Indiana University

BLOOMINGTON FACULTY COUNCIL

March 16th, 2021

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2:30 P.M. - 4:30 P.M.

Members Present: Jim Ansaldo, Jonathan Brauer, Dan Bullock, Carolyn Calloway-Thomas, John Carini, Barb Cherry, Dakota Coates, Paul Coats, Rachael Cohen, David Daleke, Allen Davis, Constantine Deliyannis, J Duncan, Ann Elsner, Kelly Eskew, Pnina Fichman, Jackie Fleming, Lessie Frazier, Brian Gill, Lucia Guerra-Reyes, Diane Henshel, Israel Herrera, Justin Hodgson, Larissa Jennings Mayo-Wilson, Colin Johnson, Peter Kloosterman, Ben Kravitz, Shanker Krishnan, Sally Letsinger, Bradley Levinson, Scott Libson, Margaret Lion, Heather Milam, Ted Miller, Jill Nicholson-Crotty, Courtney Olcott, Sameer Patil, Eliza Pavalko, Chuck Peters, Linda Pisano, Angie Raymond, Cate Reck, Lauren Richerme, Lauren Robel, Steve Sanders, Elizabeth Shea, Marietta Simpson, Lisa Thomassen, Samantha Tirey, John Walbridge, Steve Wyrczynski, Jeffery Zaleski, Kurt Zorn

Members Absent: Karen Allen, Rachel Aranyi, Hussein Banai, Karen Banks, Linda Gales, Anthony Giordano, Jason Gold, Nandina Gupta, Kari Johnson, Rob Kunzman, Annette Loring, Pedro Machado, Miriam Northcutt Bohmert, Ruhan Syed, Erik Willis

Guests: Toni Arcuri (alternate), Barb Dennis (alternate), Taylor Guba (alternate), David Rutkowski, Sacha Thieme

AGENDA:

1. **Approval of the minutes of March 2, 2021**

2. **Memorial Resolution for Mitchell S. Novit**

3. **Executive Committee Business** (10 minutes)
   John Walbridge, Faculty President

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

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

6. **Possible development of guidelines for the Bloomington campus in the event of financial exigency** (5 minutes)

   Barb Cherry, Co-chair of the Creation, Elimination, Merger and Reorganization Committee
   Paul Coats, Co-chair of the Creation, Elimination, Merger and Reorganization Committee
   [Discussion Item]

   ACA-41 Faculty Role Regarding University Financial Exigency
   IUPUI guidelines: Appendix D Dealing with the Effect of Financial Difficulties Upon Faculty at IUPUI (pp. 123-131)
   B30-2021: CREM Discussion Outline

7. **Questions/comments on the possible development of guidelines for the Bloomington campus in the event of financial exigency** (20 minutes)

8. **Proposed Resolution Regarding Academic Freedom Support for Non-Tenure Track Faculty** (10 minutes)
   Israel Herrera, Co-chair of the Faculty Affairs Committee
   Steve Sanders, Co-chair of the Faculty Affairs Committee
   [Second Reading – Action Item]

   B31-2021: Updated Proposed Resolution Regarding Academic Freedom Support for Non-Tenure Track Faculty

9. **Questions/comments on the Proposed Resolution Regarding Academic Freedom Support for Non-Tenure Track Faculty** (20 minutes)

10. **Extension of special exception for test-optional applications for specific applicant populations** (5 minutes)
    J Duncan, Co-chair of the Educational Policies Committee
    David Rutkowski, Co-chair of the Educational Policies Committee
    Sacha Thieme, Assistant Vice Provost and Executive Director of Admissions
    [Action item]

    Current BL-ACA-H11 Undergraduate Admissions Policy
    B32-2021: Request for extension of the special exception for test-optional applications for specific applicant populations

11. **Questions/comments on the extension of special exception for test-optional applications for specific applicant populations** (5 minutes)

12. **Proposed amendments to BL-ACA-H10 Indiana University Bloomington Accommodations for Religious Observances** (5 minutes)
    Israel Herrera, Co-chair of the Faculty Affairs Committee
    Steve Sanders, Co-chair of the Faculty Affairs Committee
    [First Reading – Discussion Item]

    Current BL-ACA-H10 Indiana University Bloomington Accommodations for Religious Observances
    B33-2021: Proposed amendments to BL-ACA-H10 Indiana University Bloomington Accommodations for Religious Observances

13. **Questions/comments on the proposed amendments to BL-ACA-H10 Indiana University Bloomington Accommodations for Religious Observances** (10 minutes)

14. **Proposed amendments to BL-ACA-D9 Bylaws of the Bloomington Faculty Council of Indiana University** (5 minutes)
    Rachael Cohen, Parliamentarian and Chair of the Constitution and Rules Committee
    [First Reading – Discussion Item]

    Current BL-ACA-D9 Bylaws of the Bloomington Faculty Council of Indiana University
    B34-2021: Proposed amendments to BL-ACA-D9 Bylaws of the Bloomington Faculty Council of Indiana University (proposed amendments begin on page 7)

15. **Questions/comments on the proposed amendments to BL-ACA-D9 Bylaws of the Bloomington Faculty Council of Indiana University** (5 minutes)

TRANSCRIPT:

WALBRIDGE: We're missing Lauren and at the moment, but since she is somewhere buried in these dozens of little squares on my screen, she should speak up but failing that, I will start things off. And when she appears she can take over. All right.

AGENDA ITEM ONE: APPROVAL OF THE MINUTES OF MARCH 2ND, 2021

WALBRIDGE: The first item on the agenda is the approval of the minutes of the March 2nd meeting. I have a motion to approve them.

HENSHEL: So moved.

WALBDRIGE: A second?

THOMASSEN: Second.

WALBRIDGE: All right. Are there any corrections or additions or subtractions?

Okay. Hearing none. All in favor say aye.

THE BLOOMINGTON FACULTY COUNCIL: Aye. Aye. Aye. Aye. Aye.

WALBRDIGE: All opposed? Appears to be unanimous.

AGENDA ITEM TWO: MEMORIALL RESOLUTION FOR MITCHELL S. NOVIT

WALBRIDGE: The next item on the agenda is a memorial resolution for Michael S. Novit, Eliza?

PAVALKO: Thank you very much, John. Mitchell or Mitch S. Novit was a professor in the Department of Management and Entrepreneurship at the Kelley School of Business from 1966 until his retirement in 1995. After three years in the Air Force, he continued education the University of Michigan, earning his MBA and PhD. Mitch began his career at IU in 1966 teaching courses in organizational behavior and human resource management. He was comfortable in academic and applied contacts, and he could connect with almost any audience, whether students or practicing executives. As a labor relations expert, he felt it was important to educate others about the "human side" of business. Mitch published articles addressing various HR issues, including the impact of legislation on employment issues. He was an exemplary organizational citizen.

Although sometimes hidden by his calm and understated demeanor, his sense of humor was always present. Even after teasing others about having to work after, they retired, Mitch volunteered for the next 13 years in the Student Advocates Office. In this role, he assisted students facing challenging academic or personal matters, and he often said this work was among the most important and rewarding.

Colleagues in the Department of Management & Entrepreneurship created a memory book for Mitch's retirement. Every entry reflected Mitch's humor and sound judgment. One colleague wrote: "*Mitch has always been a constant reminder that universities are entrusted with shaping and molding of the young…Every dad and every way his very presence made it clear that ours was a trust not to be neglected…*" The department current chair noted: "…*When I first arrived at Kelley my office was fortuitously right next to Mitch. I quickly learned that he was a thoughtful scholar and a wonderful teacher – but an even better person.*"

Current and former colleague in the Kelley School and the Student Advocates Office, former students, and members of the Bloomington community send our heartfelt condolences to Mitch's family. Thank you.

WALBRIDGE: If we could have a moment of silence in his memory.

Thank you.

AGENDA ITEM THREE: EXECUTIVE COMMITTEE BUSINESS

WALBRIDGE: As far as Executive Committee business, the only thing that I would like to bring to your attention, those of you who are committee chairs is we are trying as we have in previous years, to get your reports from each of the committees. This has some importance both for passing on to the next iteration of the committee, but also creating some momentum for getting things done next year. So,

you'll be getting an email from me. And not very long. We would like to know what you've done, what you're in the middle of doing right. What you haven't done but meant to do. And what we need to know about your committee, things that ought to be up to in the coming year. And I apologize for the barking in the background. Apparently, the UPS guy is here. So, all right. I take it Lauren is still not here. Okay. Catherine is looking bewildered. Okay.

WALBRIDGE: So, we'll just move on to the next item on the agenda, which is the possible development of guidelines for the Bloomington campus in the event of financial exigency, which will be presented by the co-chairs of the CREM committee

AGENDA ITEM FOUR: QUESTION/COMMENT PERIOD

COHEN: John, sorry, Dakota has a question.

WALBRIDGE: Oh, okay. My apologies, Dakota.

COATES: I just had a really quick question. I was going to ask the provost, but I guess I'll just ask you for now. Looking towards next year, I was curious. And perhaps this might come later in the term if these meetings might start to be back in person at all, or kind of what considerations are being done for, since the rest of campus is starting to transition back to in-person, what BFC might look like either over the summer or the fall?

WALBRIDGE: Over the summer normally they're not meeting. So, although under current conditions, I wouldn't absolutely count on that. I assume we'll go back to in-person. One of my most notable achievements as faculty council president has been to go through my entire term without ever seeing any member of the council in person. But I really can't recommend it. I know nothing more. There was just something that came to the University Faculty Council Executive Committee from the Academic Leadership Council, the gist of which seems to be that we should expect to be back on campus in person in the fall or have good reason not to. But that's the question better addressed to Lauren when she comes back because I know there was one question that came through me to her that, for her to answer on that. But I sincerely hope the faculty council meetings will be back in person. Seven-person seminar works pretty well on Zoom, but a meeting of 70 people or a class of 200 or whatever is not designed to be on Zoom. So hopefully we'll be back and see each other again. Any other questions? All right. So, the Creation, Reorganization, Elimination and Merger Committee co-chairs Barb Cherry and Paul Coats are going to speak about the development of guidelines for financial exigency for the Bloomington campus. And I will just say what they're going to say, which is, there is no reason to panic at the moment. So, Barb and Paul go for it.

AGENDA ITEM FIVE: POSSIBLE DEVELOPTMENT OF GUIDELINES FOR THE BLOOMINGTON CAMPUS IN THE EVENT OF FINANCIAL EXIGENCY

CHERRY: Good afternoon, everybody. Yes, as you might recall at our previous meeting, we had some opening remarks and background. We have some, a few further comments we wanted to share because since the last meeting we've heard some concerns, so we wanted to clarify a few things. And in this regard, I'm just going to share a document. Sometimes people like to see it in reading as well. First of all, I just want to make clear that the timing of CREM's consideration of a potential Financial Exigency Policy, the timing is triggered by the 2020 adoption of the UFC policy ACA-41. It is not arising because there's some pending or anticipated financial problem at the Bloomington campus. The synchronicity of this

issue with the COVID pandemic is purely serendipitous in that regard. So I wanted to alleviate concerns in that respect. Also want to share just a few additional remarks regarding the UFC policy. And I see that Alex Tanford has joined us today. So, Alex, if you based, I'm going to give a few remarks here and if there's other points you think are important to make, please, please weigh in. As John Trinidad, who was a member of CREM last year and this year clarified for us, the UFC policy was the result of what one could call a housekeeping type of review of existing policies that's being conducted by the UFC Policies Review Committee. And Alex Tanford, one of our former BFC president's is chairing that committee. And in this regard, it was recognized that the term financial exigency appears in policies, but it's not well-defined. So, the purpose of the UFC ACA-41 policy is intended to put more specificity or clarity as to what we mean by financial exigency. And it's intended to focus on the issue of potential dismissal of faculty and financial exigency under this policy is restricted to solely externally generated events. So, the adoption of this UFC policy provides an opportunity for the Bloomington campus to consider whether it should adopt some policies. One is whether or not we need, would like to adopt a policy to further specify how our campus would implement its role under this new ACA-41 policy. A totally separate question is whether or not the Bloomington campus would like to adopt or thinks it would like to adopt a Bloomington campus policy only for financial problems that might arise just for this campus. And it's in this regard that IUPUI's policy is an example. They had adopted this policy in 1996.

So, we are simply at the feedback stage about these. And CREM intends to obtain further information from other sources. For example, Beth Gazley, who is a member of our CREM recommended that the Restart Committee at Bloomington, as we do a review of how it performed, could be useful experience and considering whether or not the wisdom of having IUB policy. And so that is additional information experience we should incorporate. And we also intend to go back to IUPUI and say, when you adopted your campus guidelines before there ever was a UFC policy, how did you feel that policy has done? Do you think it's wise and do you anticipate even needing to perhaps modify your guidelines in light of what the UFC has just passed? So, this is just additional information we want to give as remarks. And then to facilitate our discussion and getting feedback. I'm just going to share the outline we had previously. Oops, I think I picked the wrong one. Oops. Get the other document up. That's really interesting. I had closed that one. Hang on a second. It should have taken. Here we go. Sorry about that.

So, this is the outline that was previously distributed. I've only added two things, Paul and I've added only two things to highlight the fact that UFC policy is restricted where financial exigency only can arise from externally generated events. Whereas when you get to the IUPUI policy, it's much broader and encompasses a three-level hierarchy of financial problems that can escalate, and importantly includes internally generated events as well. So, they're quite different. Where we wanted to start as you may recall, we had three main questions. Whether or not the BFC should adopt a policy in advance for purposes of implementing our role under the new UFC policy? Question two, is whether or not the Bloomington campus should consider its own policy for financial problems, somewhat akin to what IUPUI has done? And then base and how we answer those first two questions, whether or not we need additional, individuals should be added to the current composition of CREM to make sure we have the right composition of people to consider these questions as we proceed.

So, we think it's best to just start with our first, I guess I would pause for a moment. Alex, what I gave as background design, does anything need to be clarified? Hopefully, I didn't miss represent anything. Any additional information you want to share about the history behind the UFC policy?

TANFORD: Just a couple of things. The origin of the history of the UFC policy is the Board of Trustees policy on tenure. The Board of Trustees have said the tenured faculty may only be dismissed because of big competence, misconduct, or financial exigency. But they never defined financial exigency. The UFC extended that policy to also similarly protect NTT faculty on long-term appointments, that that they also may not be terminated prior to the end of their appointment except for in competence, misconduct, or financial exigency. We then defined financial exigency for this limited purpose. The limited purposes defining when tenured faculty and non-tenured faculty on long-term appointments may be dismissed. And that is this very narrow definition of a massive externally generated financial disaster that threatens the integrity of the entire university. Anyone who's followed the news with the University of Evansville understands that those things can happen.

We did not in any way address campus issues in huge financial crises. Those many, because a campus cannot, at the campus level, get rid of tenured or NTT long-term faculty. That can only be done at the university level because tenure is given by the trustees. But there are a whole lot of other consequences that can flow. Schools can be closed; programs can be closed. Hiring freezes can be imposed. The number of graduate programs can be eliminated. These are things that we have seen happening at universities around the country as they deal first with the recession of 2008 and now with the COVID crisis and the loss of income. So what we thought was important for is that each individual campus have its own policy that defines what is the role of the faculty in this kind of campus crisis that may involve closing programs, loss of staff, loss of graduate students, things like that. And then also, I think Barb said importantly is, if there is a UFC university wide financial exigency, each campus, would it benefit each campus to have in place a plan of which committee, who on that campus would participate in the university level discussion about a financial exigency? We also, because the trustees use that particular word, financial exigency, we are suggesting that the campuses call it a financial crisis or some word other than exigency to avoid confusion in policies about whether we are talking about the one that allows getting rid of faculty or the one that deals with other forms of financial disaster, loss of programs and academic things.

CHERRY: Thank you for that clarification. So, in particular, it's to the purpose of this UFC policy was to provide more specificity, what would happen given what the board trustees policy states. And it uses the term financial exigency.

TANFORD: Right. We start from the premise that in case of massive, massive financial crisis, the trustees and the president of the university are going to make the decision what is to happen. And so, our policy was written at the university level, to say, the faculty, need a seat at the table. We can't veto it; we can't stop it. But it was a participation policy. And one that specifically said, in case of these kinds of things that faculty has a unique expertise in advising at the campus level be the provost and others. And of course, the president will be involved as well. But in advising them about academic status, academic input that, you know, if the trustees go, well, let's just eliminate some classes because no students are taking those programs anyway. That's the place where it’s important to have the faculty voice to explain that things can be very important to the academic process, even if not very many students are enrolled. That sort of process.

CHERRY: So, for purposes of this first question, that CREM has teed up, what we're asking is whether or not we need at the Bloomington campus to adapt some further policy that would specify how our campus would fulfill its opportunity, which is highlight in yellow here, on a new UFC policy for faculty

governance organizations to be involved in forming this financial exigency committee. In other words, this is now as Alex described, the opportunity for the campuses to recommend members of what would be a university wide financial exigency committee to deal with the circumstances. So, whether or not we need additional policy to specify how we would fulfill this function or whether or not we would rely on the policies that are already in place where we have, for example, the BFC Executive Committee, Nominee Committee, and things like that. We have some existing machinery, or do we want to augment change in some way what our existing BFC machinery is for purpose of fulfilling this function under paragraph d? So, we're open for feedback on that point. We thought would be wise to start there. And Paul, you're going to help monitor since I'm doing screen sharing, you'll help monitor people who raise hands or want to speak.

AGENDA ITEM SIX: QUESTIONS/COMMENTS ON THE POSSIBLE DEVELOPTMENT OF GUIDELINES FOR THE BLOOMINGTON CAMPUS IN THE EVENT OF FINANCIAL EXIGENCY

COATS: Absolutely. One of the points that was brought up by Dakota was if there would be any student involvement in the committee.

CHERRY: Oh, that's a question that came up?

COATS: Yes.

SIMPSON: Barb, Rachael is monitoring chat for you all.

CHERRY: Oh okay. Thank you. These are part of what we're trying to do. We have not, CREM has not attempted to answer these questions yet. We want feedback about the kinds of questions or points to be raised so that we can to incorporate that. So, an important point, Dakota is saying is what role would the students have under this.

COHEN: Dakota has his hand raised.

CHERRY: Okay.

COATES: Yeah, I can, I think it's a great idea to have a Bloomington kind of specific infrastructure for it because I think as we all know, each of our campuses operate uniquely and even things that operate at the university wide level often miss things that happen on the campus level and those on the campus know the campus best. And so, I definitely think having some sort of Bloomington crisis group is a great idea. I would just, in terms of its structure, I think a blend of faculty, staff and students. So that way all the opinions of kind of our three core groups on campus would be heard. But that's just the extra tip that I wanted to add there.

COHEN: Diane?

HENSHEL: To that point, Barb, I think that maybe the phrasing should be that it needs to involve members of the affected community. Because in cases where it's just faculty lines that are being addressed, then you would expect faculty involvement. If its units or programs, I would think you might want to consider broader representation. So affected community would kind of encompass that variable.

CHERRY: And just for clarification to make sure I'm interpreting these comments correctly. Are you talking about the people who should be involved in determining the list of people that we proffered?

Are you trying about the people, the composition of the list, who should be sent forth? I just want to make sure.

HENSHEL: The composition of who should be involved in any decisions that are made.

CHERRY: Exactly. That's what I thought, but I just want to make sure I wasn't misunderstanding. Is that what you meant to Dakota? That, for example, students should be involved in.

COHEN: Dakota said yes in the chat.

CHERRY: Oh, okay.

COHEN: Samantha Tirey, do you want to add anything from your chat in the, that you put in the chat to this conversation?

TIREY: No. Just as mentioned before, that if it affects students or if it's a program, then it could affect staff too. So just to the point of involving staff as well.

COHEN: Okay and then Linda.

PISANO: Thank you. I simply want to state that in a moment of such desperate crisis, communication can be really concerning. And it just seems that the composition should take into account how that sort of communication is happening. And that's why I agreed with Dakota's point of representation so that there's transparency in those decisions and the process of those decisions.

COHEN: Perfect. And then I'm going to go to John.

WALBRIDGE: One sort of question, which is, how does this differ from the CREM policies that we have or should have? And the other's a comment. University of Evansville is going through a crisis of this sort, and it actually has a proposal for us to pass a resolution supporting it, but that would be the next meeting. But if you're interested in these issues, it's worth looking at what the University of Evansville is going through. This has involved alumni, contributors, faculty, and a crisis that is basically triggered by a president who thought he could do this all on his own. But the affected constituencies involved everybody from faculty members and departments that are being closed to the local independent symphony orchestra. So, the implications can spread quite a ways.

CHERRY: Okay. Any further comments on this question? I was going to ask Alex, to your knowledge, has IUPUI been looking at, we haven't had the chance to contact them, but had they done anything in response to make any policy changes to your knowledge in light of the new UFC policy?

TANFORD: Not to my knowledge. I'll check, but to my knowledge, no.

CHERRY: Okay.

HENSHEL: I think they decided that their policy covered the problem.

CHERRY: Well, there policy only covers their campus. It doesn't cover how they would respond to a university-wide, under UFC.

TANFORD: That's right. That's the part that I don't think they added anything to provide a written procedure and set of ground rules for how they would recommend the people that are necessary to be on the university-wide system in case of a university wide exigency.

CHERRY: So that's just something that we will try and keep an eye on as well. I'm sorry, Paul, you were going to say something.

COATS: I was going to say, I guess the next step would be asking about now that we've mentioned the composition of the list and kind of what we would like to see on it. What structure should we have in place or what structures that we already have in place, should we utilize for the composition of that list and in the future and in such a situation? So not necessarily the list, but who will put this together? What body?

CHERRY: Well, that's part of I guess what we're asking. Do we need to have some additional policy to specify something other than the existing BFC infrastructure, so to speak? For example, we have an executive committee. We have nomination committee; we have committees that have some pre-existing functions. Do we work within what we already have, or do we feel that there's a need to specify something more on top of that?

COHEN: Dakota has his hand raised.

CHERRY: Okay.

COATES: Yeah. I was just going to say we don't have much in terms of like staff representation on the, I'm thinking of like the executive committee. There's also no students on there. So maybe it could be like some variation of just it's pulled from the membership of the Bloomington Faculty Council. And then we have some special selection process for staff. Because I think for the students who are on here, most of them are liaisons from either the IU Student Government or the Graduate Professional Student Government so those are kind of like the largest elected student leaders. And then obviously the faculty members on the faculty council are the elected faculty. And so that could give us like two thirds of who we need. And then they would just be probably similar to the nomination process for faculty onto the BFC. You can have the same kind of selection process for staff.

CHERRY: Yeah. So, it sounds like we should consider augmenting the process in some way to make sure we expressly included these other groups and a mechanism for doing so. Uh Alex, I think I see your hand.

TANFORD: Yeah, I just want to go back to the language in the UFC policy on sort of chain of command. The UFC policy says that when the president and the trustees declare a financial exigency, the president shall inform the University Faculty Council and the faculty councils of each campus. And that's pretty much all it says. And then it charges the University Faculty Council, of which several of our president and president-elect, several members of the BFC are on the University Faculty Council. It charges them with identifying other faculty as needed to participate in the process. And it also requires that there be one member from the CREM Committee on each campus to be involved. So, to comply with this, if you're going to do that, essentially there needs to be a working relationship between the BFC Executive Committee and the established CREM Committee, which that was the committee for which we sort of specifically delegated the campus task for speaking for the campus on behalf of the closing of programs, the elimination of schools, and things like that.

CHERRY: Now Alex, when you referring to this other language, are you referring to these other provisions of this paragraph three? That I'm screen-sharing.

TANFORD: So, looking at yeah, I was looking at.

CHERRY: That's the part that indicates how the UFC Executive Committee shall form, an ad-hoc financial existence committee and all these members that they have to have, they must include. And then in addition to all of that there is this this whole paragraph d. So, what you're referring to is these the other language of three that proceeds paragraph d?

TANFORD: Yes.

CHERRY: And you see and what Alex is pointing out is that members of this committee, we already have at the UFC level. For example.

COHEN: Lauren.

CHERRY: At the BFC level.

COHEN: Cherry, Lauren also has her hand raised.

CHERRY: Okay. Lauren is with us, oh, or is it a different Lauren.

ROBEL: No, it is I.

CHERRY: Yay! Great you're with us. I just didn't know.

ROBEL: I wanted to be sure that we kept on time. We're almost at the end of this discussion period. And I also wondered, just as a substantive matter, the CREM committee can go years with no work at all. And so I do wonder whether, unless the university committee already requires it and even if it doesn't, the right people to be populating this financial exigency committee from the point of view of the Bloomington Faculty Council, might not be the Executive Committee of the BFC, which meets regularly, which includes the, you know, the leadership of the BFC and would be in the best position, I think, to continue to communicate with the members, since that's all of those communication channels are already within the control of the Executive Committee. So, I'll just throw my two cents in on that. Okay. We are about out of time on this.

CHERRY: Okay let me just add one quick thing if I may.

ROBEL: Yep.

CHERRY: The more challenging things up for consideration and we can of course take feedback as well. You're giving it to us, members of CREM body, the listserv, whatever we can augment. But from our perspective, trying to look at this, the more challenging issue is to what degree the campus should consider having its own policy to deal with financial problems that are only at the IU campus and therefore is going to address a different issue than what Alex explained was that the origins of the UFC policy. And in this regard, we noted that when we explained before that the IUPUI policy is much broader it contemplates myriad forms of reasons why you might have financial problems, including eternally generated ones. And they have a hierarchy of financial problems that escalate. And they use the term financial exigency. They may want to modify enlighten, what Alex has said, what they call this third ones. So, it doesn't cause confusion with what the university wide financial exigency is. But the

whole idea is to recognize that there can be a hierarchy of problems where prompts can start as smaller level, a department, a school, and then maybe escalate from there. And whether or not we develop a policy at this depth, or this level is the bigger challenge that for which CREM is seeking feedback which includes also if we're going to go to this level as to question three, whether we have the right composition of people to do it. But this is the more challenging issue is whether we go much broader to campus only issues. In that regard just wanted to share that in our own CREM meetings, we saw that there is, and I don't know Lauren, if you were here for the opening remarks. We had discussed about that there's a balancing act to be made in terms of how much specificity you put in a policy versus flexibility (inaudible) shared with us, for example, we might benefit from learning.

We understand there is supposed to be some kind of review of the Restart Committee at IU. And the fact that there was some flexibility to respond without too much granularity to drive how decisions had been made was actually an advantage that IU had. So, we want to keep in mind that although you want specificity to avoid some problems, you also can have specialties that can deter or inhibit flexibility to deal with things that are hard to predict. So, this is one of the challenges that we're seeing. And that's some additional context we could share today that we didn't in the last meeting. Lauren, I think you're muted.

WALBRIDGE: Yeah, I'm turning my notional gavel over to Lauren.

ROBEL: I wonder if with that closing remark, Barb, we could just ask people to send their comments directly to you or Paul.

CHERRY: That's fine.

ROBEL: For further drafting. And I'm going to make just a general comment. I'm a little worried about the difficulty of using chat in connection with our conversations here. If you want something on the record, I think it's always best for you to actually raise your hand and join in. If you think that it doesn't need to be on the record, then please do feel free to continue to use chat, but it's our official record does not I think, include the chat that speeds by on the side. And that official record often is helpful to people in the future trying to figure out what it is that we did.

COHEN: It also makes the people monitoring this lives so much easier.

AGENDA ITEM SEVEN: PROPOSED RESOLUTION REGARDING ACADEMIC FREEDOM SUPPORT FOR NON-TENURE TRACK FACULTY

ROBEL: Okay. Thank you so much for all of that work. We turn at this point to a proposed resolution regarding academic freedom support for non-tenure track faculty. And you'll recall that this was brought to the faculty's attention at the last meeting or perhaps even the meeting before as a proposed gloss on the rolling five-year contract discussion. And so, with that I'll turn things over to Israel Herrera and Steve Sanders to present this proposed policy.

SANDERS: Okay. Thanks Lauren. Israel and I hadn't really worked out anything in advance but as you say, that's really just continues the discussion from last time. Recall several meetings ago, there was an actual policy change you voted on. It was a relatively minor change to some language that indicates that it is possible for schools if they want to, to offer five-year rolling contracts that was just added to the list of options. Now, there's a separate nonbinding resolution which comes from the Faculty Affairs

Committee. You have the texts that was appended to your agenda, essentially arguing that five-year rolling contracts are a good way to protect the academic freedom of NTT instructors. Academic freedom in this context, really meaning the ability to participate in the life of their department and the school and the campus through governance and other activities. There's a slight change from the version last time. Near the end of the meeting last time, Dakota suggested that an amendment, and we sort of ran out of time and Dakota came to us at the Faculty Affairs Committee meeting and we hammered something out. So, you see that in underlined language in the resolution texts that you received with the agenda. But unless Israel has anything to add, I think we're still just sort of at this point, open to discussion about the pros and cons of passing this kind of resolution and then up for a vote. I don't have the numbers in front of me. It was a split vote. It did not come from the Faculty Affairs Committee unanimously, but it did pass.

AGENDA ITEM EIGHT: QUESTIONS/COMMENTS ON THE PROPOSED RESOLUTION REGARDING ACADEMIC FREEDOM SUPPORT FOR NON-TENURE TRACK FACULTY

ROBEL: Steve, I believe at the last discussion of this, the committee took the position that it did not want to explore the pros and cons of the resolution. I don't quite recall why, but I think it would be useful for the council to understand what the split was within and what at least the committee viewed as the pros and cons of this resolution.

SANDERS: Sure. In fact, I'm sharing my screen right now. Hopefully you can see that, okay. Lauren, I don't think, you weren't in attendance at the very last meeting.

ROBEL: Okay. Thank you.

SANDERS: But two weeks ago, you were kind enough to suggest that we do come up with a sort of quick thumbnail, well, what are the pros and cons, exactly as you said. So, Israel and I hammered these out. We did present these at the last meeting, but I'm happy to show them again quickly, since it's been a while, since we skipped over this particular thing at the very last BFC meeting. So, it's been a while. So here are the sort of arguments that I think most people would agree on that why five-year rolling contracts are a good thing. They provide longer-term job security. They underscore the value of NTT faculty. Some NTT faculty, although not all on our committee, believe that they better protect academic freedom and the ability to participate vigorously in a school, a departmental level governance. And because of all these things, they may help recruit and retain outstanding NTT faculty members. So, all of these things are sort of interrelated, but these are sort of the main arguments in favor.

Some of the main arguments against, I think, is that they provide less flexibility for academic units, which might then make units more conservative about reappointment decisions because they don't want to make a five-year rolling commitment. They at least in theory, are supposed to require an annual review for reappointment meaning either the review will make more work and stress for the faculty member or probably more likely from what we understand kind of current practice to be the review will really be a non-review. And the contract will just be sort of continuously renewed and without a meaningful review. The third four years of continued employment after non-reappointment is nearly unheard of. Tenure track faculty members, if they're unsuccessful in getting tenure, get one year of employment after the non-reappointment condition. And this could create, does somebody really want to be hanging around for four years in a department where their contract hasn't been renewed. And finally, IU's long-term contracts or by enlarge are already more generous than most of the Big Ten

schools. And I think we shared some data on that at the last meeting as well. Lauren, you look like you might have wanted to jump back in.

ROBEL: Yeah, I do. Thank you. These are arguments for and against the contracts. We took the position, I think, that we support the option of a five-year rolling contract. This resolution is in favor of a presumption in favor of these contracts, because they are the best protector of academic freedom. That's a slightly different question. And that's the question that I'm wondering whether we've had a discussion about.

SANDERS: I'm not sure at that at the last meeting where this was discussed that there was a very full discussion. I mean, it was, if Ted is with us.

ROBEL: Ted is here.

SANDERS: Ted was the draftsman of the resolution when there was discussion about this in our committee at one point, I basically and there was I think some sentiment about like making this mandatory. And I turned to Ted and said, You know what, why don't you take the laboring or if you want and develop a resolution on behalf of the committee that might explain why five-year rolling contracts are just a good idea that deans should consider. And Ted took the laboring more and came up with what you saw. And there was discussion in our committee, as I said, it was a split vote. I think it was fairly close. It might have been something like 7-5. I don't recall.

HERRERA: Steve, it was 7-4.

SANDERS: The academic freedom rationale is about the only one that we seem to have heard. Now some of you on the BFC may have gotten an e-mail from Alan Bender in the last few days, that basically said, "Well, we should do this because NTT faculty members can't get tenure. This is basically sort of a backdoor way of getting tenure." Nothing like that was discussed on our committee, that this is a sort of backdoor tenure mechanism. Tenure involves a much more rigorous review. It is different substantively, tenure is intended to protect research, academic freedom first and foremost. Unsuccessful tenure track faculty do not get four years of continued employment. So, I would personally question the idea that this is some sort of tenure substitute. Although some people might see it that way. And maybe that's why some people would like to see it. But the academic freedom rationale is the only one I think we have heard to justify this idea of a five-year rolling contract. And so, the resolution sort of in that sense, I guess speaks for itself and should stand or fall on its own merits. And Ted, who was the draftsman on behalf of the resolution, might want to say something additional in its support or Israel might, because I think it's fair to say that Israel and I have different views about the pros and cons of this resolution as well.

COHEN: Ted has his hand raised and has for a while. So, if we could let him speak.

HERRERA: Yeah, right Rachael, he will be the first one but before that if I can mention something.

COHEN: Sure.

HERRERA: Okay. So, Ted was in FAC who work on this. But also, I would like to acknowledge dealing DAC meeting and also in FAC we discussed the letter coming from the Indiana Chapter of the American Association of University Professors, AAUP, and John Carini, the chair for the academic freedom, shared a statement that supports this. And the other thing that I would like to mention is about the vote that

was 7-4 in our FAC committee and the discussion of both the new language and the resolution. So, yeah, that's all I wanted to say before Ted can talk about the resolution.

MILLER: Yes. Well, thank you. So, the way I look at this is as follows. If you look at the traditional way that Indiana University has supported academic freedom, there are two main elements. One is a University Faculty Policy, I believe it is ACA-32, which basically says that the university supports the academic freedom of the faculty. Now, faculty with long-term contracts are among the faculty that this policy covers. So there really isn't any need for the university or for the campus to enact a new policy supporting our faculties academic freedom. That's been done. Including the faculty that we're talking about here.

Now, the second element of protection of academic freedom traditionally has of course been tenured appointments. I mean that's a major element in the university support of academic freedom. So, what this resolution does in its most basic terms is to recommend that the non-tenure track faculty be given appointments that most reflect the characteristics of a tenure track, of a tenured appointment. And the and the main characteristic that I have focused on in my discussion of this is the idea that a tenured appointment is one that lasts for a long time. That at any at any particular point in time, you're a long way from the end of your appointment. And to my way of thinking that is what a rolling contract represents at any point in time. Let's say it's a five-year rolling contract. At any point in time, you're always at least four years from the end of that contract. Now of course, a 10-year rolling contract, as this resolution suggest, would even better support academic freedom. Because then you're at least nine years away from the end of the contract. So that's really what this is about is to try to give the, to try to put the non-tenure track faculty who have long-term contracts, in a position as like that of tenure track faculty members as we can manage. It's just that simple.

SANDERS: Ted, I would just say, I'm sorry. I know there's a queue. That is not really what the nature of the discussion in our committee. All of the discussion was this is necessary to protect faculty who feel they can't speak out and contract might not be renewed if they get crosswise with their dean or their department chair. It was all about academic freedom. It wasn't about giving NTT faculty essentially a back door form of tenure. So, I feel like the nature of the argument in favor of this has changed from what it was in the Faculty Affairs Committee.

MILLER: We're not suggesting that we're giving them a backdoor kind of tenure. We're not giving them a tenure. What we are giving them is a contract or an appointment type that says as like a tenured appointment as we can because tenure appointments, we know are the most effective way to support academic freedom.

ROBEL: Who is next in the queue?

COHEN: Eliza is.

PAVALKO: Yeah, so thank you. I think at least my memory of the faculty affairs discussions and certainly I suspect the view among all of us is that everybody is supporting and wants to do everything we can to support academic freedom for all of our faculty. So, I guess the question, certainly in my mind is whether rolling contracts do that in the most effective way. And my concern is the assumption rolling contracts provide that, more security or more academic freedom than say a long-term five-year renewable contract. And I think they don't. And the reason why is the difference between a

reappointment decision and a kind of annual review or some kind of dismissal kind of thing. And of course, non-reappointment and dismissal are extremely rare for any of our faculty and that is the way we want it to be.

But with a rolling contract there is a reappointment decision every single year and reappointment decisions there's a broader range of reasons why somebody cannot be reappointed, then there are reasons why somebody can be dismissed. When somebody has a five-year term contract in the middle of that term, when they aren't up for reappointment, they can only be dismissed for the same reasons that a tenured faculty member can be dismissed. But when they come up for reappointment, there's a broader range of reasons why they might not be reappointed. So, the idea that there's a reappointment decision every year, I think puts people at more risk and that's my number one concern about this particular reservation that's making the assumption that I don't feel is supported by our policy.

ROBEL: All right. Who's next in the queue? And I would have said the same thing and did in chat privately to Alex. And then the out loud here. If you're in a position where you have to make a reappointment decision, essentially every year, you put the NTT faculty member at risk of a reappointment decisions every year. That is an opportunity for concerns about academic freedom to enter into the decision and even if that means that you've got a longer-term before you can be terminated. It does it does make many, many more multiplies endlessly the number of reappointment decisions that have to be made by the appointing authority.

COHEN: Do we need to have Alex's statement from chat put into the record about the UFC Policy? Alex?

ROBEL: Alex's chat said in the chat that reappointment decisions. Alex, could you put that in the record, please? Alex said in the chat, a change in university policy now requires all TT and NTT faculty to have an annual review. That doesn't change if NTT is on annual or five-year contract. Correct. But what it does change is the nature of the decision in that review, which goes from being a simple annual review to being a decision about whether to extend the rolling part of the contract. So that. All right. So, who's next in the queue? I think I see.

COHEN: John Carini and then it will go to Steve Sanders, Dakota, and then Israel.

ROBEL: Okay, great.

CARINI: I'm up. I'd like to read a statement from the AAUP Executive Committee of the local chapter.

HERRERA: And John.

CARINI: Yes.

HERRERA: Is that the same statement from EC? Can you share the statement?

CARINI: Oh, sure.

COHEN: Is that the same statement?

CARINI: I think that's the one was sent to the executive committee of the BFC, right?

HERRERA: Yes.

CARINI: Do you mind if I read it?

COHEN: Sure.

CARINI: The Bloomington Chapter of the American Association of University Professors supports the principles that one, longer term contracts for NTT faculty appointments are better than shorter term ones. Because longer term contracts afford a faculty member greater academic freedom protection. Two, offering an option for faculty to choose between a rolling contract and a fixed term contract is better than offering no choice of contract type. Three, offering longer term contracts together with an option to choose a rolling contract is the best policy for protecting the academic freedom of NTT faculty. Moreover, we remind all faculty at IU Bloomington that no matter their status, the IUB chapter of the AAUP is committed to offering our support on all matters regarding academic freedom. To these ends, we support the spirit of the resolution proposed by the BFC Faculty Affairs Committee. And that's again from the executive committee of the local chapter of the AAUP.

ROBEL: Thanks, John. Who's next in the queue? Is it Israel?

COHEN: No, it would be Steve Sanders and then Dakota.

ROBEL: Great.

SANDERS: I actually I'm rephrasing my question in the form of a query to Eliza or perhaps Lauren, who would ever be most knowledgeable about this. Obviously, maintaining confidentiality, not mention any names or departments, but how common is it in your experience that NTT faculty members have challenges to their academic freedom? I guess another way of putting it is, are you personally aware in the time you've been in your position, Eliza, of a contract that was not renewed where the NTT faculty member made a claim or might have brought a concern to your attention that they thought that the reason was somehow invidious, that it was because of their participation in governance or another thing that might fall under the category of academic freedom, does that, has that happened?

PAVALKO: There hasn't been a case in my time. Anytime somebody who's not reappointed or renewed that would come from my review and there haven't been any. But also keep in mind that if faculty feel like their academic freedom has been threatened, they can get to the faculty board review. And to my knowledge, there hasn't been a case that had gone to FBR.

SANDERS: Thank you.

ROBEL: Who's next in the queue?

COHEN: Dakota.

COATES: Hi. I'm sorry I keep weighing on this even though I'm not a faculty, but just kind of one, I guess, kind of query that I have based on the discussion and also, in light of the letter that John shared. I would be curious if perhaps there would be more universal support from the Bloomington Faculty Council around this resolution if the final two, whereas were removed. So, such that the preference is generally towards long-term contracts, rather than specifying the necessity for rolling contracts, which would obviously then require a tweaking of the result by just wanted to throw that out there for the group.

SANDERS: I'll just inject a point of order. I mean, that's already required. I mean, the university policy requires that after a probationary period, all NTT faculty get a long-term contract. The only thing we're

discussing is what form of contract, long-term contract might be optimal. Sorry to jump in, but I felt like I needed to clarify that.

COHEN: All right. So, it's going to be Israel, the then John Walbridge then John Carney.

HERRERA: Right. So yeah, Lauren.

ROBEL: I'm sorry, Israel, you're frozen.

HERRERA: Yeah.

ROBEL: We missed the beginning. You froze up.

HERRERA: Right. I just wanted to comment on one of the statements regarding the five-year rolling contact would be more or less stringent or more robust reviews. But right now, in the university we have a three-year rolling contract. And they go through the annual review year after year because it's the same system just extended to two years. And my question has always been, what would be if we have already a three-year rolling contract, what would be that robust or an astringent review? If all faculty should go through annual reviews year after year for reappointment or any kind of a scenario, motion, and everything. So, I don't quite get what would be the extra or the plus or more things that NTT will go through on an astringent review? If the school or the college grants this type of contract.

ROBEL: Here's my understanding and I will let Eliza supplement this. I think I tried to make this point a while back, but I'll give it one more shot. And this is not to my mind. We've already made possible rolling five-year contracts for our schools, so this does not go to that discussion. Any rolling contract operates in the following way: you get a contract for five years. In year six, your contract extends out. Right? Unless terminated, your contract extends out again in year seven the same thing, in year eight the same thing. What would keep the contract from extending out a decision by your unit not to really extend the contract from the point of view of the non-tenure track faculty member. As we discussed a few weeks ago, the rolling long-term contract may seem attractive because it keeps the contract constantly extending. From the point of view of a unit the review each year has to be serious because the effect of not doing a review because the effect of a reappointment is long. But it's a long effect. It's always going to have a tail. So, if you have a five-year fixed contract, the review that a faculty member gets under that five-year fixed contract at the end of year four, would make a determination about what would be happening for the following five years. In a rolling term contract every single year a decision is made about extending the contract, every single year. And that's why I think it's debatable that a rolling contract is a particularly powerful way to protect academic freedom because it multiplies by five, every contract term the opportunities to make a decision about retention or not. That that was the point I was trying to make. And that the same is true with a three-year rolling contract, Israel. And it may well be that faculty or units don't do that kind of serious review every year. Because frankly, most non-tenure track faculty members, particularly in the lecturer or clinical ranks, who aren't reliant on grants, are renewed, routinely renewed. But that's the point I've been trying to make. And Eliza, if I've made a mistake there, I would appreciate hearing it.

PAVALKO: I just wanted to go back to a point that Israel made or asked in terms of what, you know, what the extra things that somebody might not be reappointed for, that they wouldn't be dismissed for between a contract. So, in-between when someone has a set five-year contract, renewable contract. In between that period, the only reasons why they can be dismissed would be professional incompetence,

misconduct, or financial exigency, so going back to our previous discussion. If it's a reappointment decision it also adds on the needs of the program and so that's a big category. And I would say when we have had non-reappointments it's usually because they've looked at the programmatic need and decided that those needs change. And what I worry about, particularly the longer the tail, the more conservative a unit may need to be in terms of predicting their long-term needs. I think it does introduce some risks that we haven't seen with three year rolling that we might with five-year rolling.

ROBEL: Okay. So, John?

WALBRIDGE: Yeah. Just in response to Steve Sanders question, I do know of at least one case where a faculty member, senior lecturer was denied reappointment. Academic freedom was the issue, it was supported by the board of review, and then the original non-reappointment appointment decision was supported by the administrator involved, so it can happen. There was another related case that didn't get that far for other reasons. And response to Eliza's comment, one thing that is under policy as it were, is the question of programmatic need. At least a former dean took the position that programmatic need basically meant that he couldn't think of something else he'd rather do with the money. And faculty involvement was not necessarily the concern in that decision. It's a question of how much say the department had and determining programmatic needs. So, this can happen and has happened.

ROBEL: John Carini?

CARINI: Yeah, I was just going to say in my about ten years working with Committee A, I knew of only one case where it seemed like academic freedom was involved in a non-reappointment of the senior lecture, but it predated both you, Lauren tenure as provost, and Eliza as well.

ROBEL: Great. Thank you. Linda?

PISANO: Thank you. I just wanted to briefly state, and I put it in the comment section. And this goes a little bit away from what's been being discussed recently, but from the perspective of a department or a chair, I think that one thing that would have to happen is very explicit understanding when extending offers for an appointment or as we're using the word contract. Very explicit understanding by both the chair and or dean extending the contract, but also by the non-tenure track person coming in. The pros and cons would have to be laid out very clearly and understanding exactly what that rolling contract means, even if they exist now, it's still very difficult if we're having this sort of discussion already. Many of us who've been here for a long time. And if we're having this discussion, understanding fully what the consequences are, I can't imagine what a young applicant to a non-tenure track position would know if they were trying to apply for this.

ROBEL: That's a great point. Thank you. Colin?

C. JOHNSON: Yeah, I just wanted because this is actually something I've wrestled with a lot and I'm less concerned about, I guess my primary concern is always unintended consequences when we do these things and what I hear, I was supportive of the idea of dignifying the five-year rolling contract as a contemplatable thing, because I do think that there might be a place, for example, where it would be desirable option for somebody to negotiate for to the extent that it clearly lessens the degree of precarity that I think people in NTT positions occupy. Like obviously if you're not going to have a job, it's better to know that four years in advance than three, and I can imagine a circumstance where that would be a very appealing thing. But I do worry about some of the issues that have been raised here

about whether or not this actually increases such kind of security in some regard, especially with respect to academic freedom. Because I can imagine a circumstance where, for example, a unit's enrollments were declining consistently over a ten-year period. It seems to me like under those circumstances, questions of reorganization, departmental resources or unit base resources would become a very serious question. And I share the concern that under those circumstances, if one is looking at what essentially become obligations that extend five years out, it could in fact incentivize people to be much more conservative than they might otherwise be. Because under our CM, units are not allowed to carry deficits. So, I mean that's a basic principle and that's what concerns me. So, I suppose from those people who are very supportive of this and who say this is better for academic freedom. I guess it would be helpful to have that concern relayed because I really don't worry about being party, just something that is well-intentioned that sort of attempts to enshrine a commitment to the protection of academic freedom and might actually have unintended consequences where we're units are actually less likely to say things are complicated. Let's see how it goes. We're going to do everything we possibly can to retain you, even though enrollments in your unit or dropping through the floor, that would be maybe contemplate able for people who've had a three or rolling contract, it would be, I think contemplatable for people who had five-year rolling contracts. You would have to make a decision about that immediately, prospectively to make sure that you landed essentially where you had to in worst-case scenario five years from now. And that's what concerns me about it.

ROBEL: Great. I think Ted is next in line.

MILLER: Well, I just would remind the faculty council that the faculty of the Bloomington campus has undergone a rather significant change over the past 20 years. And the change has involved the creation of a fairly large contingent of non-tenure track faculty. Academic freedom, I think, is a very important fundamental principle. And I think the faculty needs to do everything it can to ensure that the non-tenure track faculty undertake their duties, feeling that their academic freedom is supported. And I think an appointment type of this five-year rolling contract, a long-term really contract fulfills that need. I'm not suggesting, and the resolution doesn't suggest that there aren't a sort of issues surrounding this situation that might be more difficult for the administration to deal with. Might create problems that are difficult to deal with. That's not my concern in this. Whether it's more or less difficult. I think the academic freedom of the faculty is a very fundamental thing. And I think we need to do everything we can to support it. And I think the non-tenure track faculty especially need to know that their academic freedom is supported. And I think we need something beyond simply having a policy that says that it's supported. We need them to know in their lives, in their professional lives that it is supported. And I think this is a way to do that.

ROBEL: Thank you, Ted. And I'm going to oppose this and I'm going to tell you exactly why. I agree with you 100% that academic freedom is the most important of the freedoms that we have to protect at a university. And I believe that a long-term fixed contract that can be changed only for certain reasons, is an extremely solid way to protect academic freedom for non-tenure track faculty members. And I believe that a rolling contract that requires an appointment decision every year is not a good way to protect academic freedom. So, this has nothing to do in my mind with the convenience of administrators. Administrators can be inconvenienced at the convenience of the faculty. That's why we're all here. It has to do with my actual belief that this is not a good way to achieve the goal of more academic freedom. All right. We've got agenda items that will require the rest of our time. So, I'm hoping we're ready to vote.'

HERRERA: Right, Lauren, I will request a roll call vote for this one again.

ROBEL: All right. Elizabeth, would you like to take a roll call vote, please?

COHEN: I am actually taking the roll call vote for Elizabeth today.

ROBEL: Okay. And does the recording of our votes include who cast them?

COHEN: Yes.

ROBEL: So is a roll call vote actually necessary if voting.

PEAR: Oh, the online polling, no, it does not.

ROBEL: Okay. All right. Go ahead.

RAYMOND: Can we have a clear frame of the question. Sorry. So this goes quickly.

ROBEL: The question is whether you support the proposed resolution regarding academic freedom, support for non-tenure track faculty.

RAYMOND: Thank you.

COHEN: All right. So, I'm going to go down the list. So, bear with me.

Karen Allen?

Jim Ansaldo?

ANSALDO: No.

COHEN: Rachel Aranyi?

GUBA: I'm proxying for Rachel. My name is Taylor Guba and I vote yes.

COHEN: Hussein Banai?

Karen Banks?

Jonathan Brauer?

BRAUER: I vote no.

COHEN: Daniel Bullock?

Carolyn Calloway-Thomas?

CALLOWAY-THOMAS: Yes.

COHEN: John Carini?

CARINI: Yes.

COHEN: Barbara Cherry?

CHERRY: No.

COHEN: Dakota Coates?

COATES: No.

COHEN: Paul Coats?

COATS: Yes.

COHEN: Rachael Cohen, voting no.

David Daleke?

DALEKE: No.

COHEN: Allen Davis?

DAVIS: Yes.

COHEN: Dee Degner?

Constantine?

DELIYANNIS: No.

COHEN: J. Duncan?

J. DUNCAN: Yes.

COHEN: Ann Elsner?

ELSNER: Yes.

COHEN: Kelly Eskew?

ESKEW: No.

COHEN: Pnina Fichman?

FICHMAN: Yes.

COHEN: Jackie Fleming?

FLEMING: I vote no.

COHEN: Lessie Frazier?

FRAZIER: Yes.

COHEN: Linda Gales?

Brian Gill?

GILL: Yes.

COHEN: Jason Gold?

Lucia Guerra-Reyes?

GUERRA-REYES: Yes.

COHEN: Nandini Gupta?

No. Okay.

Diane Henshel?

HENSHEL: Yes.

COHEN: Israel Herrera?

HERRERA: Yes.

COHEN: Justin Hodgson?

HODGSON: No.

COHEN: Larissa Jennings?

MAYO-WILSON: Yes.

COHEN: Colin Johnson?

C. JOHNSON: No.

COHEN: Kari Johnson?

Peter Kloosterman?

KLOOSTERMAN: Yes.

COHEN: Ben Kravitz?

KRAVITZ: Yes.

COHEN: Robert Kunzman?

Jessica Lester?

DENNIS: This is Barbara Dennis here for Jessica Lester, yes.

COHEN: Thank you. Sally Letsinger?

LETSINGER: Yes.

COHEN: Bradley Levinson?

LEVINSON: No.

COHEN: Scott Libson?

LIBSON: No.

COHEN: Margaret Lion?

LION: Yes.

COHEN: Annette Loring?

Pedro Machado?

Michael McRobbie? Wait that doesn't make sense.

Heather Milam?

MILAM: No.

COHEN: Theodore Miller?

MILLER: Yes.

COHEN: Jill Nicholson-Crotty?

NICHOLSON-CROTTY: Yes.

COHEN: Miriam Northcutt Bohmert?

Courtney Olcott?

Samir Patil?

PATIL: Yes.

COHEN: Eliza Pavalko?

PAVALKO: No.

COHEN: Chuck Peters?

PETERS: No.

COHEN: Linda Pisano?

PISANO: No.

COHEN: Angie Raymond?

RAYMOND: No.

COHEN: Catherine Reck?

RECK: Yes.

COHEN: Lauren Richerme?

RICHERME: Yes.

COHEN: Lauren Robel?

ROBEL: No.

COHEN: Steve Sanders?

SANDERS: No.

COHEN: Elizabeth Shea?

SHEA? Yes.

COHEN: Marietta Simpson?

SIMPSON: No.

COHEN: Ruhan Syed?

Lisa Thomassen?

THOMASSEN: Yes.

COHEN: Samantha Tirey?

John Walbridge?

WALBRIDGE: Yes.

COHEN: Erik Willis?

Steven oh uh.

WYRCZYNSKI: No.

COHEN: Thank you. Jeffery Zaleski?

And then Kurt Zorn?

ZORN: No.

COHEN: Is there anybody I missed or who didn't get a chance before I moved on?

No? Okay. Let me do some counting and I will get an official count you all before the end of the meeting.

AGENDA ITEM NINE: EXTENSION OF SPECIAL EXCEPTION FOR TEST-OPTIONAL APPLICATIONS FOR SPECIFIC APPLICANT POPULATIONS

ROBEL: Fantastic. All right. Could I turn then to J Duncan and David Rutkowski and Sasha Thieme for an item on extending the special exemption for test optional applicants for specific applicant populations.

J DUNCAN: Thank you. I'll go ahead and start us off. I'm going to go ahead and share my screen here just so that we're all looking at the same thing. Given the time, I'll endeavor to be brief. So, when we have previously passed the test optional pathway, we specified some student categories that were not initially eligible for test optional. Those included homeschool students, students attending non-traditional schools, where they were not assigned alphanumeric grades and recruited athletes because of other requirements.

During the pandemic, we have actually found that test optional seems to be going very, very well and a large portion of our applicants have chosen it. We were well-positioned as a result. Some of these populations, however, we're also in the same circumstances that prevented them from getting tested in a timely fashion or made it an undue burden. So previously, Admissions asked Exec over the summer to take action to give a one-year waiver essentially on these populations being also eligible for test

optional. From everything that I've heard that's going very well. Since the pandemic conditions are still in effect and still affecting our student populations. They have requested another one-year waiver. As the BFC is in session at the moment, we bring this to the council as a whole for approval. I would suggest that where we have discussed this in EPC, EPC was united in saying that this is something we believe should happen.

ROBEL: Thank you so much J.

J DUNCAN: Of course.

ROBEL: Is their discussion from anyone else on the committee before we open it up. All right.

J DUNCAN: Lisa has her hand up, I believe.

ROBEL: Okay.

THOMASSEN: Yeah. Hi. I was there for the debate. And in fact, there was an article today in the Chronicle of Higher Education. I forget which polytechnic it was that was using a database decision and they had gotten rid of test scores completely because they weren't predictive. So, I think we we've seen this move and so that I think the committee was very much in support of it. And so, I just want to lend that support as well. These students perform, you know, there should be nothing that's a barrier to a student who will perform well when they get here and when we get our hands on them.

ROBEL: Thank you so much, Lisa.

AGENDA ITEM TEN: QUESTIONS/COMMENTS ON THE EXTENSION OF SPECIAL EXCEPTION FOR TEST-OPTIONAL APPLICATIONS FOR SPECIFIC APPLICANT POPULATIONS

ROBEL: Who is next in the queue?

SIMPSON: Steve Sanders.

SANDERS: I guess this is a question for Sasha, so am I recalling correctly, the current year's freshmen are the first group that was admitted under the test optional system. Is that correct?

THEIME: Correct. The students entering this fall, for fall 2021.

SANDERS: So, what are the plans or are there plans and how long do you have to wait to do a sort of rigorous assessment to see, to confirm basically what Lisa said that this has been a good thing, that all the students submitted under this plan have done just as well or better than students admitted for test scores. I'm not a social scientist. I don't know, but I mean, if we wanted to rigorously evaluate what effects did this program have, particularly, did it indeed help in the admission of under-represented students? How and when will we know that in a data-driven, rigorous way?

THEIME: Absolutely. So, the two markers that have been used in the research that we use when we first proposed this change in policy were based on first year performance and graduation. So, the first benchmark that we would use and what our models were based off of was the predicted value of information at the point of admission on the students first year success. So, we would be looking at certainly first semester performance but more fully after first-year performance.

SANDERS: So, there is essentially a plan to evaluate that after all the grades are in, after the whole first year.

THEIME: Absolutely.

SANDERS: Great. Thank you.

ROBEL: Although I must say Steve even that evaluation will be compromised somewhat by the pandemic and the lack of grades. But we can look at retention as and even that will be compromised by the horrible circumstances. But we'll do our best. And the hope is by the, by the time we'd be assessing students for graduation, we'd be in pretty good shape. All right. Are there other questions or comments about the proposal?

J DUNCAN: Lauren, my apologies. There's one more point I did want to mention. In addition to the population waiver, the other one is a waiver to allow students who initially submit test optional to later submit test scores. That was not part of the original policy, but it has turned out to be apparently quite a lifesaver for several thousand students who are in that circumstance where they didn't think they could get a score but could get a score later and submitted it. So, this extension of the wave are also covers circumstance I just want to be clear.

ROBEL: Okay, Great.

SIMPSON: Dakota has his hand raised.

ROBEL: Dakota?

COATES: Yeah. I just had a question. So, I understand why homeschooled students and students at the non-traditional alpha numerical grade schools were included. But I was kinda curious about the logic behind recruited athletes and why such a broad category would be included as that third option.

THEIME: Can you explain what you mean by broad category? Just that all athletes, is that the category that you're speaking to?

COATES: Yeah, because the other two seem to be like more specific background based, whereas this one it feels broader.

THEIME: Recruited athletes is a specific population of students and some that runs in to NCAA requirements, that still had testing requirements, and we were consistent with that. Now NCAA has also taken different approaches given the pandemic, so it afforded us some opportunities to reconsider what we were able to do for this student population.

COATES: Is it the case that athletes are similarly as likely as homeschooled students or the non-traditional students to have to request the test optional or is it about the same?

THEIME: There were at one, at the early days of the pandemic 1.2 million students who could not get access to a test. So, it was pretty plain that we were going to need to make accommodations for students to allow them to apply

COATES: Thank you.

ROBEL: Okay. Other questions or comments? I see. Is there a hand up?

SIMPSON: Yes, there is. It is an alternate and I don't have a first name. The last name is Guba.

GUBA: Yeah. Hi. So, I was just wondering, a clarification. So, with this continuation of this policy still be limited to those three groups, or would it be open to a wider population?

ROBEL: The current policy is open to our whole population with the exception of these groups. This would expand the current ability for students to apply test optional to include these groups. Do I have that right?

J DUNCAN: Yes.

ROBEL: Sacha?

THEIME: Yep.

GUBA: Okay. I miss understood. Thank you.

ROBEL: All right. Any other questions? Are we ready to vote? Elizabeth, would you queue up the voting?

BLOOMINGTON FACULTY COUNCIL OFFICE: I'm working on it give me one second and I'll pull that up for you.

ROBEL: Thank you so much.

THOMASSEN: While this is being pulled up, I'd like to say that the admissions office does an amazing job doing this whole portfolio review and that you all are willing to undertake this is admirable and I think quite impressive and shows your commitment to students.

J DUNCAN: Absolutely.

ROBEL: The vote is open.

J DUNCAN: We have also asked admissions to be prepared in future semesters to present a full breakdown of the application process and the portions of students who were test optional and their incoming metrics. So that report will be coming when we have more data.

ROBEL: Terrific. All right. Elizabeth, while we are voting on this, do you have anything that you'd like to report on the other vote?

PEAR: Actually Rachael, is in charge of the roll call. And Chad is covering for me on the poll that you have in front of you.

ROBEL: So, it's Rachael who has the vote on the earlier resolution?

COHEN: I just finished counting. Can you all hear me?

ROBEL: Yes.

COHEN: Okay. It has passed 27 to 23.

ROBEL: Okay. Thank you very much. And it looks like the extension of the special exception has also passed. So terrific. Thank you all so much. The last item on the agenda comes from you, Rachael, as

parliamentarian, that's your constitution and rules. And it's a first reading. So, who would you like to give us a sense of what, what advice you need from us?

COHEN: I'm actually going to turn it over to Alex Tanford to present.

ROBEL: Okay. Great. Thank you.

SANDERS: Lauren, just a point of order, the next item on the agenda looks like the religious accommodations.

Robel: Oh, I'm so sorry. Yeah. You're absolutely right. Thank you so much, Steve. We have an item from your committee on religious observances. So, would you please take that?

AGENDA ITEM ELEVEN: PROPOSED AMENDMENTS TO BL-ACA-H10 INDIANA UNIVERSITY BLOOMINGTON ACCOMODATIONS FOR RELIGIOUS OVSERVANCES

SANDERS: Sure. And I'm sorry to have interrupted, but I hope this will be uncontroversial and we can get through it pretty quickly. In the fall, Eliza's office came to the Faculty Affairs Committee and asked us to give a broad review of the various elements of the way the campus handles student requests for accommodations, which typically means missing class for a religious holiday or another religious observance. We examined both. The guidance that is posted on the Faculty Affairs Committee website to faculty, we examine the actual operative policy, and we examined the list of currently accepted or recognized religious holidays and observances. We gave, I hope Eliza would agree, we had a good discussion, and we gave some specific feedback to Eliza and her colleagues for adjustments or improvements we thought could be made in the policies. And they have done that or are working on those. The one thing that came out that requires an actual vote of the faculty council because it's in campus policy was again attached to the website, you see a red line. It's doing two things by changing the way, it's an editorial thing, changing holidays to observances. The thought of the committee was observances was broader or perhaps more all-encompassing than the idea of holidays. So, it does that. But the more important thing is that, yet It amends the current requirement which says that a student must make a request to an instructor for an accommodation by the end of the second week of the course. I think we were in unanimous agreement that that was a little too strict, that that wasn't always necessary in practice. It's probably not the way most faculty do it anyway. And so that language would be changed to, the students should make the request to the instructor no later than two weeks prior to the anticipated absence. If the observance falls during the first two weeks of the academic term, it's the student's obligation to notify the instructor as early as possible, but no later than during the first calendar week of the term. Again, Israel can correct me if I'm wrong. I think that committee was unanimous about this. Eliza was supportive. Everyone seemed to agree that some greater flexibility and acknowledgment of reality would be helpful in this policy. So, there you have it and we're happy to answer any questions.

AGENDA ITEM TWELVE: QUESTIONS/COMMENTS ON THE PROPOSED AMENDMENTS TO BL-ACA-H10 INDIANA UNIVERSITY BLOOMINGTON ACCOMMODATIONGS FOR RELIGIOUS OBSERVANCES

ROBEL: Are there questions about the proposed policy changes? Seeing none, I will ask for a vote.

SANDERS: Okay. I think this since this is a policy matter Lauren, I think this would be the first reading and so it'll be up for a vote at the next meeting.

ROBEL: Okay.

SANDERS: Actually, as a change in policy language.

ROBEL: Thank you so much, Steve. I appreciate that. I missed the first reading part. All right. Any advice for the committee then? Hearing none, I will now move on.

AGENDA ITEM THIRTEEN: PROPOSED AMENDMENTS TO BL-ACA-D9 BYLAWS OF THE BLOOMINGTON FACULTY COUNCIL OF INDIANA UNIVERSITY

ROBEL: Thank you, to Rachel Cohen and the bylaws changes.

TANFORD: Right. Thank you. Rachel asked me to do this in part because I'm the one that instigated this, and I am on the Constitution and Rules Committee. And I must say it's been a couple of years since I was on the BFC. I miss you guys. This was fun today. Those listed the way; the discussions were robust. This is faculty governance in action. The background is this, for years and I've been on and off the BFC and I've been on the Executive Committee and the Nominations Committee. We've always created task forces and working groups and special committees. And in Executive Committee meetings with Lauren, it frequently comes up that some administrator or some part of the campus is trying to put together a Faculty Advisory Committee. And do we have recommendations on names? It turns out, nowhere in the bylaws do we authorize the Executive Committee to do any of that. What we do say is that we in the absence of a bylaw, we follow Robert's Rules of Order. Unfortunately, Robert's Rules of Order call all of these things special committees as opposed to standing committees, and require the for the BFC, to appoint a special committee, it must be done on the floor during the debate of a particular topic. And that topic is then referred to the special committee, members are chosen, and its chairs chosen and then everyone votes. Now that's clearly not the way anybody in this century does these things. But it occurred to us as a committee that perhaps we needed some language actually authorizing the Executive Committee to create these special committees, task forces and fill the role of consulting with the administration through Lauren on how to staff special committees that are that are involved the faculty, but aren't strictly BFC committees.

So, what we did here is fairly straightforward. Hold on. We simply took the language that appears in the bylaws of the UFC, giving its Executive Committee these powers. And we are proposing it as an amendment to the bylaws of the BFC, and as a proposed amendment to the bylaws, it requires two consecutive meetings.

ROBEL: Anything else?

TANFORD: Fairly straightforward. Obviously, a noncontroversial proposal.

ROBEL: All right. And this is a first reading, so as Alex noted, we're just looking at it for questions and potential advice to the committee.

TANFORD: Right. And if there are any proposed amendments, they should be made now, because on the second reading, under Robert's Rules of Order, we are quite limited in the kinds of technical amendments that could be made at that time.

ROBEL: All right. Are there any comments, questions, proposals for changes? This seems like a sensible, reasonable step to regularize our process.

LEVINSON: This is Bradley here. I'm just wondering whether inserting the term such, to serve on such administratively appointed committees because it uses the term ad hoc committees and then you use the phrase administratively appoint committees is not absolutely clear that they are in fact one and the same.

TANFORD: They're not. They are two very different things.

LEVINSON: Ah okay.

TANFORD: Ad hoc committees and task forces are those, create and appoint ad hoc, and may make recommendations to serve on committees created outside of the BFC, the administratively appointed committees. So those are two separate tasks.

LEVINSON: Okay.

ROBEL: All right. Any other comments?

SIMPSON: Colin has his hand raised.

ROBEL: Colin?

C. JOHNSON: This is very superficial, but I think it's lacking a period. Sorry, I know that's the kind of thing we can normally, you guys figure out, lest it be that's hanging out there without a period. I would suggest fixing that now.

ROBEL: Taking no chances. Thank you so much.

HODGSON: Also, somewhat not necessarily the same, but as Alex mentioned, a comma after task forces might help clarify that as well.

TANSFORD: Since we use the word may create and may make recommendations as two separate phrases, I don't think it's necessary, but I yield to the grammarians in the group.

ROBEL: Oh, don't say that, Alex.

TANFORD: Syntaxians? I don't know. I'm from the South we don't speak the language very well.

THOMASSEN: As long as we are word smithing here, we can create committees and appoint members to those committees rather than appoint committees. But I'll let people mess with that as they like.

ROBEL: All Right. Anything else? Alex, I'd take that screen down while you're ahead.

TANFORD: Absolutely. I take it that the will of the group is that we add the period, and that we check with our high-school English teachers about whether we need a comma. And the rearrangement of language that neither adds nor detracts is in fact something that could be done on the final vote. So, we will make sure between now and then that it says what we mean it to say.

ROBEL: Well, thank you.

WALBRIDGE: Lauren if we could just take ten minutes of presiding officers report, should you?

AGENDA ITEM FOURTEEN: PRESIDING OFFICER'S REPORT

ROBEL: I think what I'll do and thank you very much, John. I think what I'll do with that little bit of time if it's all right with everyone, is simply answer the questions that were submitted ahead of time. So, there were three. The first was, will the campus gyms reopen for faculty use? And the answer is yes, they will. It looks like May 10th. We're suspecting that we'll be able to get most faculty members vaccinated by then, and that's the current plan.

The second question was, will we require vaccinations for the fall? We are now discussing that. As all of you know, the availability of vaccinations has been up and down for the last several weeks. It's now up. It's great news for us as a university and also as a country. There are lots of questions around the possibility of requiring vaccines and the questions are different for employees and for students. And so, we are right now involved in a fairly deep conversation with that with the Restart Committee. And I will report out as soon as I have more information.

And the third question was about class modalities for the fall. But the question I think was, imagine, I'm a faculty member who sees the university headed for in-person classes in the fall. And yet I remain nervous. Could I still do my class online? I think it's a little early to have this conversation for a variety of reasons. We're planning for an in-person semester in the fall. And part of the reason to make that decision now is because it's almost impossible to go from an online schedule to an in-person schedule. The in-person schedule is a lot harder to pull off, so the instructions are phenomenal. Registrar, Mark McConahay, were like let's put the schedule into an in-person modality. Everything is trending in exactly the right direction for that right now. We're at a very, very low prevalence rate. But more to the point that the availability of the vaccine looks like it's going to just increase. We have the representation of our president of our country that we will all be able to be vaccinated by May. And so, I think if we can watch this unfolding for just a few more weeks, we should be able to make better decisions. But for the time being, I'd like everybody to proceed as if we were going to be in-person in the fall semester for purposes of scheduling classes. If you know already that you are unable to take a vaccine for some reason, you might want to go through the accommodations process that we all became familiar with this this spring, which would I think start with an accommodations request to the ADA accommodations office, but otherwise, just plan to be in person. And we'll assess all of this as we are assessing it bit by bit by bit. I hope that's helpful.

AGENDA ITEM FIFTEEN: QUESTION/COMMENT PERIOD

ROBEL: I see two questions, one from Dakota and one from John Walbridge. So, Dakota?

COATES: I just had a really quick question. So, I know that there's a student petition survey going around right now about discussions around fall break or spring break in the next academic year. I know that you probably don't have any answers right now, but perhaps at the next BFC, can we maybe get an update about how it will be worked into the schedule next year?

ROBEL: I'd be happy to do that.

COATES: Thank you so much.

ROBEL: All right. And John?

WALBRIDGE: We've heard that there's going to be an in-person graduation. Parents can't, students can come. Our faculty welcome or not.

ROBEL: Actually, faculty will be needed for hooding at the graduate ceremony. If you have a doctoral student or you're a faculty member in law or optometry where there are just a lot of students who are hooded, talk to your dean. Otherwise, I think we're not inviting faculty members to the various ceremonies but don't hold me to that. Let me check with Doug Booher.

It's exciting to be able to do this much. I know it's not what parents and loved ones would most want, but it is what we can do safely. And it allows us to take advantage of our testing infrastructure to make sure we're really safe. We are in very, very good shape in terms of COVID right now. But I will just point you to Duke University for the exclamation point on why are vigilant should not be going down. We need to continue with our testing regimen. We need to continue with the pieces of public health behavior that have kept us safe so far. Duke has just had to put all of its students into their rooms and leave them there. They had a big spike in COVID cases. We cannot afford to let our guard down right now. We are too close to the finish line, so let's all get that last little bit to get to the end of the semester. All right. Any anything else? Any other questions?

WALBRIDGE: Israel has a question apparently.

ROBEL: Israel?

HERRERA: Yeah. I have two questions actually. One question is regarding, right now the Indiana General Assembly regarding the bill that carrying a firearm and some weapons, is different than the possession of firearms and weapons. And I have seen that our policy the PS-03, just relates to the possession of firearms. And there have been some university now like Michigan where there has been some kind of the debate regarding this, this kind of bills that some states have been passing. So, I just wondering if we would like to revise this university policy in order to clarify about carrying guns on campus, who would be or what would be the committee that we need to go to?

And my second question would be.

ROBEL: Can I answer that one before I lose the train? Thank you. There is a bill in the General Assembly, every single assembly on gun possession and gun carrying. And so, before we react to that bill and it as failed in every single session, it doesn't get traction. So, before we react to with our own policy which currently forbids possession of firearms on the campus. I would wait to see what happens with that bill in the General Assembly.

HERRERA: Lauren, the thing is that it passed. It passed in the House of Representatives. And that does it.

ROBEL: That it did. But did it also pass through the Senate? And has it been signed by the governor?

HERRERA: Not the governor, but it's going to the Senate. I understand that we need to wait by. I'm just anticipating because they both will go once because it's high in favor.

ROBEL: Let's just wait. Because typically our government relations people are all over this stuff and we don't need to add any complications to their work in ensuring that universities are not covered by this kind of legislation. All right, what's your second question?

HERRERA: My second question is if there is any update about the results of the BFC President Elect?

ROBEL: That I don't know.

PEAR: No, as I said over email, I still need to talk to the Nomination Committee and let them know things before we go public on that.

ROBEL: Okay. All right. Any other questions for the good of the order? I think we're at our time. Great to see you all.