.

And then finally, in order to relieve the Bloomington—members of the Bloomington Police Department, a full shift of officers from this campus came down to Bloomington to staff the Bloomington campus during—during that period of the funeral yesterday, too, and I personally am most grateful to—to those officers who came to—to staff the Bloomington campus, and I thought that was a wonderful—wonderful and fine gesture by those—those policemen, and I think it was a wonderful gesture by all the—all the chiefs to come to Keith's funeral as well. Any other questions? Yes?

**WALKER:** Can you comment on the possibility of raises for this year for faculty?

**MCROBBIE:** Well, I—I just—I can't comment at this stage simply because I think a lot of what we may or may not be able to do is going to be dependent on what the state does in terms of what the legislature does as well, but I—but I—I do think that, you know, you heard my comments about the state of the economy and the state, and you heard my comments in general about affordability, so I think, if it's possible to do anything at all, that probably is going to be a fairly—fairly modest in that regard, but—but as I said, that's—it's early days. It's,

believe it or not, it's still early days until—until we know where we stand with the state. Other questions or comments?

**ATKINSON:** Can I add a follow up comment to that? I'd like to—to encourage you and the Trustees to avoid doing anything that divides different classes of employees within the university, if there—if there should be a police on salary raises that we avoid doing something like—like President Daniels' actions at Purdue in potentially dividing the professional staff from the faculty in terms of the way salaries are handled.

**MCROBBIE:** Thank you, Simon. I—I'm—I'm certainly well aware of the enormous contributions that members of the professional staff at the university make right across the—the board from the gardeners through to the—to the technicians and machinists and so on in all the labs and at every level between as it were. Other questions or comments from anybody? Alright, with—with that, I will ask if the room can be cleared of all people—all people could leave except members of the Council, and if we could have the recording devices all—

**\*\*\*EXECUTIVE SESSION\*\*\***

**AGENDA ITEM 6: EXPORT CONTROL POLICY**

**APPLEGATE:** —for quite some time. I think that the current policy represents some careful deliberation by a really excellent committee that took its work—and I can say this since I was not on it—took its work very, very seriously, and was responding to both the—the sensitivities that inspired the Export Control Policy, that is of the free publication of results of work, but balancing that against the ability to compete for some very significant research funding. And it's not just the funding, it's significant issues and significant problems that—that we, as a university, want to be part of. So, it doesn't—this policy does not change the underlying policy that had been set up many years ago, but rather it creates a clearer, more transparent, and really more useable exceptions process that takes into account really all of the kinds of concerns that one would have, both with the propriety of undertaking research where there is some amount of control on publication, but also—also on the effect that it could have on individual faculty members, particularly untenured faculty members, which has been a legitimate concern. So, I don't know if Simon or Razi, if you want to say any other—anything else about it. I think it's really ready for the Council's consideration.

**MCROBBIE:** Simon?

**NALIM:** I would just say that, you know, this—this was a very lengthy deliberation. There was extensive discussion about the option of changing the policy itself, and based on the concerns that were brought up and the results of the survey or—and, to some extent the limitations on getting enough input from a survey mechanism it was decided that we would not, you know,

recommend a change in the policy, but a change in the implementation of the exceptions process.

**ATKINSON:** Yeah, I think this—I think that one of the outcomes of this taskforce was that—that there clearly isn't a consensus across the university to change the fundamentals of the policy, and I—there are certainly units in the faculty, not—in particular the School of Engineering on the campus, but in other units, too, who would benefit from a—a complete change in the policy, but that clearly isn't a consensus across the faculty to support that. The—the mechanism that's been used to grant exceptions has been a very ad hoc mechanism without a clear outline of the rationale that should be used for granting exceptions, and so the—what we're really asking for support for today is Appendix 5 in this report, which is the revised procedure and policy for granting exceptions under the existing policy so without—without a change in the statement that's currently in the Academic Handbook, which is—which is currently not implementable because it references a UFC Committee that doesn't exist really. So this procedure in the appendix sends the—the procedure for determining those exceptions down to the—the school level where there's—where there's the expertise to properly evaluate this, rather than ad hoc groups of faculty being pulled together by—by the central research administration, often with very limited time and expertise to try and consider these—these proposals.

**BERBARI:** John—oh, I'm sorry, may I ask a question? What—what's the status of these types of policies on peer institutions, let's say the Big Ten universities? Do most of them have export control policies in place, or are we an outlier in that? Or is it...?

**APPLEGATE:** I can answer it and—and, Razi, you'll probably answer it better, but that the ability to do this, we are unusual in not being able to do it or not having a good ability to do it, and so we're losing opportunities which is the concern, and I'm not sure if they're structured in the same way, so I turn to Razi because you took a look, I believe—

**NALIM:** Right, we did take a look. I can't say I recollect the situation in every one of the Big Ten, but certainly Purdue does have—does not have as clearly stated a policy as we have that publication restrictions cannot be applied to results of research, and as—I think as a result of that, they have been able to accommodate export control research very routinely that I'm aware of, and I think there are several other universities that do have a process for doing export controlled research.

**MCROBBIE:** There was someone—oh, was it Herb?

**TERRY:** I'm wondering why a campus level research officer was not included in this review process. If I read page thirty-nine—twenty-nine correctly, the review, when there's a request for an exception, is the chair—the associate dean typically of the school in which the PI works,

then the dean of that school. And, at least at Bloomington, a couple of members of the science faculty asked me, when they looked at this, why the vice provost for research isn't somehow or other also made aware of what's going on on a campus-wide basis. It's sort of left out of this process. I mean, it goes from there to the vice president for research, and I couldn't answer that faculty member's questions, so I'm asking those who wrote the policy.

**ATKINSON:** Razi?

**NALIM:** Yes, I think we thought it would be a longer process than after the, you know, the school level, the unit level review, it would go to the campus level for contract negotiation, and so on, so we get reviewed at the campus level. The—the feedback we got, I think from the vice president for research was to have vice president as the—named as being kind of representing all of the campus research administration, and the university research administration.

**TERRY:** Would you have any problem with making these things known to the campus level officer in charge of research?

**APPLEGATE:** No, and remember that those officers also have a dual reporting line into the vice president for research, so that's really, in many ways, part of the same operation. And, not to read too much into the committee's thinking about it, the exceptions process is clearer, it's more transparent, it's more consistent. All those qualities that Simon described, but it's not a short and simple process, and so the idea of—of not adding more layers, I think, was attractive.

**MCROBBIE:** Other questions or comments? I believe that this is for voting on—

**CALLOWAY-THOMAS:** —Yes—

**MCROBBIE:** —and it has come from the committee, so—so it doesn't need a seconder. So this is a—this is now the adoption of this new policy is—is, in fact, the motion in front of the Council. Any further comments, questions before I put the motion to adopt this—the new policy—the Export Control Policy? There being none, let me put the motion to adopt it. All those in favor, signify by saying “aye.” [Aye] Against? [Silence] I believe it's carried unanimously. No dissent to it? Okay, good. Excellent. Thank you, John. Thank you, Simon, And thank you, Razi, for your work on this, too. Okay, core schools dean policy revision from Simon and Carolyn—

**CALLOWAY-THOMAS:** —Carolyn and Jack.

**MCROBBIE:** Jack.

**AGENDA ITEM 7: CORE SCHOOL DEAN POLICY REVISION**

**CALLOWAY-THOMAS:** This is a very simple revision. What we wish to do today is to align what is actually happening on the two campuses—on the IUB campus and IUPUI campus with the policy that appears in front of you. So what we’re asking you to approve is to add the dean of the School of Public and Environmental Affairs as a core dean who will be reporting to IUB, and strike that dean’s position from the IUPUI slot. That’s the intent of the motion.

**MCRABBIE:** So that’s—that’s really a—

**CALLOWAY-THOMAS:** —It’s very—

**MCRABBIE:** —it’s something that cleans up—

**CALLOWAY-THOMAS:** —yes, just the matter of tidying up things.

**MCRABBIE:** Does that come from a committee, Carolyn?

**CALLOWAY-THOMAS:** The UFC Executive Committee.

**MCRABBIE:** I guess we can take that as coming from a committee, right. So, again, that doesn’t require a seconder, and that’s the motion in front of us. Any discussion? Charles?

**BANTZ:** The only thing I might suggest is under number one Dean “E”, Library and Information Sciences, am I not correct that the Board of Trustees has eliminated—

**MCRABBIE:** —it goes away at the end of June—

**BANTZ:** —that position? And as they move into Informatics, so you might do both in one, and save a revision next year to do this.

**CALLOWAY-THOMAS:** We accept that.

**BANTZ:** I don’t know if I can make a motion so...

**TERRY:** [indistinct comment] Charles’ comment of when this thing was written, I think I was around. It’s the first sentence that is the policy, “Core school deans who report to Bloomington are reviewed there. Core school deans who report to IUPUI are reviewed there.” And then as of the effective date, I’m not sure this change is actually required since reporting lines have changed, and so yeah, you could a little bit ahead, and—

**MCRABBIE:** —yeah, I guess—I guess—I guess that’s fairly common, Herb, that—

**TERRY:** —yeah, we did that deliberately at the time that we did this because we knew names of schools and that sort of thing—

**MCRABBIE:** —so it really—it really is defined by who they are—

**TERRY:** —it is—

**MCROBBIE:** —at the date, yeah, right.

**TERRY:** I would actually do what Charles recommended with a footnote saying that we know that as of July 1, there won't be a dean for the School of Library and Information Science at IUB.

**MCROBBIE:** Are you happy with that, Charles, I mean it seems to be—

**BANTZ:** —I'm just trying to—

**MCROBBIE:** —reasonable interpretation.

**BANTZ:** —save a few pieces of paper.

**MCROBBIE:** Any other comments or questions or discussion on this? Okay. This is for action as well, so I'm glad to put this motion. All those in favor of adopting this policy on the review procedures for school deans, signify by saying "aye." [Aye] Against? [Silence] That's carried as well. Okay, definition of an academic credit hour, Barb Bichelmeyer. Barb?

#### **AGENDA ITEM 8: DEFINITION OF AN ACADEMIC CREDIT HOUR AT INDIANA UNIVERSITY**

**BICHELMAYER:** Good afternoon, and thank you for allowing me to be here. This also is more of an administrative item at this point than anything else, and cleanup of the Academic Handbook. In 2008, the Higher Education Opportunity Act updated some of the compliance requirements for institutions for higher education. One of them was in order to be eligible to participate in federal Title IV funding, each institution and its various campuses were required to update their definition of a credit hour—actually, to put a definition of a credit hour onto their—into their policies. And with that definition of a credit hour, specify what happens out of class, which historically, definitions of credit hour have been how many hours in class in a week, and I think this is recognizing the rise of online and for profit education, and in that time—since that time, as a requirement of annual institutional updates for our accreditors and the annual update of our program participation agreements with the federal government, all of our campuses have come into compliance with this, yet the university Academic Handbook has not come into compliance with this.

So, at this point, we're asking the University Faculty Council to updated the language in the Academic Handbook to the paragraph that's the second from the bottom, and in—in the new line is the second sentence there so that the Academic Handbook would read: "the usual three credit lecture class shall meet for a minimum of approximately two thousand minutes, excluding the final examination period. Specific campus policies pertaining to credit hour definition shall also comply with all regulatory requirements." That additional sentence allows



for some variation between the various—the campuses in terms of how they define out of class activity and credit hour requirements, but allows us all to make sure that we’re compliant with federal requirements. I’m happy to answer any questions.

**MICROBBIE:** Discussion? Yes, Herb?

**TERRY:** Is the statement that usually something meets for a minimum of approximately something specific enough to meet the federal requirement?

**BICHELMAYER:** That part is, actually, because their concern is—is—is really around what’s happening out of the class, and our range for our campuses in terms of minutes in class is two thousand minutes for three credit hours, up to two thousand two hundred and fifty, so that’s what approximately at a minimum represents here. We don’t—we don’t have—

**TERRY:** —But this has been the policy in the past, and no federal agency has questioned it—

**BICHELMAYER:** —No.

**WINDSOR:** I move we accept this modification.

**MICROBBIE:** Secunder? I think—does it come from the committee, too? No? Then it requires a seconder. A seconder of that one?

**TERRY:** Second.

**MICROBBIE:** Okay. Discussion? Any more discussion? More discussion? Okay, I’m going to put that motion. All those in favor of adopting the new definition of a credit hour, signify by saying “aye”? [Aye] Against? [Silence] That’s carried. Thank you, Barb. Intellectual Property Policy revisions, Simon?

## **AGENDA ITEM 9: INTELLECTUAL PROPERTY POLICY REVISIONS**

**ATKINSON:** Thanks. So this is—this is brought to you on behalf of the Intellectual Property Policy Council, which is a body that was created by the 2008 Intellectual Property Policy. So this—this Council’s been meeting regularly since that policy was—was adopted, and reviewing how the policy is—is functioning. Those discussions have involved staff from the IURTC, which manages tech transfer operations for the—for the university, and also with folks from the University Counsel office. And so we are bringing a set of amendments to that policy to you today. A lot—so you have two documents. You have a clean version of the policy. You have a redlined version of the policy, which is on blue paper for confusion of colors. Most of the changes are correction of—of errors in the—in the policy or technical changes, so I think all lawyers wish they’d been born in speaking German, so they like to have as many words in—

with the first letter in uppercases as possible, so all the definitions throughout the policy have been converted to reflect that, so that's one of the minor changes.

The changes—I will only go through the changes of significance for you, and then I want to propose an amendment to the amendments. So, on page two—so this is under the definitions. This is—under the definition of “University Works,” letter “I.,” the first subsection there. That's extending that definition to include, “recordings...of performances, presentations, talks, or other educational extracurricular activities of the—of University students, faculty, staff, visitors, and/or third parties that are made by or at the request of the University.” The impetus for this particular change comes largely from the Jacobs School of Music, which would like to have control over recordings of performances that are made at the Jacobs School, and that's been ambiguous up to this point under—under the existing policy, and the IP Policy Council endorses that change.

A secondary area where there were significant changes is in the area of online instruction. So, first of all, online as two separate words has been converted to online as one word throughout the policy, as if the more usual usage these days. Under letter “K.,” which is under the “Definitions,” which is the—the definition of online instruction, “means instruction that is distributed to students exclusively through the internet, including credit-bearing academic programs and courses, as well as non-credit bearing academic programs and courses, and instructional innovations such as massive open online courses...” So this is to expand that definition a little more to include newer variance on—on the theme of online instruction.

The—there is a new section on applicability which is I think largely in response to evolving case law in the area of university intellectual property. There is—especially there is language that—if I can find the right section—I guess that's the—yeah, so under section—so section “3. Categories of Covered Intellectual Property,” subsection “C. University Works,” of the first subsection there, “i:” “Upon becoming subject to this policy through appointment, hire, admission, or use of University resources, Creators will assign and hereby do presently assign all right, title, and interest in University Works to the University.” So this is—it's not really a change in the policy, but it's an important change in policy language that reflects a case, *Stanford v. Roche*, where Stanford lost a claim to intellectual property because that particular language was not included in their policies, and the creators of that IP were deemed not to have actually assigned the intellectual property to the university. Even though that was the implication of the—of the policy, that language wasn't present, and so Stanford lost its rights to that particular IP.

**SQUIRES:** Excuse me, is this just faculty things, not student work?

**ATKINSON:** This would—this would—this applies, under certain circumstances that are defined in the policy to student work, too.

**SQUIRES:** Yeah, like, if we had Cole Porter writing songs, we could claim them?

**ATKINSON:** If—if Cole Porter was writing songs under certain circumstances as—there's a—

**SQUIRES:** —for a class—

**ATKINSON:** —it's a—it's a complicated—

**SQUIRES:** —yeah, I know—

**ATKINSON:** —answer. If it was done for a class, then in most cases not.

**SQUIRES:** Okay, thank you.

**ATKINSON:** So, the—other change—area where there's significant changes is under section “4. Revenue Distribution.” Section “A. Monetary Proceeds,” there are a set of changes to—which apply to university staff, so not academic appointees or students who are involved in the—in the creation of—of intellectual property. So, under the definitions elsewhere in the—in the policy, anything that's created by university staff, not faculty and the students, counts as a “University Work,” and the university has a—has a claim on that work. This section—this new section sets out how under certain circumstances the university staff who are involved in the creation of IP can have a share in the revenue from that—that IP, even though it's considered a University Work and they're not otherwise entitled to that share. So this is—this would apply to the technician in—in my laboratory who's involved in creating some IP that would bring revenue to the—to the university. Without these clauses, there have been no way under the policy to share the revenue with that person. This creates a mechanism where that becomes possible as a way of recognizing the contributions of that person to the creation of the IP.

**BERBARI:** Are they not considered a creator—they're still not considered a creator?

**ATKINSON:** They are considered creators. So, but they don't have the same rights to share in the revenue from the IP as—as faculty and students do. So those are—those are the main changes of significance in the policy. I would like to propose one amendment that's—wasn't included in the documents because it—this amendment was not approved by the IP Policy Council. This came after the Council finished discussing this. So this is on page, well, it depends which version you're looking at, so this is under the—so this is under “Categories...” section “3. Categories of Covered Intellectual Property,” under section “C. University—”

**CALLOWAY-THOMAS:** —what page—?

**ATKINSON:** —well no, under section “B,” yeah, section “B. Traditional Works of Scholarship.” It’s on different pages, depending on which version you look it, so [indistinct comment] section numbers. It’s right above the heading “University Works,” that paragraph that’s above the heading that says “University Works.” I’d like to propose as amendment to strike all the language that’s under section “iii,” and replace it with the following: “If a creator of online instructional materials leaves the University, he or she hereby grants the University a non-exclusive, royalty-free, worldwide, unlimited license to use the online instructional materials for online instruction including the right to revise such online instructional materials.”

So the—the intent of this section and of the language that was there before is to recognize the fact that the creation of online instructional materials differs from somebody who was at the university teaching a course. When these materials have been created by a faculty member, they are often incorporated into—into academic programs at the university as a key component of those academic programs, and it’s—in many cases, it’s necessary and desirable for the University to keep using that material as—as part of the program.

This recognizes that—that—and implausible as it may seem, faculty do occasionally do leave the university and go to other institutions. And, this gives the university the right to keep those online courses in operation once they’ve been created as part of a program at the university.

**WINDSOR:** I will second Simon’s motion to make an amendment.

**MCROBBIE:** Okay.

**ATKINSON:** Does anybody need me to read that over again?

**MCROBBIE:** Why don’t you read it again, Simon? Just read it one more time. I think it sounds very eminently sensible, but read it again, yeah, please.

**ATKINSON:** So, this is to strike all the language under that section and replace it with: “If a creator of online instructional materials leaves the University, he or she hereby grants the University a non-exclusive, royalty-free, worldwide, unlimited license to use the online instructional materials for online instruction, including the right to revise such online instructional materials.”

**GJERDINGEN:** Is that [indistinct comment] faculty will take it with them to their [indistinct comment]?

**ATKINSON:** Yes, so they—

**GJERDINGEN:** —[indistinct comment] stays here, they can continue—

**ATKINSON:** —right, so that—so that the faculty member is completely entitled to use those—use the copyrighted content of those—those materials at another institution where they—where they go, but they can't prevent the University from continuing to use it here.

**SQUIRES:** So is this enough? Do you—do they need to sign the contract for a release? Or is this enough?

**ATKINSON:** I think everybody, under the covered individuals section, everybody is covered by the university IP policy—

**SQUIRES:** —I just wonder if it's enough—

**ATKINSON:** —but I think elsewhere in the policy units are strongly encouraged to—to get written agreements between creators and—and the unit if there—there is a need to ensure in a more unambiguous way that the university is able to continue to use these things.

**WALKER:** Simon?

**ATKINSON:** Yeah?

**WALKER:** Would the faculty who had created this online course and leaves the university, will there be at some—I mean, will there be a recognition that this was his or her course? I mean, will that be recognized somewhere, that it—I mean at least that kind of attribution as an author?

**APPLEGATE:** Yeah, no, I think that—I think that that would be. I don't think it's—I don't think it's mandated here. John, do you—does that need to be mandated that the original creator is recognized somehow by the university as the university perpetuates—

**WALKER:** —[indistinct comment] little copyright [indistinct comment] or created by, so that person can, you know, is—still gets, you know, the—as creator is recognized as such.

**APPLEGATE:** That's a really good point. It sort of cuts the other way though, since the right is also to revise it.

**WALKER:** Right.

**APPLEGATE:** You can imagine a situation where the original creator would—would no longer want to be associated with it in that sense.

**WALKER:** But then isn't it essentially relinquishing one's IP as one leaves the university?

**MCROBBIE:** No, you keep—you take it with you.

**WALKER:** I mean, you take it with you, yeah. Well, okay. I know you take it with you, but you also get to keep it.

**APPLEGATE:** Right, which is fair enough. I mean, non-exclusive rights are—are fine. I think that—

**WALKER:** —I'm not—I'm not disputing that—

**APPLEGATE:** —No, I understand that—

**WALKER:** —[indistinct comment] just a recognition of who the creator was, who the author—original author was.

**APPLEGATE:** Right, right.

**WALKER:** You know, if I'm an author of a book, for example, you know, if it falls out of copyright and it's publicly reproduced a billion times, I still want to be the author.

**APPLEGATE:** I mean, I think that would certainly be a good, respectful practice that one would—one would use. I guess the only reason I'd be a little nervous about putting it as a requirement is that at some point they're probably going to diverge, and it's not—almost not fair to the—

**WALKER:** —how about original author?

**APPLEGATE:** Pardon me?

**WALKER:** Original author, originating author?

**APPLEGATE:** I think that would be a good practice. I don't know if we need it in the policy, but it's certainly a respectful thing to do, I agree.

**MCROBBIE:** Yes, Herb?

**TERRY:** Just to comment on that, and another question. I don't think we need it in the policy just yet, but we are moving in the direction of having more international employees, and certainly there are other countries where the right to be continuously disclosed as the creator of something that you have created is a legal right. It's a common European right. It's not a right here in some future iteration of this thing, it wouldn't surprise me if we happened to start dealing with international intellectual property policies and their differences [indistinct comment]. I would have a couple questions. Academic appointees in the policy is basically as they're defined by the Academic Guide and Handbook, is that right? So it would include professors of practice?

**UNKNOWN MALE SPEAKER:** Yes, yeah.

**TERRY:** I hope this has been thought out in connection with our recent appointment of Robbie Benson because we are hiring professors of practice—Joshua Bell is a professor of practice—who engages in a lot of creative activities, and I hope this works for him. My more substantive question, I think, is just to sort of get on the record that this is not intended to address another aspect of intellectual property law, and that's the right of publicity. As you know, there's a huge legal dispute now involving the NCAA and the rights of athletes to continue to control their post-el—post-play time, electronic visage in games, and this sort of thing, and it's a vital concern to the NCAA, and so we're—we're not expressly trying to adopt a policy that includes rights of publicity and that sort of thing. It's not a comprehensive intellectual property policy, I guess. It's exclusive to the rights that are defined here.

**ATKINSON:** That's certainly my—my understanding.

**MCROBBIE:** Yes?

**VANCE:** Just a practical question. So, if you're the faculty member that has developed the online course, and then you move to another university, suppose several years elapse before you actually decided to put this online for the new university. Would there be any problem proving that you were the author of the course that exists at some other university? I mean, it sounds a little bit like if we don't put into the language that you keep your name on the original course, then you could find yourself in a kind of odd position of having to show your professional [indistinct comment] to—

**WALKER:** —or accused of plagiarism—

**VANCE:** —prove that you were the original author of the course.

**ATKINSON:** Yeah.

**WALKER:** Or accused of plagiarism.

**APPLEGATE:** Well, I mean, we don't require other things—I mean, I'm just worried about sort of complicating it. I mean, we don't require people to put their names on traditional pieces of—of scholarship with it. I mean, I would assume—right? I mean, we don't have to have a policy that tells people they need to put their names on a book or on an article.

**WALKER:** Well, I do think that this is—we are stepping up to kind of a brave new world when course development and course materials are now so ubiquitously available worldwide, that the actual creator of a course does seem like something that in our, you know, in this new world that we're facing, somehow, you know, probably does need to be recognized in a policy.

**WINDSOR:** But as the faculty member leaves, they're granting the university unrestricted license rights. Is that going to be a paper trail and addresses this question or just a...?

**ATKINSON:** Well, I think—I think by—by having been subject to the—to this policy, they will—they will automatically have done that, but I think it probably would be good practice for—for units to have a—to have a paper trail which would address several of these—of these issues. So I think that's my—that might be a practice that we—we recommend, and maybe in the—in the future. The good thing is that we—we now have a standing IP Policy Council so we're not stuck with—with writing a new policy every five years, so I—I think some—that this kind of practice I think will be a good thing to include in the future.

**MCROBBIE:** I think, Simon, that—that, I think you know, the point sort of that effectively you're making over there a part—we are living in a world now where change is—is happening in this kind of area extremely rapidly. I mean, six months ago, I doubt if MOOCs would have been a term in here, and now it's in there and everybody'll just say, yeah, of course, it should be in there and so on as well. And—and I think we need to be—we need to be thinking about making probably continuous changes to this policy. I mean I—if this is—this is passed today, it wouldn't surprise me if you were back in six, or someone was back in six months saying we need to make the following three adjustments to it, and then that happens every six months. So I think that's not an unlikely—that will be likely actually. Any other comments? John, do you...?

**APPLEGATE:** Well, I had another amendment, a small one to a different provision, so I think we probably want to—

**ATKINSON:** —yeah, yeah—

**APPLEGATE:** —deal with Simon's amendment first.

**MCROBBIE:** Well, I think, since you're introducing this, we could almost take that, unless there's any objection, as a kind of a friendly amendment to—to the policy that you're bringing forward. Without having to go through a cumbersome process of voting on it unless there's any objections to it by anybody. I don't see anybody who wants to go through—

**ATKINSON:** — There aren't any true Robert's aficionados here? [indistinct comment] told me there's no such thing as a [indistinct comment]

**MCROBBIE:** Well, I'm just—it's just in the interest of doing it quickly. Herb?

**TERRY:** Are we going to talk further about the policy or what are we...

**MCROBBIE:** Well, I'm just seeing if people are agreeable to that. I'm not noticing any dissent, so I think we—we now have in front us the policy as a—as amended by Simon's point. John first.



**ATKINSON:** Which one did I miss?

**MCROBBIE:** Sorry, Simon?

**ATKINSON:** John—John has one that I—

**APPLEEGATE:** Yeah, this has been an ongoing conversation. This is on page—well, I see your problem—three of the white version and three of the blue version. It's definition "K" under online instruction. I move that we strike the word, "exclusively," recognizing that online instruction actually includes a wide range of combinations of online, in person, and other kinds of contact. I'm a bit channeling the director of the Office of Online Education, so I'm looking to her to see if I am channeling her correctly.

**BICHELMAYER:** If I may speak and check in with you and Simon because this may be something that was vetted later by general counsel, but we had discussed changing that word to "exclusively," to "primarily,"—

**APPLEGATE:** —yes—

**ATKINSON:** —that's right—

**BICHELMAYER:** —because in order to comply with federal definitions that have a benchmark of 75% or more of the course being online, that—that the language would be "prim" —that word would be "primarily" rather than "exclusively." So to—

**ATKINSON:** —Did I say strike that word? I meant replace that word —[Laughter]

**BICHELMAYER:** —replace that word with "primarily"—

**APPELGATE:** —"primarily."

**BICHELMAYER:** And—and the note there is that the higher learning commission and many other federal agencies consider online instruction to be a course that is 75% or more online, and our policies at IU mirror that definition, so that would allow us to be consistent across—across policies.

**BANTZ:** Is there some reason we don't use the federal government's definition?

**BICHELMAYER:** I think because the federal government is a bit in flux with—with is 75% the real magic number, but they mean "primarily." So I think if we are revising on a regular basis, we could simply say 75% or more, but that is at a course level. Now, if you want me to complicate that, online instruction means instruction that's distributed to students exclusively through the internet, including credit-bearing academic programs and courses. The federal government's

definition of an online program is that it's fifty—that 50% or more of the courses are online in the program. So, you'd have the 75% measured for a course, and a 50% or more for a program.

**CALLOWAY-THOMAS:** Oh dear.

**BICHELMAYER:** So, thus—

**APPLEGATE:** —I'm sticking with "primarily." Just "primarily" may work the better. [Laughter]

**BANTZ:** Pretty imprecise for a lawyer, but [indistinct comment].

**MCRORBIE:** It could, and that seems a reasonable change for the reasons described, and again, can we take that in the same spirit? Okay. Alright, Herb?

**TERRY:** [indistinct comment] this point that looking at page nine or section "5. Dispute Resolution," of circular U9-2013, unfortunately in the descriptions of the Intellectual Property Policy Council don't reflect the recent changes in the Constitution from the UFC and the BFC. I think it's easy to fix all but one of them I believe the University Faculty Council is an Executive Committee now, no longer an Agenda Committee. At Bloomington, we no longer have a Bloomington Faculty Council Agenda Committee. It's an Executive Committee. I think we—it's covered in "B.(i).(a.)" to simply say that "membership of campus research committees or all of the other relevant committees," that will take care of changes in those. If in "(c.)" you changed "University Faculty Council Agenda Committee" to "Executive Committee," I think it fixes that problem. Same in "(d.)" Same in "(b.)" but I believe we have abolished all standing UFC research—or committees so we no longer have a UFC Research Affairs Committee to make the appointment described. So quickly, somebody needs to come up with another way to have that accomplished.

**APPLEGATE:** Couldn't you just put a period after UFC Executive Committee and strike from the membership of the UFC Research Affairs—

**TERRY:** —I would be happy with that.

**APPLEGATE:** Okay.

**TERRY:** That, I think, brings that—Simon, you [indistinct comment] more right than most recent Constitutions. I think that brings it—

**ATKINSON:** Yes, I think that's—that's [indistinct comment].

**MCRORBIE:** Just describe that again, just that's a—that's a change, so I want to—I want to deal with that in the same spirit.

**TERRY:** Alright. In D—in “5.(b.)” wherever “Bloomington Faculty Council Agenda Committee” appears, that is changed to “Bloomington Faculty Council Executive Committee.” In the same section, wherever “UFC Agenda Committee” appears, that is changed to “UFC Executive Committee,” and in “5.B.(i.)(b.)” a period is inserted following “UFC Executive Committee” and the remainder of that sentence is struck.

**MCROBBIE:** Okay, alright. Again, can I take that in the same spirit as the previous two changes? Okay, good. Thank you, Herb. Other comments? Any other comments, questions, discussions? Charles?

**BANTZ:** My question—Simon, on page five, “University Works,” section “ii.” last sentence added. This appears to say that if I’ve created something that is a, for example, a recording of a speech or a piece of software, I don’t have the right to use it when I retire and go to work for another non-profit institution. Why would that be?

**ATKINSON:** So this is “C.ii.?”

**BANTZ:** “C.ii.,” last sentence, appears to remove the right you gain in the first part of it, “ii.” If it’s those kinds of things, which are pretty broad. That’s why I was—I’m trying to think of a reason for it.

**ATKINSON:** Yeah, this is—this is—this is again—this again came from the Jacobs School to essentially retain control by the school over performances that have been recorded.

**BANTZ:** But it’s preventing Dr. Atkinson from taking a presentation you’ve made when you retire—

**ATKINSON:** —right—

**BANTZ:**—and are teaching at Oxford, lecturer.

**SQUIRES:** Guest lecturer!

**BANTZ:** Which strikes me as a—

**ATKINSON:** —[indistinct comment]—

**BANTZ:** —incredibly effective way to make people angry over core retirements.

**ATKINSON:** [Indistinct comment] recording of the [Indistinct comment]

**BANTZ:** —but for a non-profit purpose? So that’s why—that’s what I—I mean, if we didn’t have the non-profit, non-commercial rights—so I’m trying to—so you think it’s just they want to own

it forever, but that includes the rest of us with no musical talent, speaking for myself. I suppose I guess I can actually see that being an issue.

**ATKINSON:** Yeah.

**BANTZ:** And I can look around the table and suggest that there are a number of you who've given talks that you might want to use in a subsequent life when you're working somewhere else, in a non-profit—and this would say you're violating your obligation to Indiana University.

**UNKNOWN MALE SPEAKER:** [indistinct comment] Jacobs School—

**ATKINSON:** —Well, only if you—this is, I think, intended to apply to a recording you made by the university of your talk.

**MCRROBBIE:** The trouble is I don't know we—

**BANTZ:** It's a university work.

**WALKER:** [indistinct comment] performances of presentation of talks, because it's not clear that it's recordings of. I mean, it could be just “recordings of” comma, and then all talks, all presentations, all talks, but you mean recordings of—of performances, of presentations, of talks.

**MCRROBBIE:** But there's—the thing is it's more than just the Jacobs School, too. There's many other parts.

**ATKINSON:** Right, right.

**WALKER:** But the point is—the point is it's recordings of these three things and not just a talk, a PowerPoint that you've done somewhere.

**ATKINSON:** Right, right.

**WALKER:** So I think that that's—

**MCRROBBIE:** —Simon, let me try the following as a way to try and make progress here. What about, again as long as the Council is agreeable. What about we drop that sentence, “The rights granted...” drop all of that with the understanding that we ask you and committee to address—address that issue. I can see what they're—what they're trying to deal with there. I can see the Jacobs School's point, and the point of other organizations. I mean, it could be—that it could be, in this day and age, anything—everything's digital, so it could be the recording of pretty much anything, and—and, then maybe, at the—when we meet next year, sort of bring—bring it further, move it in the spirit of what we were talking about before, you know, constant

change—constant upgrades. Are people agreeable to that as a change? So that’s everything from “The rights granted creators…” onwards at the end of “C.ii.” Okay, so that’s now four changes. I think everybody’s tracking those. Anything else? Barb?

**BICHELMAYER:** If I might clarify, on page two, section “1.1,” I think it’s important to distinguish what “University Works” means exactly, and I think that first item, they “have been specifically commissioned by a University office,” and I think that is—when I first read this, that was something that I had to clarify for myself, that “University Works” are a very specific type of work that’s been specifically commissioned. So…

**MCRORBIE:** Well, are you—are you—are you saying that that’s a way of interpreting what we just struck or what we just agreed to strike as being less harmful, is that what you’re saying?

**BICHELMAYER:** I—

**BANTZ:** —It’s consistent with that in—in, you know, President McRobbie is recorded/commissioned by the university in every single major address that he makes. But this would say that in his retirement in Australia and he could not use a recording—

**MCRORBIE:** —I intend to retire here, Charles. [laughter]

**SQUIRES:** You’re not going back to Australia?

**BANTZ:** Okay, your sabbatical year, after you retire [indistinct comment]. How’s that? But that’s my point is it’s—that’s a really broad—that’s a really broad exclusion of a non-commercial use, meaning you couldn’t use it in teaching.

**ATKINSON:** I think that Charles is right, even if it is a “University Work,” that does seem to be a pretty broad—

**MCRORBIE:** —it does.

**BANTZ:** Yeah, and it’s got to be a “University Work.” I got—

**MCRORBIE:** —So why don’t we—unless people disagree, why don’t we stay with that struck, and then with the understanding that Simon might bring something—bring something back to us with further consultation from the committee.

**ATKINSON:** We’ll get that.

**MCRORBIE:** Yes, Herb?

**TERRY:** I think I have another matter where if we can’t resolve it today but on behalf of my faculty colleagues we need to raise it. I think the last time this came through this Council, we

spent some time trying to figure out its applicability to student works. And I think some of the students in my department—creative students—and some of the creative faculty would be a little troubled by the new applicability language that does seem to apply to student works. But I haven't been able to talk with them about whether or not that's true or not. It seems to me, again, that we're accumulating issues that may need further study soon. I think it may be—this may be—this may be one of those, too.

**ATKINSON:** Well, it—it certainly applies, but for the most part, the university would not assert any ownership right because the student works would be traditional works of scholarship—

**TERRY:** —and that's not true in a field like mine where they're producing video games and movies and things like that. So, I think we may be distinctive, but probably not unique across the system, and that I would say is just probably another issue for some attention in the not too distant future.

**MCROBBIE:** Okay, I think that's noted, Simon. Other—other points? Questions? Any further discussion? Any further issues people would like to look at changing? Okay, there being none, this is—this is for adoption, so, we have a motion and—and seconded I think by Simon—by Jack. Is that right? Jack, I think you seconded this?

**WINDSOR:** I seconded the amendment. It came from the committee—

**MCROBBIE:** Yeah, right. Okay. So, we have—we have agreed to make these changes to the document to vote on. Being no further discussion or comments on it, I will put the motion. All those in favor of adopting the policy as—as modified, please signify by saying “aye.” [Aye] And opposed? [Silence] That is adopted. Thank you, Simon.

**ATKINSON:** This needs to be adopted by the Trustees. This is a Trustee—

**MCROBBIE:** —right—

**ATKINSON:** —policy.

**MCROBBIE:** Okay, so this—this will now be—we'll forward this to the Trustees. Actually, we have—will this be in time for the April meeting because we could probably get it on the agenda? Well, let's—let's talk about that. We may be able to get on the agenda. Thank—thank you, Simon, for all of your work on this, too, and—and to your committee. I know this is—this has been one of these unthanked tasks that members of this Council have taken on now for as long as I've been associated with them, which is about ten years, and it is a—actually an extremely important policy for—for the university, and we're grateful to you for your work on this. Laverne, yes?

**NISHIHARA:** Thanks. I realize that abstention is not a vote, but I'd like it recorded that I abstained from voting, not feeling entirely confident of frankly my own understanding of everything here.

**MCROBBIE:** Okay. Craig will note that. Alright, thank you very much. Now, final item—sorry, we've got two more items to go. Sabbatical Leave Eligibility, and that's—that's Simon again.

#### **AGENDA ITEM 10: SABBATICAL LEAVE ELIGIBILITY**

**ATKINSON:** Yeah, so this is—this arises from a problem that was created by the—the decision to allow schools to extend the tenure clock for faculty in those—in those schools and the School of Medicine has chosen to do that, and this has been approved by the—by the Trustees, so faculty in the School of Medicine are now able to elect to choose an extended tenure clock where the dossier is submitted at the—at the end of the eighth year instead of the end of the fifth year. So the—the—the Sabbatical Leave Policy is intended to grant sabbatical leaves to faculty who have passed the tenure decision point, and I don't think there's a policy—it was ever intended that—that sabbatical leave should be granted to faculty in the tenure probationary period, and so this has—this has led to some questions at the Academic Affairs office on this—this campus. So the intent of this change to the Handbook sabbatical policy language is to exclude faculty who are at the tenure probationary period from eligibility for sabbatical leave.

**MCROBBIE:** Okay, it seems hard to argue with that, I think. Any—any comments, questions from anybody? Yes?

**VANCE:** So in some departments, they arrange for a—a non-tenured faculty member to have the semester off—that doesn't count, I'm sure—

**MCROBBIE:** —right—

**VANCE:** —under this kind of amendment, but is that clear?

**ATKINSON:** Yeah, yeah, yeah, yeah.

**MCROBBIE:** Any other questions or comments? This is another action item, so it'll be—so we'll need to vote. Anything else? That's come from a committee, too?—

**UNKNOWN SPEAKER:** —yes—

**MCROBBIE:**—So that doesn't need a seconder. No more questions, discussions? I'm going to put that motion. All those in favor of the new sabbatical [indistinct comment] Sabbatical Leave eligibility signify by saying "aye." [Aye] Against? [Silence] That's carried as well. Thank you. And then finally, the Indiana University Code of Conduct, and that's Don.

## **AGEND AITEM 11: INDIANA UNIVERSITY CODE OF CONDUCT**

**GJERDINGEN:** I'm well aware that I stand between us and the reception, I will attempt to be brief, and I guess to try to start this out, but why would we want a conduct code that doesn't create any new rights or obligations? And basically three reasons. I think the main reason behind this is it makes our existing rules easier to find and use, and I—the analogy that I'd offer for this general project is a table of contents or a finding aid for things, so basically to make easier for people to find the—the pertinent rules.

Second, and I think recall that at our last full meeting in the Fall, we had a presentation, a very nice public policy page was put together to put all these things together, so a—a second reason is—is to help reinforce that, and have a way to draw people to it, and I think third that to just—to state these things publicly.

The process, very briefly, is that this was raised as a possible faculty project in some conversations last fall. What I did out—went out and did was I reviewed the ethics code of all the other CIC institutions, the closest to what it looked like it might be a good fit for what was a one presently in existence by the University of Minnesota, used that as a model. I've gotten comments from John Applegate and others that this was discussed by the UFC Executive Committee and we're also getting some comments from general counsel. The main thing today for us is just this is a discussion item only.

A few things, briefly, about the—what you have in front of you. You have just kind of a cover sheet that tries to explain things, and then there's the code itself. What I would stress, just a couple of things, that this is not supposed to create kind of new obligations, and I'll use that analogy again of a finding aid or a table of contents. Perhaps the key part about it, if you read through the code, you'll see a little link at the end of the—that said—that has links to existing policies, and that's the key thing is to—is to use this as a way to bring people in and collect relevant principles in that instead of looking through everything, if it's—if it's something about conflict of interest, for example, that they can go to that, and we can—we can link, and it's those—the links to the policies—the existing policy which we have.

A couple other quick items on it as far as coverage, it is—we tried to have it very, very broad. It includes a lot of administrators, it includes faculty, it does not include students and the intent here was not to change in any way that very important student conduct code all the way through. These are just grouped, and so the way this is set up is some general values, and then some specific categories, and again, the idea is that these are just principles that are derived from existing policies, and, I don't know, John, if you have anything else you wanted to kind of add about the use of this?



**APPLEGATE:** No, I—I think it's, well, first of all, I just want to compliment Don's craftsmanship. Also, excellent plagiarism, as I think he would be the first to—

**GJERDINGEN:** —lawyers know—

**APPLEGATE:** —to say—yeah, absolutely—

**GJERDINGEN:** — if you can find somebody else whose don't it before—

**APPLEGATE:** —exactly. And in this case, the University of Minnesota, so. In any event, I think that was a great place to start, and he's made some—some really excellent changes to make it fit our context. I think that this does two things that are important. First—well, three, I guess. First, the table of contents that he talked about. Second, making explicit some things that are implicit about the—the—the standards that we—we hold ourselves to, and the way that the—the university operates. And third, the—one of the things that came out of the—the horrible events at Penn State was a focus, and it was a sad irony that Penn State actually had a statement of values, really, to my eye, an excellent aspirational statement of values, and much of the criticism of the—the handling of those—those terrible things was that it seemed completely contrary to that—to that set of values, and while, you know, the—again, the irony is that it didn't really help in that case in—before the events, it nevertheless seems like a very good thing to do to—to codify and to emphasize the values that we hold as members of the Indiana University community. I think it sends a good message in the wake of that because I—I don't think any of us will—will ever forget that—those failures that occurred there, and I think it sends a good message both externally, but really, again, more important, internally about the values that we hold ourselves to.

**MCRORBIE:** Any comments or discussion on this? Yes, yes, Ed?

**BERBARI:** Did you have a chance to talk to any officials at the University of Minnesota to see how it works in practice, have there been any failures of the policy or uses of the policy just to see any—granted, it seems to be a modern policy, but they've had it, so I'm curious—?

**GJERDINGEN:** No, but I—and that—you know that—it is the one place where it's in use, but I can easily do that.

**BERBARI:** I would just think that that would be just useful. Maybe they've found a pitfall or a use of it that was valuable.

**MCRORBIE:** Well, this is for discussion, so this would—subject to this discussion would come back to us for action at the next meeting.

**GJERDINGEN:** I think so. I think that—that would be the plan.

**MCROBBIE:** Right. Yes?

**DARR:** I have a question about [indistinct comment] that you mentioned [indistinct comment] avoid harassment I'm assuming that there are some policy—when you say link to policy, there is some procedure, there's some teeth to that, right? So if say you have some administrative—

**GJERDINGEN:** —Yes, so—so the idea was to take, in essence, where that existing policy's page would come in and kind of reinforce the use of that, that this would be a place to have the policy that we already have in existence, and then somebody who knew I want to find generally what it is and then one helpful place is when this would be in operation, they would then see a list of the—of the main things, and it could go—help them find it.

**DARR:** So in all of these, there's existing policy.

**GJERDINGEN:** Oh yes, yes. And that would be the idea is to—is to take those and line up the existing policy we have as a helpful way to find what those are, so if somebody had say an issue about a conflict of interest, we hope what would happen is here are the relevant ones, and that should help a lot rather than, you know, being lost at large on what I need to do, and that—that's—that is one of the critical roles this would play is to bring those together and point them in the right direction. Yes, it's existing policies that are the critical thing, and to link them up with those, and help them find existing policies.

**MCROBBIE:** Other questions?

**WINDSOR:** I would have—

**MCROBBIE:** —Yes, Jack—

**WINDSOR:** —a suggestion simply because we only meet once a semester, and it'll be September before we meet again. Is this something worth making a motion that the EC vote on it given the limited amount of discussion here? Is the Council alright right with that or do you think it should come back to the full Council?

**WALKER:** Have we addressed the issue of this being the Board of Trustees also being under this policy because that was at our last meeting we talked about it? Now, does one of you want to speak to that—

**APPLEGATE:** —right, and we'll certainly do that. I'll certainly do that.

**MCROBBIE:** With respect to Jack's question, would people be comfortable with leaving this for—or not leaving, but asking the Executive Committee to vote on this for adoption in advance or well before the September meeting? Herb?

**TERRY:** I'd just ask that it be somewhat distributed a little more broadly, and the Executive Committee would be receptive to additional comments—

**MCROBBIE:** —sure—

**TERRY:** —for some reasonable period of time—

**MCROBBIE:** —Sure—

**TERRY:** —before it does this. Other than that, I'm—I'm happy with it, and I think you could, you know, it could be adopted by the Executive Committee over the summer, but it hasn't percolated down very far in the university community, and it affects the—it is a very broad policy. That's my one concern about it. Recently, I was in a study where we confronted a problem that the Code of Student Ethics doesn't apply to an applicant. You are an applicant until you—you aren't subject to the Code until you get admitted. I know that in the beginning here in this thing at least would apply in that situation because they're applying online, and they're using Indiana University resources to apply. It looks to me like this would require the president to make sure that our contractors do these things, learn and follow the laws and Indiana University policy's agreements about a variety of things. It doesn't have any teeth. It's—there's no penalty for violating this, but I would urge the Executive Committee to do just a little bit about the breadth of—of application. There may be a tad bit of overreaching because so many people do receive funds by Indiana University, if nothing else.

**MCROBBIE:** Don—Don, how far has this been distributed?

**GJERDINGEN:** We have had the Executive Committee [indistinct comment], and I think that's [indistinct comment].

**MCROBBIE:** Okay, could I—let me suggest the following if, again, if the Council's agreeable. It would seem to me and I think Herb's comments are reasonable. What—what about if this gets say distributed to—to all—all deans, the—all chancellors, the provost, and—and they'd be—and they'd be asked to—to bring this to the attention of relevant consultative governance bodies within their—either campuses or schools or what have you as they see fit for—for comment, and—and ask for the comment to come back to the Executive Committee through the—through the co-Secretaries, say if this could—if this could be got out now, say by the end of April, for example, or maybe May so that the Executive Committee could—could then consider all of that in—in June. I think—I think, to some extent, if the—that if the feedback is extensive, then probably that does mean coming back in September. If it's—if it's sort of nitpicking stuff and fairly minor, then I think hopefully the Executive Committee, in its good judgment, can make a call as to whether to vote on that then. Is that—would that seem agreeable as a way of proceeding to everybody? Sorry—oh, sorry. Yes?

**ZINNER:** The version that's distributed, could it be the version with the links?

**MCROBBIE:** I don't see why not, but...

**GJERDINGEN:** Well, I think—well, at least as an example the—I guess putting in the actual links and assembling the one would be a part of this. I think that's a good idea just to show them an example of what this would be like, but that's also an additional step. So, I mean, I haven't done that. I think that's important to emphasize it, and maybe even just as a sample or part because I think that's important, so that they will understand what that is, but I haven't—that step hasn't been done yet as far as—but I think that's a good point.

**MCROBBIE:** So you would add—

**CALLOWAY-THOMAS:** —I would recommend that we do that because it will give us a comprehensive view of how the different parts—

**MCROBBIE:** Yes, I think that'd be great, actually. Herb and then Laverne?

**TERRY:** Just a friendly suggestion, I hope. If this is intended to inform and educate and inspire the entire community, not just the faculty and the academic side of it, so I think there needs to be some outreach to staff and to students. Members of the community also would be benefited by this, I think.

**APPLEGATE:** Well, and outreach of staff is definitely planned.

**TERRY:** So, there's staff, and then there are the student organizations.

**MCROBBIE:** And I think that's—that's something that, you know, deans and chancellors and so on can also oversee. Laverne?

**NISHIHARA:** I'm fine with this going to the Executive Committee for a vote. This did get distributed to the Faculty Affairs Committee, and all faculty at IU East resulting in no objections, so I'm fine with this plan.

**MCROBBIE:** Okay, thank you.

**CALLOWAY-THOMAS:** [instinct comment]

**MCROBBIE:** Sorry. I keep missing people. Yes?

**ZINNER:** I'm just wondering, is it going to be difficult to decide what policies go under in what places, and does that have any potential implications for censures or, I don't know. You know, if you don't have the right policy or the right thing or—

**GJERDINGEN:** I—I would not think so. Again, and the idea that this isn't so much official, but just as a way to help people, and I think the other way to do it, if there's ever a problem with overlap, we can do it twice or something like that. I think that's—

**MCROBBIE:** —I think that's going to be very much a work in progress, too.

**GJERDINGEN:** Yes—

**MCROBBIE:** —[indistinct comment].

**GJERDINGEN:** And the key thing here is—is I think if there's any doubt, we could put it in multiple places because it's just trying to help them find it, and that could be done as well.

**MCROBBIE:** Other questions or comments? Other questions or comments? Alright, well I think we have a course of action. I think that'll be minuted by Craig in the minutes as to how we're going to proceed. Alright. I just want to—just by way of conclusion before we retire to the reception I think which is upstairs, I wanted basically to join the comments before, and thank Carolyn for all her hard work. She is very assiduous, very dedicated, has been very dedicated to the job, has taken it very seriously, and I'm very grateful to her for that. She's been a great pleasure to work with, and—and I've enjoyed our—our work together, and she has been very collaborative and cooperative as well. So thank you very much, Carolyn. And maybe you could join me in a round of applause to thank Carolyn for her service as well. [Applause] And with that, we are adjourned, and I think we're going to retire upstairs.

**MEETING ADJOURNED: 4:15pm**