

**Minutes**  
**Indiana University**  
**UNIVERSITY FACULTY COUNCIL**  
**Northside Hall Room 038**  
**South Bend Campus**  
**April 12, 2005**  
**1:30 - 4:30 P.M.**

**Attendance**

Members Present: Donald Andrews, James Baldwin, Chris Bjornson, Jacqueline Blackwell, Gary Blumenshine, George Bodmer, Chris Borkowski, Polly Boruff-Jones, Aurora Chase, David Daleke, Luis Davila, Andre DeTienne, Mary Fisher, Ken Gros Louis, Cathy Ludlum Foos, Janice Froehlich, Karen Gable, Laura Ginger, Joanna Goldstein, Adam Herbert, Dolores Hoyt, Marilyn Kintzele, Chris Maher, Dale McFadden, Ted Miller, B. Keith Moore, Bart Ng, Jaime Nieto Jimenez, James Patterson, Markus Pomper, Una Mae Reck, Kristina Reuille, John Ross, Alex Shortle, Martin Spechler, Herbert Terry, David Vollrath, William Wheeler, Nanci Yokom, Enid Zwirn

Members Absent with Alternates: Al Ruesink for Bonnie Brownlee

Members Absent: Charles Bantz, Bruce Bergland, Paul Eisenberg, Brian Fife, David Fulton, Michael Hamburger, Thomas Hurley, Elizabeth Johnson, Robert Kravchuk, John Manzer, Michael McRobbie, Richard Nash, Sandra Patterson-Randles, Ruth Person, Amy Reynolds, James Tolhuizen, Richard Viken, Michael Wartell, Jeffrey Watt

Guests: William Schneider (IUPUI), F.C. Richardson (IUS, Mission Differentiation Project Team), Charlie Nelms (Vice President, Mission Differentiation Project Team), Mary Beth Minick (IUPUI, Co-Chair Faculty Compensation and Benefits Committee), Moira Smith (IUB, Co-Chair Faculty Compensation and Benefits Committee), Julie Knost (Affirmative Action Office), Jennifer Delaney (IUPUI), Robert Yost (IUPUI, Co-Chair Student Affairs Committee), Mary Popp (IUB, Co-Chair Student Affairs Committee), Dick McKaig (IUB Dean of Students), Elizabeth Jones (IUPUI, Co-Chair Educational Policies Committee)

Meeting held by video conference at the following locations:

BL - Education 2140  
EA - Whitewater 119  
FW - Kettler 212  
IN - Cavanaugh Hall 136  
KO - Main 111  
NW - Hawthorn 105 (M1)  
SB - Northside 038  
SE - Hillside 105

## Agenda

1. Approval of Minutes:

February 8, 2005

<http://www.indiana.edu/~ufc/docs/AY05/Minutes/02.08.05.htm>

March 8, 2005

<http://www.indiana.edu/~ufc/docs/AY05/Minutes/03.08.05.htm>

2. Presiding Officer's Business (5 minutes)

(President Adam W. Herbert)

3. Agenda Committee Business (5 minutes)

(Professors David Daleke and Bart Ng)

4. Question/Comment Period\* (10 minutes)

(President Adam W. Herbert and Professors Daleke and Ng)

5. Master Course Inventory Update (5 minutes)

(Senior Vice President for Academic Affairs Ken Gros Louis)

6. Review Procedures for Chancellors (Action Item) (15 minutes)

(Professors David Daleke and Bart Ng)

Proposed Policy: <http://www.indiana.edu/~ufc/docs/AY05/Circulars/U5B-2005.rtf>

Current Policy: <http://www.indiana.edu/~ufc/docs/policies/review.html>

7. Family Leave Policy (Action Item) (15 minutes)

(Librarians Mary Beth Minick and Moira Smith, Co-Chairs, Faculty Compensation and Benefits Committee, Julie Knost, University Affirmative Action Officer)

<http://www.indiana.edu/~ufc/docs/AY05/Circulars/U16-2005.htm>

Proposed Policy: <http://www.indiana.edu/~ufc/docs/AY05/Circulars/U17-2005.htm>

Current Policy: <http://www.indiana.edu/~ufc/docs/policies/familyleave.htm>

8. Code of Student Rights, Responsibilities, and Conduct (Action Item) (30 minutes)

(Librarian Mary Popp and Professor Robert Yost, Co-Chairs, Student Affairs Committee)

<http://www.indiana.edu/~ufc/docs/AY05/Circulars/U8-2005c.rtf>

<http://www.indiana.edu/~ufc/docs/AY05/Circulars/U9-2005c.doc>

<http://www.indiana.edu/~ufc/docs/AY05/Circulars/U10-2005.htm>

9. Background Check Policy for Academic Appointees (Action Item) (15 minutes)

(Professor Theodore Miller, Co-Chair, Faculty Affairs Committee)

<http://www.indiana.edu/~ufc/docs/AY05/Circulars/U6C-2005.htm>

10. Conflict of Commitment Policy (Action Item) (20 minutes)

(Professor Theodore Miller, Co-Chair, Faculty Affairs Committee)

Proposed Policy: <http://www.indiana.edu/~ufc/docs/AY05/Circulars/U15-2005.htm>

Current Interim Policy: <http://www.indiana.edu/~ufc/docs/AY04/circulars/U13-2004.approved.htm>

11. Mission Differentiation (30 minutes)

(President Adam W. Herbert, Senior Vice President for Academic Affairs Ken Gros Louis, and Vice President for Institutional Development and Student Affairs Charlie Nelms)

12. General Education (Discussion) (10 minutes)

(Professors Elizabeth Jones and William Wheeler, Co-Chairs, Educational Policies Committee)

<http://www.indiana.edu/~ufc/docs/AY05/Circulars/U14-2005.html>

[http://www.indiana.edu/~ufc/docs/AY05/Circulars/Gen\\_Ed\\_Commentary.html](http://www.indiana.edu/~ufc/docs/AY05/Circulars/Gen_Ed_Commentary.html)

13. Annual Affirmative Action Report (10 minutes)

(Julie Knost, Affirmative Action Officer and Affirmative Action Committee)

(Report to be distributed by campus mail to UFC members; electronic copies will be available next week)

14. Standing Committee Reports

15. Old Business

16. New Business

## WELCOME REMARKS

**HERBERT:** Good afternoon. Chancellor Mae Reck is here to extend greetings to the campus. Mae?

**RECK:** Thank you, thank you President Herbert. It certainly is my pleasure to welcome everyone here today at IU South Bend. The campus is honored to have President Herbert and representatives of the University Faculty Council here today. And I certainly don't want to neglect those of you who are here today through the teleconference. We welcome all of you. As Chancellor I always like having visitors come to our beautiful campus. For those of you here I hope that you have an opportunity to walk around, see the facilities and enjoy the Quad before you leave today. As Chancellor I also enjoy the opportunity to brag about our campus, Indiana University South Bend. I would like to spend a few minutes this afternoon presenting the latest highlights from the campus. I sort of call them the "fast facts."

Fall enrollment at IU South Bend was more than 7,500 students including over 6,300 undergraduates and nearly 1,200 graduate students. The campus had two important milestones in the makeup of the student body this year. For the first time, 60% of our undergraduate students are attending classes full-time and half of our students are

traditional age, 18-22. For fall 2004 IU South Bend showed the largest presence of students around the world. This year IU South Bend has 219 international students from more than 50 countries. We've had an average enrollment of more than 200 international students each year since 1998. Our success is not an accident. We have spent a lot of time on this campus over the last two years preparing plans to guide the campus. Both the enrollment management plan and the campus strategic plan were finalized this winter and are in practice at this time.

Indiana University South Bend has 26,000 alumni, 70% of them live and work in Indiana. I always say this makes part of the brain gain and not the brain drain for Indiana. The campus has 1,500 employees including almost 300 full-time faculty. Student life on campus is active and growing and there are 70 clubs and organizations and more than 100 theater and musical productions a year. Student participation in intramural sports has grown 70%. IU South Bend's men's and women's basketball teams are members of the Chicagoland Conference Division I of NAIA. And I'm proud to report this season that the women's team won the conference title for the fifth time in the last nine years.

I want to thank you for giving me this opportunity to talk to you about the exciting things happening here at IU South Bend. We are proud to be the host of the UFC and I hope you have a productive and enjoyable meeting.

**HERBERT:** Thank you very much Chancellor. We really appreciate your warm hospitality. Now we'd like to just poll all of the meeting sites to make sure that everyone is connected. Let me just go one campus after another. Bloomington?

**GROS LOUIS:** Yes, connected.

**HERBERT:** Can you hear us?

**GROS LOUIS:** Yes.

**HERBERT:** How about East?

**LUDLUM FOOS:** We're all here.

**HERBERT:** Good. Well then we don't have to worry about that.

**DALEKE:** Indianapolis?

**FISHER:** Yes, we're here.

**HERBERT:** Kokomo?

**KINTZELE:** We're here.

**DALEKE:** Northwest?

**WHEELER:** We're here.

**HERBERT:** I know South Bend is here. And Southeast?

**GOLDSTEIN:** I'm here.

**DALEKE:** Bloomington is the only one we haven't heard from.

**HERBERT:** Oh, he was on.

**DALEKE:** Bill's in Northwest. Just for the day. So we may need to check on education in Bloomington.

**DALEKE:** I would also like to ask everyone at all of our videoconferencing sites to please leave your microphones at mute unless you're speaking and then please when you unmute and speak then you will appear magically on the monitors at all sites.

## **AGENDA ITEM #2: PRESIDING OFFICER'S BUSINESS**

**HERBERT:** Ok we have a very full agenda today as you know. Let me begin in the context of my report, I'd like to just focus on one topic, and that is, he doesn't know this, but I want to say a little bit about our senior co-secretary. As all of you know, this is his last meeting in that role, and one of the things that I'm sure all of you will agree with is that he has had an outstanding year as the senior co-secretary. He's really made a difference I believe in university governance. One of the things that impresses me is his very inclusive style and his ability to draw people together. In thinking about him I wrote down three words, insight, diplomacy and can-do. And those strike me as very much descriptive of David. It's been a real pleasure for me to work with him. I've been impressed with very aggressive policy-setting agenda that he has developed here. He has clearly helped us to address a number of very significant challenges. I can also tell you that he's done an outstanding job of representing the faculty before the Board of Trustees. He's articulated the faculty views with a great deal of aplomb and effectiveness and just from a personal perspective I just want to thank David for helping me to better understand IU faculty culture and to educate me on a whole host of issues, and I know that both Stephanie and Nina are going to be looking forward to having more time with her husband and daddy respectively. And I'm just also very impressed that you have helped your daughter to understand the importance of basketball in a broader sense. But thank you very much for all that you've done for the university, for your outstanding leadership and just from a personal perspective I've just thoroughly enjoyed having the opportunity of working with you this year and I'm sure that all of our colleagues have the same feeling. [Applause] That concludes my report, David.

## **AGENDA ITEM # 3: AGENDA COMMITTEE BUSINESS**

**DALEKE:** Thank you very much. I have actually some comments to make since this is

the last meeting of the UFC for the year and also my last UFC meeting for some time, I'll just put it that way. I'd like to say a few things about what I've learned. I'm relatively new to faculty governance as many of you know. This is probably my fifth year in serving on the faculty council, and certainly I thought I was not well-prepared for this position as I started working with the UFC.

I have learned a lot from everyone. I can say that I certainly didn't come in with any preconceived notions, but I have been educated quite well myself. And firstly, from President Herbert, we started at about the same time, and I can tell you that we have a fantastic leader for our university. President Herbert has embraced Indiana University very closely, has become part of the family, and not only that, he has also embraced the faculty. I think it's striking, we all remember the first thing he said to us. He said he's a faculty member, he's one of us. And I think he's illustrated that through everything that he's done in the past two years that I've had the opportunity to work with him. Especially important, however, is his understanding and acceptance of our way of defining faculty governance, and I think it's an important tradition at Indiana University that we have such a strong faculty governance system and the President fully endorses that in every single way, especially in the consultative way and in every major issue that we've dealt with, the President has fully consulted the faculty in many ways. And I want to thank him personally for that, and also personally for being, to be blunt, such a good guy. He's a nice guy to hang around with. So I encourage everyone to take as much of an opportunity to do that as possible. We share some interests in jazz I learned and I was glad to find out about that. And also I think that just in interacting with all of us that we all know that we have some confidence in the future of where our university will take under his guidance.

I'd also like to point out that the idea of faculty governance that we have at IU also pervades the senior staff of the President, and that is all of our vice presidents have been extremely open to me personally, to have conversations, and many times the issues that we talk about here require a conversation with one of them and I will pick up the phone and make a phone call and they will talk to me, they'll actually see me. I was astounded, by the way, and I guess I've come to understand that's just the way things are here at IU, is that when faculty need to talk to administrators for questions or for input they're available, and so I want to thank Vice President Nelms personally who is here and all of the other vice presidents including Vice President Gros Louis who I'm hoping is on now in Bloomington and Vice President McRobbie and also Vice President Terry Clapacs and Vice President Palmer, all of whom I've had some significant lengthy discussions with and I really appreciate your candor and openness as well.

The work of the University Faculty Council is not done by me or by Bart. It's done by the members of the UFC. And the UFC is really driven by the strength of leadership of the chairs of standing committees, and as you will see today on our agenda we have another of items that have come out of these committees, and I think today is a very good meeting for this because you will be able to highlight the work of many of our major standing committees, and I think that the amount of work that we've accomplished this

year is really due to the leadership of the individuals who will be presenting the action items that you see today, and even the discussion items as well.

Before I continue I wanted to actually just make a mention of two other people. I was hoping to save this to the end, but I think I'll do this now, and one is of course Bart who will be taking over in my place. I have to say that it's been a very enjoyable year working with Bart. I in fact feel junior to Bart in many ways. Bart is such a distinguished faculty member and has had much more extensive experience than I do that I think I have learned quite a bit from Bart. But I've also learned that you are in very good hands. And Bart has the best interests of the university in mind in everything that he says and does, and I believe that some of the issues he's already talked about for taking up for the council for next year are really the things that are going to be, well they're going to be very important and make significant important improvements and changes. So again, I congratulate all of you for having Bart as your leader for next year.

Finally I'd like to thank Kelly Kish and Molly as well; Molly is there I hope in Indianapolis. Much of the work of the council, the sort of actions that go on, the papers that you have in front of you, they just don't magically appear and I don't really have anything to do with this. It's really Kelly and Molly who do this. So when you think about just the communication with the council, I don't even have to say this. Many of you around the table and at the other side too know. You talk to Kelly, you don't talk to me; you don't talk to Bart so much; you talk to Kelly because Kelly knows everything. We have a saying that Kelly runs the university. We don't tell anybody that. So I'd just like to extend a personal note of thanks to Kelly for everything that she's done for the University Faculty Council over this year and also point out that as you may also know about Kelly she not only does all of this sort of administrative stuff, but Kelly as a student of higher education has input on many of the things that we talk about and in fact has straightened us out in places where we have started to go astray. So I think this has been a hopefully mutually beneficial, both for her academic program, which I would like to point out to Bart she does have to finish her PhD so please let her do that, but I cannot have imagined doing this without Kelly.

I have three other brief announcements to make. First of all, we do have a change in leadership at some of our campus councils, in fact one of them. Joanna Goldstein will no longer be a President next year and will have a new person taking over and Joanna I'm afraid I don't remember who that was, that is. Go ahead.

**GOLDSTEIN:** I was just going to say that that's Ron Finkbine in the School of Natural Sciences.

**DALEKE:** Joanna, for all the work that you've done, and certainly over the past two years that I've been on the UFC you've been an extremely active member and very vocal and in very important ways. I think you've helped us steer a lot of the policies that we've done. I want to thank you personally and I'd like to have everyone here thank you for the work that you've done. [Applause]

One other announcement, as you know we sent out an announcement about the faculty position on the Commission for Higher Education. Those applications were received on May 1<sup>st</sup> and a week from Friday the Nominations Committee will meet to mull over those and present three to five names to the Governor. I'm proud to say we have about a dozen faculty from IU, almost representing every one of our campuses, I think, who have applied for the position. So I think we have a very good chance of getting someone on the Commission this year. They're very very excellent candidates and it's going to be a tough decision for us.

My last comment is one about the agenda today. I would like us very much as possible to be, to do the things, to be the can-do person that Adam was talking about, and to accomplish at least getting through our action items today in as efficient a process as possible. And so we have timelines set for each of these agenda items. We're going to stick to those. If we come to the end of our time and we haven't made a decision we're going to put that decision off to the end of the meeting to enable us to get through as much as we possibly can in terms of the action items today. Furthermore, we have a couple of discussion items including the mission differentiation report. We'd like to save as much time as possible to talk about that and the related items, for example, the General Education. So we're going to wield the gavel strongly.

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

**HERBERT:** Are there any questions? Martin.

**SPECHLER:** My colleagues asked me to find out about the telephone policy. I know this is nuts and bolts, but Adam, telephone is essential, especially on our campus in Indianapolis, the smaller campuses, making a connection between the students and the faculty because our students and our faculty are not on the campus five days a week. Now we were told that in order to have cell phones, which is common now in Indianapolis, and to have them paid for the university, we may have to submit detailed letters or requisitions every month. So that's very onerous. So I wanted to ask you where do we stand on using cell phones, using modern technology, as opposed to land lines on our campus?

**HERBERT:** There is a change in the policy that I know is in the works. What we're trying to do is to frankly avoid the scenario in which we have to maintain detailed records of all the phone calls that are made, and that sort of thing, and so the model that we've been looking at is moving away from the departments paying for the service. Do you recall Sarah exactly how that was supposed to work?

**McNABB:** Basically the person who wants a cell phone would be compensated for the phone and the person would purchase the phone on his or her own. To my knowledge I do not believe the policy, the new policy, has been put into place. This is something that is a result of some suggestions that have come out of audits. And it is not uncommon business practice to have people make arrangements for their own telephones. What we

can do is, Judy Palmer is the Vice President that is the lead on this policy, and I'll be happy to make sure that the policy gets distributed.

**SPECHLER:** Personally I'd have absolutely no objection to making my own arrangements and to get some kind of compensation. What I want to avoid is a lot of bureaucratic tangle and reports on a monthly basis that would take money to process.

**HERBERT:** As I understood it, and I don't recall the policy officially being implemented yet, but I know we had a conversation about it, and what we were concerned about was having that, given the audit issue that was raised, and so the idea was to shift, to have one decision made, it may be once a year that having a cell phone reimbursed by the university is appropriate. But let us find out exactly where that stands because what I saw was an original proposal, and we'll check on that, and why don't we just make sure that we send something out to all of you so that you're aware of what the situation is.

**SPECHLER:** It seems trivial, Adam, but really it's pretty important to the working of the ordinary professor.

**HERBERT:** We'll get out something on that right away.

**TERRY:** In one of the meetings we had with you, I asked about concerns, basic concerns about ever increasing amount of the university tax, and this year the tax has gone up 6% which is more than the budgets of most of the...

**HERBERT:** The university tax went up 3%.

**TERRY:** Okay, we've been told 6% in Bloomington.

**HERBERT:** All I can tell you is that I was very concerned about that issue and I said 3%. Now the campus may have increased theirs as well, but the university tax is 3%. Other questions, of the three of us?

**MILLER:** This does, Adam, this does raise an issue that has been of continuing concern to the UFC over a number of years. The information that we have about the university budget is minimal. And the reports that we've gotten from Vice President Palmer on a number of occasions have been, you know, not very helpful. I would really encourage you to think about some way of kind of clarifying what the university's role is in the budget. What the system tax really is. It would be very useful, I think, it would be very useful if the faculty could actually understand this a bit.

**TERRY:** It would be useful on our part if we had a more active Budgetary Affairs Committee at the UFC who worked more closely with you to do some of the same sorts of things in monitoring the university's budget that we do at least at the Bloomington campus and I'm sure is done at IUPUI.

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

**HERBERT:** Other questions or comments? If not, we need to approve the minutes of the February 8<sup>th</sup>, 2005 meeting. Is there a motion that they be accepted?

**TERRY:** So moved.

**HERBERT:** Second?

**BJORNSON:** Second.

**HERBERT:** Any discussion? Hearing none, all those in favor please say 'aye' [AYE]. No? Minutes are adopted. Okay, again we have a number of items. What I'll do is ask David to call all those up and then I'll just handle the voting part. Are there any questions on any of our other sites? Please forgive me for not asking that. I don't hear any, so you're on David. Oh, I'm sorry. I asked about February 8<sup>th</sup>. We also have the March 8<sup>th</sup> meeting, the minutes from March 8<sup>th</sup>. Is there a motion that those be adopted? All those in favor please say 'aye' [AYE]. Opposed no? Is that unanimous in Indianapolis? Thank you. Minutes are approved. David.

**DALEKE:** Before we continue I want to see if Bloomington is, if we're connected yet. Thank you very much. In fact the next item on our agenda is an update from Ken, from you, on the Master Course Inventory. As you know the UFC had questions regarding the current status of the Master Course Inventory and we requested Vice President Gros Louis to find out what he could and to report back to us. Thank you, Ken.

## **AGENDA ITEM #5: MASTER COURSE INVENTORY UPDATE**

**GROS LOUIS:** As David knows from a conversation we had on Sunday by phone, it was difficult to find anybody who knew anything about the Master Course Inventory. But finally yesterday it occurred to me that Joanne Bowen, who many of you know directs the University Student Services Office, might be the place to go, and indeed it was. She indicates that the Master Course Inventory is now part of PeopleSoft where there used to be one university file there are now nine campus files. At this point, however, the files only contain course numbers and titles. There's no descriptive information. Phil Namy, whom some of you know was working on the descriptive information when he retired, and she's not sure who has taken it over. She thinks it might be David Nordloh. I tried to get a hold of David yesterday and today but he's not been in, and I feel he may be ill because I sent an e-mail last week about this as well. Anyway, it's part of PeopleSoft but it does only contain course numbers and titles with no descriptive information, and I think it's the last item, the descriptive information that the UFC would need to do the kind of transferability study that was passed several years ago. Is that right David?

**DALEKE:** That's right. In fact the context of this is that we had looked at not only our recommendations for revising the Master Course Inventory, but in 2001 we, the UFC that

is, had established a course transfer policy, and the two are intimately linked of course, the course transfer, assessing course transfers would require using Master Course Inventory. I think with this information, Ken –

**GROS LOUIS:** I'll continue to try to find out where the descriptive information, obviously Phil Namy had started it, so there's a start to it, but I'll get a hold of David Nordloh sometime and get back to you and Bart about exactly where things stand.

**DALEKE:** Thank you, Ken. I think that this was one of the problems that I think we had talked about several times without really knowing the answer to, and that is that the course description, the syllabus, or further information that would help us truly evaluate whether these courses are equivalent is not there. And I think the next step will be for us to find a mechanism to accommodate that.

**WHEELER:** David? This is Bill Wheeler in Bloomington. I'm actually at the Northeast [Northwest] campus right now. So David Nordloh is the person who is currently in charge of the Master Course Inventory. We did have David meet with the Educational Policies Committee last November to discuss this issue as to where things stood. David and I have had several conversations about the Master Course Inventory since that time. He told me about a month ago that he has received approval to hire a graduate student to assist him and is beginning to make more progress on the Master Course Inventory, and so as of a month ago David was optimistic, I guess cautiously optimistic, that we would get to see some progress on this.

**DALEKE:** Thank you Bill. I think that clearly this is something that the EPC, I trust the EPC should continue to monitor as we go into next year, I like that that sound; as we go into next year. Thank you very much Ken we appreciate that report. The next items on our agenda are of course are action items. There are five and we'll take them in the order that they're presented. I want to make a procedural comment and that is we'll come to a vote on all of these. In order to make sure that all of the sites have voted we will poll you as we go through. Now I don't think we will need a roll call vote for all of these. We're going to be looking for a voice vote so we will do them a site at a time.

#### **AGENDA ITEM #6: REVIEW PROCEDURES FOR CHANCELLORS**

**DALEKE:** We'll start first with the Review Procedures for Chancellors. As you know Bart and I presented this at the last meeting and we had, I won't go into much background because we've already seen this document a number of times. We had gotten through to page five, and if you have the blue sheets in front of you, or for those of you who have their own printed copies we are dealing with currently at item number six which is titled "Basic Data Objectives" now titled "Role of the Committee." And in that draft that you have, we hope that you have the comments outlined in the right-hand margin because they explain some of the thinking that the UFC had for some of these changes, so there's some explanatory material there. What we will do is we will take these one at a time and I think we have approximately five or six of them to get through in the time that we have allotted.

**HERBERT:** Is there a motion with regard to the recommendation relative to the role of the committee?

**TERRY:** I move that the left-hand column be adopted, the original proposal of the committee.

**DALEKE:** So the original rather than the revised version?

**TERRY:** Yes.

**DALEKE:** So the revised one is the right-hand column. The original version is the left-hand column, and our commentary is in the right-hand margin.

**HERBERT:** Ok, the motion is to approve the original language. Is there a second to that motion?

**MALE SPEAKER:** Second.

**HERBERT:** Is there discussion? Hearing none, all those who are in favor of the motion to approve the original language which is in the left-hand column please say ‘aye’ [AYE]. Should we go to each campus? Ok.

Bloomington: 8 ayes

Indianapolis: 2 yes, 5 no.

Northwest: 1yes.

Southeast: 1 no.

South Bend: All in favor.

The ‘ayes’ have it and it’s adopted.

**DALEKE:** I think we’re down to item nine was part of that. We’re down to comment #10 which is item 7, yes.

**HERBERT:** Item 7 is there a motion with regard to item 7.

**DALEKE:** Some of these comments, by the way, as you’ll see towards the end, we had, there was no objection that was raised by the UFC and I would propose that if there were no objection that we just pause, see if there are any further comments and then we just accept them as friendly amendments. We’ve already discussed some of these, either as Bart and I discussed them, or we’ve discussed them with some of the members of the UFC. For the most part they are minor changes that are rewording and don’t change the intent of the policy. And this one is a good example. It just changes the wording from “administration of the faculty survey” to “administration of constituent surveys.”

**HERBERT:** Are there objections to that proposal? Hearing none, we'll assume that that's acceptable. Item 8. You want to comment on that one?

**DALEKE:** Item 8 is under "Survey," that would be page six of the document. There is in italics in the right-hand column some rewording. Again it did not change the meaning or the intent of that section and so we propose accepting that as it stands.

**HERBERT:** Are there any objections to approve it as it stands? Hearing no objections.

**DALEKE:** The next is under Item 9, "Reporting." Again this was a rewording. We had no objection to that.

**HERBERT:** Does anyone have any problems with Item 9? Hearing none, we'll accept that.

**DALEKE:** The next one is also under Item 9, for those who have the commented form it's comment MS13. This is in regard to the wording, "however the committee should not make recommendations regarding the continued employment of the chancellor under review." We felt that this sentence should not be included in the final document largely because of procedural considerations, I mean, if there is a case, an extreme negative case, that opinion would probably be made quite privately and we saw no reason to include such a statement in the document. Bart did you want to add anything to this? And please, Bart, jump in any time.

**NG:** Sure, no, what he said is exactly right.

**HERBERT:** Are there any objections to this change?

**TERRY:** To deleting the sentence?

**HERBERT:** Yes, deleting the sentence.

**DALEKE:** We have to take a vote on this one.

**HERBERT:** Ok, is there a motion to delete this sentence? Any discussion? Hearing none, all those in favor please say 'aye' [AYE]. Opposed 'no.'

Indianapolis: All in favor.

Bloomington: All in favor.

Northwest: All in favor.

Southeast: All in favor.

Ok, the recommendation is adopted.

**DALEKE:** I'd like to comment also, remember what we're doing is we're actually not accepting changes so it's kind of an awkward thing, but just so that you know, we're not

really striking anything from our previous version of this document in some of these cases. Comment number MS14 was the next one down on the list and we had no objection to that as well as the two, I guess MS14 and MS15. So we'll accept it unless there are objections.

**HERBERT:** Are there objections? Are there any objections to MS14, 15, and 16?

**DALEKE:** 16 we might have to talk about.

**HERBERT:** 14 and 15? Hearing none, they're accepted. MS16.

**DALEKE:** We're considering these changes as friendly amendments; I think that's a formal way of doing things. Comment MS16, this was, we proposed removing it because we believe it was repetitious of another part of the document. It was just an attempt to make the document a bit more streamlined.

**NG:** By the way both the, the chancellors had no objection to removing this.

**DALEKE:** Thank you Bart. So for MS16 the chancellors had no objection to removing this, that sentence.

**HERBERT:** Is there a motion to delete that sentence?

**TERRY:** Moved.

**HERBERT:** It's been moved. Is there a second?

**BJORNSON:** Second.

**HERBERT:** Any discussion?

**TERRY:** David can you point out to where that is repetitious.

**FISHER:** We have a question here in Indianapolis.

**HERBERT:** The first question is where does this sentence appear earlier in the document?

**DALEKE:** Yes. It's immediately above it.

**HERBERT:** It's under "Reporting."

**DALEKE:** It's immediately above in the left-hand column, under reporting the first breakout of that left-hand column, so two paragraphs above that. And the statement is that "the President shall provide a chancellor under review with a copy of the report after the review is complete and the final report has been read and a copy of the report should

be sent confidentially to the UFC Agenda Committee and the executive committee of the campus faculty council.”

**HERBERT:** There was a question in Indianapolis.

**FISHER:** It was the same question.

**HERBERT:** Ok. Are there any objections – All those in favor of the motion please say ‘aye’ [AYE]. Opposed ‘no.’

Indianapolis: All ‘aye.’

Bloomington: All ‘aye.’

Southeast: All ‘aye.’

Northwest: All ‘aye.’

Thank you. Motion is adopted.

Ok MS17. Are there any objections to MS17?

**DALEKE:** We consider that a friendly amendment, it was just rewording of the current sentence.

**HERBERT:** Is there any objections to that? Hearing none, it’s acceptable. MS18.

**DALEKE:** For this--

**TERRY:** I’m sorry.

**HERBERT:** MS17?

**TERRY:** 18.

**DALEKE:** Go ahead Bart.

**NG:** MS18 actually is a rewording, and what happened is that there is a sentence embedded there that has been struck out. That was our previous objection, which is, it brought prohibition against the use of any survey. I believe after talking to the chancellors they agreed that that should be struck out, should be deleted, and so I think as it is now it’s basically a rewording of the paragraph on the left. No substantive change.

**DALEKE:** So we, the bottom line is I think we’re going, we could accept this as a friendly amendment unless there are some objections.

**TERRY:** I have a question, it doesn’t seem to be just entirely rewording. There’s that underlined portion saying that “the original review survey instrument may not be reused.”

**NG:** Right.

**TERRY:** Why? What if the original survey instrument was a good instrument?

**LUDLUM FOOS:** It says that in the first paragraph.

**TERRY:** No the first paragraph --

**LUDLUM FOOS:** Above.

**DALEKE:** The general, at least under the previous policy, the practice was not to use the review survey during the original review also for a focused review. It was thought that a separate survey, excuse me a separate survey --

**TERRY:** Then what I think I'm confused of is a survey or an instrument. If the survey instrument was actually good, why not reuse it? It's a methodological question.

**DALEKE:** Well partly it was to avoid having to rerun the survey, an identical survey within a very short period of time, and there was some thought that we might not be able to gain much new information. And really the focused review is to evaluate some specific areas that may need to be considered, hence the name focused review, and that different survey instrument that was designed tailored for that would be much more appropriate.

**TERRY:** But nonetheless this deletes, there would be no doubt that a survey could be designed as a new instrument for this.

**DALEKE:** Exactly, and that was the point.

**HERBERT:** Are there any objections to MS18?

**LUDLUM FOOS:** We are voting on the italicized wording with --

**FISHER:** We have a question in Indy.

**HERBERT:** Please?

**FISHER:** Go ahead who has it?

**FROEHLICH:** The procedures being determined by the President for the focused review, is that a change?

**FISHER:** Did you understand the question?

**DALEKE:** Procedures to...that is not a change in current practice and I'm saying practice because I'm not exactly sure whether that's in our existing policy. I think that

that might, may even be in our existing policy.

**FISHER:** I believe it is.

**DALEKE:** Mary has a lot of experience with this as well. Do you want to comment on that Mary?

**FISHER:** I think that is the practice. I don't know that we have necessarily had a focused review since this has been, this document's been written.

**HERBERT:** Are there any other questions or comments? Are there any objections to MS18 as it appears in the column in the middle of the page? If not, it's accepted.

**DALEKE:** Those are all of our, that's the rest of the corrections that have been recommended. I do know under MS8 there were some negative votes from IUPUI. We'll certainly note that and we will, if this comes again up for discussion, then we will need to look into that a little bit more. The last thing we need to do is to approve the circular U5-2005, formerly U11-2004 and U7-2003 as amended.

**HERBERT:** Is there a motion to approve U5-2005 as amended?

**TERRY:** Moved.

**HERBERT:** Is there a second?

**BJORNSON:** Second.

**HERBERT:** Any discussion? Martin.

**SPECHLER:** Can you tell us if the chancellors had any objection to the document as now put forward?

**DALEKE:** We do have some differences of opinion that were noted in the document in the commentary line that you see there are the...at this point what we would like to do is to; this policy will go to the President for discussion and also particularly for transmission to the Board of Trustees. At that point I imagine there will be another discussion with the chancellors. Bart and I have had discussions with them individually and as a group, and I think this represents our best attempt to negotiate between the chancellors' interests and the UFC's interests.

**SPECHLER:** So I see the main one whether we were to review their performance or the performance of their offices. You weren't able to come to some kind of compromise about that so that we could go united to the Trustees?

**NG:** You are correct. The chancellors were, some of the chancellors, I believe maybe all the chancellors, I can't speak for them, but my impression is they were quite insistent on

saying that their performance is the only issue that need to be looked at, and while our position is their performance and their offices.

**SPECHLER:** [End of Tape 1, Side A. Some tape lost] ...I'm sure you tried.

**HERBERT:** Ok, is there any further discussion? Hearing none, we're ready for the vote. All those who are in favor of U5-2005 as amended please say 'aye.' [AYE]

Indianapolis: 9 'aye'  
Bloomington: 8 'aye'  
Northwest: 1 'aye'  
Southeast: 1 'aye'

It is adopted.

**DALEKE:** Thank you very much folks, and just so that you know this has been a policy that's been in the hands of two of my predecessors, so Bart is glad that it is no longer in his hands. Thanks to Mary for the effort that she put into it last year as well.

#### **AGENDA ITEM #7: FAMILY LEAVE POLICY**

**DALEKE:** The next item is item #7, the Family Leave policy. Mary Beth Minick and Moira Smith are here to present it. We did hear about this at our last meeting so I won't give any further introduction.

**SMITH:** Can you hear me?

**DALEKE:** I think we might need to have you... Kelly may have gone to arrange a better...

**SMITH:** Or can I stand up and see, how's that?

**DALEKE:** Okay that would be fine, as long as the other sites can hear. If you cannot hear please let know at the other sites, okay.

**SMITH:** I'd like to remind us before we get into the nitty gritty of this, why we're even bothering to talk about this today by just giving you a couple of quotes from the e-mail survey that we did of the faculty earlier this semester. Here are some of the things that our colleagues told us:

Here from one person who said, "I received a family leave to deal with an ailing father in another state and I'd already spent several years caring for a husband going through a rough time with chemotherapy." And she says in the parentheses, "I wish I'd known about the possibility of family leave during that horrendous year and the slow death of my mother." She concludes by saying "the family leave was a godsend."

From another person we heard that “one of the most important things at my job is the flexibility that allows me to spend time with my children while they are growing up.”

A third person said “that as a mother of a child with a serious chronic health condition, I’m grateful the university has such a policy. Having a child with a chronic illness is very stressful, and knowing that leave time is actually available to me gives me tremendous peace of mind.”

And finally we heard from a person who said that “years ago my twin sister had cancer. She was alone and unable to care adequately for herself during her chemotherapy. It was heartbreaking to watch her struggle with the disease and treatment. I was not in a position to leave my job to help her, and my sister died from the disease.”

I mention all of these things just to remind us that when we talk about family leave we’re not talking about an entitlement; we’re not talking about an easy option or an extra vacation. And we’re not just talking about babies either. We’re talking about something that could potentially affect any one of us who has a family which is probably most of us.

Secondly, we want to emphasize the fact that a good family leave policy really benefits the institution. A sound family leave policy is a humane measure. It contributes a balanced life, or a good balance between work and family, in which both work and family are supported. I think that having such a policy benefits the university. First of all, it increases the productivity of faculty who are here by helping them or enabling them to maintain a sane balance between work and family. But in addition to that, we know that statistics show that academics tend to delay starting families until fairly late in life. We know that only one in three academic women nationwide has children at all. These figures reflect the very real pressures that academics are under to try and balance career and family life. In this environment the university that shows that it’s committed to supporting the quality of life of its faculty—not just the quality of life that happens on campus, but their whole quality of life—that’s the university that’s going to succeed in recruiting and retaining top talent.

And we heard again from folks in our survey that they do pay attention to these matters, and they do look around and compare how we stack up with other places in this area. One person said “it’s been so bad at times,” talking about our current policy which didn’t work for her, “it’s been so bad at times I’ve contemplated leaving this institution and working for competitors who appear to be more sympathetic to these issues.” Another person said that “most high-powered firms have very liberal maternity leave policies. It’s disappointing that I work at an institution that’s supposed to be promoting health of children and women and cannot support the same structure.” But then on the positive side, we heard from someone else that said that “my loyalty to the university has increased because of the fact that my job allowed me to take the time required to be with my daughter during the first six months of her life.” So if you think that this is not important to the university then there are statements that might speak against that.

Of course there is a cost to the policy that we've proposed, because we've switched it from the partially paid to leave to, we're proposing switching from a partially paid leave to a fully paid leave, so there's going to be a cost to this there. Based on the feedback we've gotten from this body and from other faculty bodies over the last weeks, we've revised our estimate upwards. First of all, we've come up with a fifth estimate, and this is not in the paperwork that you have before you. They are round figures so I'll just give them. We're assuming that the cost per leave due to high replacements of faculty would be no more than \$10,000 per leave. This is based on the fact that under the current cost-neutral policy several faculty and trustee committees determined that we could replace faculty on leave by taking one third of their salary, the one third of salary that wasn't being paid to the faculty would be sufficient to cover replacements. The one year that our committee reviewed, there were nine family leaves. I think it was the Bloomington campus; there were nine family leaves on the Bloomington campus, for example. The 33% of the salaries for that year, the salaries saved, comes to \$92,415, in other words, about \$10,000 per leave. So that's how we came up with the replacement cost that we're working with, \$10,000 per leave.

Now we know that the major leave, for proposing the major leave, more flexible, more generous, the number of leaves is going to increase. It's hard for us to know exactly how much it's going to increase. Based on feedback we have received in the past, we're assuming that it would double so from an average of 14 per year system wide to 28. So that would be a total cost of \$280,000 per year. We think that's a relatively economical price to pay for a humane policy that would really make us stand out in recruiting and retaining faculty against our competition. We'll get into the discussion about whether that is an unreasonable estimate or not. The bottom line is that we're really guessing as to how much this policy would increase. We know that we do want it to increase because at the moment it's less than one quarter of 1% of academic appointees who have taken a leave.

So we're proposing that in addition to the policy that you have in front of you, that we add a statement to the effect that the new policy that goes into effect will be for three years and that after the second year we would look at it again and then we would have a much better idea of how the changes have affected the usage, and we can revisit at that time. Also we haven't suggested an actual mechanism for funding this policy because we think of it as a problem that's best left to better heads than ours, most likely the faculty, we were willing to work with the Trustees with faculty to figure out a mechanism for funding this policy on each campus. What we're here to do today is to just hopefully to agree that in principle, we think that this is a good thing to try and work for.

It's not going to be an all or nothing proposal when it goes to the Trustees either. We propose several different changes to the policy, anyone of which would be an improvement. There's a more centralized method of implementing and administering the policy which would give more faculty more oversight to the policy. We've changed the eligibility requirements, we've extended the duration, and we've increased the frequency slightly, in addition to proposing switching from two thirds pay to full pay. So anyone or combination of those factors if enacted by the Trustees would be an improvement. We're

suggesting that today, that you recommend all those proposals go forward to the Trustees and then we will work with Trustees as to the final form that the policy will take.

**HERBERT:** Is there a motion?

**TERRY:** I move that we adopt it.

**HERBERT:** It's been moved that Circular U17-2005 be adopted, is there a second? And is there a discussion?

**SPECHLER:** Well I think it's wonderful that we have a paid leave policy and much of the evidence that the committee produced indicates broad satisfaction with the family policy, leave policy that we have right now and very little evidence that we need to enhance it at a time when the university has a shortage of funds. Now, we discussed this at length on the Indianapolis campus and there was a small majority in favor of it although many people felt that we could have a compromise going from two thirds to say 80% but our Vice Chancellor said that he had no money for this and all of the cost for the family leave policy would be imposed on the schools.

I replied that as Chair of the Resource and Planning Committee in my school, we don't have any money either. This is what is called an unfunded mandate. An unfunded mandate and somebody is going to have to pay. It's interesting that when positions, when generous ideas like this are presented, the proponents never indicate where the money is going to come from. Wiser heads than they, who's going to write the check for this? Now I think it would be nice to be generous, I don't think this is the time.

I would like to point to point out that although we really cant say, experience at other universities indicate that when you go to a 100% replacement of salary, a larger number of men, or people you wouldn't expect to take family apply for it and get it and we would now. Now, the proponents say, well in three years we'll reevaluate this, do people really think that in three years we're going to say this was too expensive. The financial situation of Indiana University is not particularly rosy at the moment. We don't have the money to heat and air-condition two building on Indianapolis campus. There are various budgetary problems all over the place. So, I would say that the evidence is we have this policy; it seems like a reasonable compromise between the interest of the faculty member and the overall welfare of the university. I'd say let's keep this for a while and when Adam Herbert produces huge amounts of new money, then we can all congratulate him and decide to be more generous for example on faculty salaries and many other things which we need.

**HERBERT:** Is there any additional discussion?

**FISHER:** I have something to say.

**HERBERT:** Is that from Indianapolis, is that Mary?

**FISHER:** Yes, I would like to make a motion for an amendment to change the full leave to an 80% leave and the reasons really are under girded by what Marty has said and the Deans on our campuses also indicating that it would not be fiscally responsible to go for a 100% policy.

**HERBERT:** The motion is to amend the policy to 80% and the motion has been seconded, is there a discussion of the amendment, the proposed amendment.

**FISHER:** We have a comment here in Indianapolis.

**HERBERT:** And we have one here first in South Bend.

**KNOST:** Just in responding to Marty's discussion about the cost, it just so happens that the Bloomington campus, I have what is our cost year to date for cell phones; \$179,000, it is unfunded. It is up to every department and every RC to pay for that, in moving expenses, \$279,000. You're saying this is another expense, I realize, but it's also a question of priorities.

**HERBERT:** Ok. Indianapolis?

**REUILLE:** This is just a comment that I had, I'm a graduate student but after our Faculty Council meeting the other day I was discussing this with a faculty member who just commented that 80%, it at least makes it a more livable wage than two thirds in terms of if you're not supported, if you don't have a second income in the family and that sort of thing, so that there's a distinction of 80% being more livable than or able to be lived on more so than 67%. That's my only comment, thank you.

**HERBERT:** Are there any other comments regarding.

**SMITH:** A question? Is the 80% paid, would that be with 80% of release time from duties or 100% release time? And if it's 80% of release, how would we implement that?

**HERBERT:** Mary did you hear the question?

**FISHER:** My intent was that they would have a 100% release time but the funding would be at 80%.

**HERBERT:** Thanks for clarification of the proposed amendment.

**SPECHLER:** There's one other ambiguity here, the proposal is for up to 15 weeks of fully paid leave. All of you know that on many cases family leave comes up suddenly; a parent or a child gets sick. That could very well be in the middle of the semester. Up to 15 weeks means that you may have to be released from your duties in both semesters. In both semesters, not just one, which was the previous policy. So this is also not taking into account in the rather rough, necessarily rough calculation of the cost of these things and you know the fact that we spend \$179,000 on moving expenses, it's just a normal thing

and we're already doing that. Here we're considering an additional expense of three or four hundred thousand dollars at least and friends we just can't afford it. How we look to the Trustees when we go begging and yet we want to spend this extra money. I don't think it's the time.

**HERBERT:** Is there any additional discussion of the amendment?

**TERRY:** I think it's the time to make the decision to go 100% or stay where we are. I don't think 20% difference, 80% two thirds is the point. Yes, it would be difficult at least funding this and it would be especially difficult to implement until after we in the first couple of years find out what may be needed from the system to help support the campuses, for small campuses or what may be needed from the campuses to help support small departments or units. If we're willing to do this I think we should go ahead and bite the bullet.

**HERBERT:** Is there any additional discussion of the proposed amendment.

**NG:** Just a point. Does anybody, this is taxable I presume, what is the tax implication of it? So it is not a... I mean, there is no way you can actually work it with a tax code or make this because this is not earned wage, it's not taxable, I don't know?

**KNOST:** It is taxable, it's a salary.

**HERBERT:** The question in Indianapolis.

**FISHER:** The rationale behind the 80% was that that 20% difference might make the difference between a department being able to actually fund a replacement or not so that 100% reimbursement, there is no money there to fund that replacement and so I felt that it was a good compromise.

**HERBERT:** Okay is there any additional discussion of the proposed amendment on any of the other campuses? Hearing none, the motion on the floor is to amend Circular U17, 80% as opposed to two thirds. 80% as opposed to 100%, I'm sorry, thank you. Is there a comment in Bloomington?

**DAVILA:** Yes. This is Luis Davila in Bloomington and I fully agree that now is the time to stand up and support a 100% in this vast universe that we call Indiana University. There's all sorts of ways to find money to support this good cause and I consider this type of funding minimal for the goodwill that we'll create for the future recruitment and for, if you like, standing on our ideals and our commitment to people that need this, fellow faculty and others.

**HERBERT:** Okay. Are there any other comments, if not are we ready to vote? All those who are in favor of the amendment, please say "aye" [aye]. Those who are opposed please say "no" [no]. We need to count hands.

**GROS LOUIS:** Bloomington; 7 no.

**FISHER:** We've made a list, 8 yes, 1 no,

**HERBERT:** Okay, Bloomington is 7 no, Northwest?

**WHEELER:** No

**HERBERT:** One no, Southeast?

**GOLDSTEIN:** No

**HERBERT:** One no. Okay in South Bend, all those who are in favor please raise your hand. 6 yes, those who are opposed please raise yours hands. We have 14 yes, 24 no. The proposed amendment is defeated. You have before you the main motion, is there any further discussion.

**TERRY:** I assume somebody in University Counsel has decided that this does not violate the state's policy on ghost employment, is that correct?

**KNOST:** Well let me clarify something. You're already paying two-thirds pay; it's just a question of how much you're paying if you're going to pay the full amount. So it's the same as sabbaticals and every other, this is one type of leave.

**HERBERT:** Okay, are there any other questions? Hearing no other questions, we are now ready to vote. The motion before you is Circular U17-2005 as printed. All those who are in favor please say "aye" [aye], opposed "no" [no]. Indianapolis?

**FISHER:** 7 yes and 2 no.

**HERBERT:** Bloomington?

**GROS LOUIS:** 7 yes

**HERBERT:** Northwest?

**WHEELER:** 1 yes.

**HERBERT:** Southeast

**GOLDSTEIN:** Yes.

**HERBERT:** Circular 17-2005 is adopted.

**DALEKE:** Thank you very much. I would also like to thank both Mary Beth Minick and Moira Smith and Julie Knost for working on this. This took a substantial amount of time

to collect this information and put the revised policy together. We greatly appreciate your work.

## **AGENDA ITEM #8: CODE OF STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT**

**HERBERT:** Next is the Code of Student Rights, Responsibilities, and Conduct.

**DALEKE:** This will be presented by Mary Popp and Robert Yost. Robert is with us by video conference and Mary is also with us by video conference so we have two of you. I'm not sure who's going to start out first so I'll leave that up to you two.

**YOST:** David I'm going to start with the introductions and then Mary's going to follow-up a little bit later with some of the other policies that we need to talk about. Just real quick, this student code has been back and forth between this group and the local campus groups for quite some time now, and at the last Bloomington Faculty Council meeting they voted to approve it, IUPUI had some questions about it, and we tried to address those yesterday with Counsel and we can talk about those when that comes up. I can't really speak to whether the other councils actually have approved it as it is or not. The major changes that we've talked about since you had the document before this group last time are the following:

I'm looking now at U8-2005, looking over at line number 65. This is a newly worded paragraph, the content is the same, the words were changed to better reflect and make it a little bit more clear as to what type of freedom and relevant issues students should be able to express during the course of debate. This group last time had some concern about penalties to students who necessarily were trying to describe particularly experimental data, for example, that they might not have had a background, and we felt that this wording actually was a compromise on that particular setting. So lines 65 to 68 represent new text.

On line 70 right below that we made an effort to try and better include words describing amorous and sexual advances by faculty members. And to the best of our knowledge this does reflect information and wording that we have in the Code of Academic Ethics, so we tried to align those two.

Over on page three line number 88, one of the questions that IUPUI had was addressed yesterday was a rewording issue and on line 88 the new wording now is "in violation of law or university policy," that was not in there before and that seemed to be okay with the group that met yesterday.

Down on line 128 wording slightly changed at the end of that sentence. It now says "effect of unreasonably creating a particular environment" and that word "unreasonably" is new. That wasn't in there before.

Text that you do not have in front of you but was in a previous version has been deleted based upon discussion yesterday with Counsel and the people who were attending that subcommittee meeting. The following wording, and I'll read it very quickly, was deleted. It is not in your text that you have. "Students who publish student publications that are not sponsored or financially supported by the university may distribute the publications on university property subject to appropriate regulations concerning time, place and manner of distribution. If a student feels that this right has been violated the student may file a request with the Dean of Students for investigation and appropriate action." Counsel advised us to strike that after discussion because that has a tendency to be a violation of First Amendment rights, and so that was advised to be stricken and that's no longer in the document that you see before you today.

Over on line 304, going significantly forward, I didn't catch it and actually the committee didn't catch it, but I would make the recommendation on line 304 that the word "complete" be stricken from the document because the way that's worded looks like submitting an incomplete document off the Internet is okay. So I would suggest we remove the word "complete."

Over on line 424, this is over on page 10, under the advice from University Counsel, the harassment section has been reworked to show that it is already reflected in part one, subsection C, that's on line 424. Before we had defined harassment there again it was advised that we go back to the way we have it previously.

And the final major comment that I'll make is it's been recommended, again based upon discussions yesterday at a previous subcommittee meeting that we had, at the very end, lines 541 through 546 where we talk about off-campus behavior, we've been asked to recommend that the campuses, each individual campus, specifically consider these very closely and carefully as they draft what they're going to do for implementation for response to misconduct.

So those are the comments – oh I'm sorry, one other thing. On 565, the section on advisors has also been reworked. The words related specifically to "attorney" have been dropped and now we speak about "advisors" in general and the role that they may play or should have or could have if and when a hearing or a hearing board is actually convened.

And those are the last of the comments that I have specifically of changes that have been made or recommended.

**HERBERT:** Mary do you have some additional comments?

**YOST:** Yes, we're open for comments.

**DALEKE:** Mary, do you have any additional comments to add?

**POPP:** Those are all the changes and we just want to say thank you to everyone who has been so patient on all of this.

**GROS LOUIS:** Did you hear Mary ok?

**HERBERT:** No we did not.

**GROS LOUIS:** Okay Mary essentially is saying that she has nothing to add and she wanted to thank everyone on behalf of the committee for the suggestions that have been made over the last several months.

**HERBERT:** Okay, is there a motion?

**MOORE:** I've got a question. The comments referring to lines 541 to 546, it's unclear to me what the recommendation implies.

**DALEKE:** Robert, could you clarify once again what the recommendation is for lines 541 to 546?

**YOST:** There was some question raised yesterday by Dr. Karlson about whether or not that section should even be included as appropriate for this kind of document. The major discussion that's occurring is at what point does the university lose, these are my words, its right or its responsibility, to go after or be responsible for students' off-campus activities? And so University Counsel has advised us, and I misplaced that e-mail amongst my pile here, but basically that the university does indeed have the right, both for student as well as employees, to make sure that they do have good off-campus behavior. So the point here was as the campuses address their specific procedures as to how they're going to consider this, that they be clear on what it is that they're trying to do. Quite honestly I think it could probably be stricken. I don't know what Mary's recommendation might be on that.

**POPP:** I'm not sure what you're asking Robert. Striking the words in B or...? I'm not sure what you're asking.

**YOST:** Yesterday one of the items of discussion was whether B and C on page 12 actually need to be in the document. And so my question with B, and I think that's the question on the floor, if we're having trouble trying to communicate what we mean as far as enforcement, is it okay to strike it?

**POPP:** Now that I was clear on the question, one of the things that does come up is that on campuses like Bloomington which is essentially a residential campus with apartments that might be dormitories sitting on the fringe, there really is a need for us to be able to look at these issues. University Counsel said very specifically that when they looked at our procedures they said that they were written very narrowly so that we can be very careful about how we handle them. If you look at lines 527 and 528, the acts arise from university activities, number one, if the misconduct undermines the security of the university community or the integrity of the educational process, or poses a serious threat to others. So the question here about whether we remove lines 541 to 546 about personal

misconduct off of university property, the real issue for us is that for some campuses this is important and that was the reason that University Counsel suggested that in our procedures that we look very carefully and see what is important for each campus.

**YOST:** Mary, just a follow-up. One of the things that we're considering here that we're talking about is something that's actually directly related to the suggestion was made yesterday by Counsel. And that is, to go ahead and delete the specific examples at the end so that B would end with the word "property" and C would end with the word "facilities."

**DALEKE:** Robert, this is Dave Daleke. I sat in on the tail end of that conversation and maybe I misunderstood, but I thought that the objections that were being raised to B and C were satisfied by the comments of University Counsel and that they recommended that we take up any of those in the procedures and that B and C as they stand are okay.

**YOST:** Yes that is indeed accurate. But there was also some question, and that's what people here are asking, whether there really is a need to leave the string of examples that we give. We have no objection one way or the other. But you're absolutely right David that is correct.

**DALEKE:** Also, Kelly Kish was there too, I'd like to ask her to add to this. You want to go ahead, Kelly?

**KISH:** Robert and Mary certainly know this, but, and the students that are here and in Indianapolis can attest to this, that one of the reasons why these things are there is the students asked us for examples of what we meant. And this is what gives them the examples. So I think Mike Klein from the University Counsel's office yesterday agreed to that as well, those of you that were there.

**HERBERT:** We have several students who are here. Why don't we ask if they have any comments?

**SHORTLE:** Alex Shortle from Bloomington. I think I was involved in asking for examples and now that I look at it I think that it might not be needed. I just find it odd that it goes down to those specific things, especially for, more than anything I guess what I would call drug offenses and etc. is fine, but "including but not limited to off-campus clinical field internship, in-service experience or overseas studies programs," I don't know if that's needed. The other ones are a good outline for students, however.

**TERRY:** I think that the language that is in here should remain, because I think it's sufficiently precise to put people on notice and the examples are just that, examples. I think I agree with Counsel that if we feel a need to do so, we could tinker around with, one, two, three, the third sentence in the opening paragraph of the guidelines for campus procedures, where among other things, the guidelines say that the campus should protect the rights of students and develop fair and equitable process and procedures. We could add, including in some way or another something about this if we feel a need to do that.

But the language itself from a Bloomington perspective I think is crucial. I've served on the boards that hear these things for many years and if we do not have an ability to reach beyond the campus when the personal safety of persons and the protection of their property, or the integrity of academic programs or related facilities are at issue, you've got a big problem.

**LUDLUM FOOS:** I think that leaving this in okay, taking seriously what was said about the campuses looking at these carefully because we do have the wording on line 525, "the university may discipline," and so each campus is free within this wording to set up its own specifics so that Bloomington can stay with what they want here and the other campuses could work with what they need.

**SPECHLER:** I'd like to direct your attention to lines 87 and 88. This body has taken a number of positive actions to make discrimination previously unrecognized prohibited at Indiana University, and that's good, but this phrase, "in violation of law or university policy" is inherently unclear, whether it's a restrictive or unrestrictive clause, I guess that's the phrase, I'm not a professor of English. The question is, any form of discrimination, is it any form of discrimination which is in violation of law or university policy? That's one possibility. Or, does it say that any form of discrimination is in itself a violation of law or university policy? Or put in another way is it only that kind of discrimination which is a violation of law and university policy, or any form of discrimination? Inherently this wording is unclear and I don't know if it follows from the punctuation but it seems to me that removing the commas would make it clear that this is outlawing discrimination which are in violation of law and university policy and we've been very positive and very progressive in this area, but we have not outlawed any form of discrimination at Indiana University, for example discrimination against ex-felons in certain sensitive programs.

**DALEKE:** So you're suggesting removing the commas, is that correct?

**SPECHLER:** Removing the commas so that this is only outlawing discrimination which is in violation of the law or university policy, and recognizing that we've been quite progressive in this area, but we have not gotten to the point where we're saying any discrimination is unlawful.

**DALEKE:** Robert and Mary, would you take that as a friendly amendment?

**POPP:** Yes.

**YOST:** Yeah Marty there's no problem with that, I totally agree with what you're saying and the reason that the wording got put in the way it is was to address what you're saying. I appreciate the fact the commas shouldn't be there.

**TERRY:** Go one step further and take "any form of" out. Then it reads "which is free from any discrimination in violation of law or university policy."

**YOST:** No, that won't fly because the Counsel yesterday advised us that we cannot guarantee freedom from any form of discrimination. We can't guarantee that as a university.

**TERRY:** Taking it out means you're not.

**SPECHLER:** If you take out the commas then Herb's policy is innocent and simplified.

**TERRY:** Limited only to violations of our policy.

**DALEKE:** So what would the new, the wording you're proposing Herb be?

**TERRY:** "Students have a right to study, work and interact in an environment which is free from discrimination in violation of law or university policy." That's the discrimination we're going after, and not any form of it, just that.

**DALEKE:** Did you get that Robert?

**YOST:** Yeah, I'm sorry I misunderstood his original wording. I agree. That's fine.

**DALEKE:** Mary is that okay?

**POPP:** That's just fine.

**DALEKE:** Okay we'll consider that a friendly amendment.

**HERBERT:** Okay, is there a motion with regard to this circular?

**WHEELER:** May I first, this is Bill Wheeler at the Northwest campus. I would like to propose, direct the Council's attention to lines 340 to 342 in the Academic Misconduct section and propose a friendly amendment, what I hope will be viewed as a friendly amendment. Lines 340 to 342 currently appear, at least on my copy, as items number six and seven under the specification of when a student must give credit to the originality of others. I think that those three lines are misplaced and also should extend to all of academic misconduct. So I would like to move please that lines 340 to 342 be moved down to line 360. They should appear as part of item G but not as part of item six Facilitating Academic Dishonesty so they will stand as part of the section as a whole, and they should then say "the faculty member may take into account the seriousness of the violation in assessing a penalty for acts of academic misconduct," and the next line to say "the faculty member must report cases of academic misconduct to..." and then Dean of Students, I do wonder whether the Dean of Students is the right official on all campuses, but the emphasis is to take lines 340 through 342, recognizing they apply to the whole of the misconduct section, move them to an appropriate place in academic misconduct section and then replace "plagiarism" in those three lines with "academic misconduct."

**DALEKE:** Robert and Mary?

**POPP:** If what you're doing, I understand is to simply broaden this, is that correct Bill?

**WHEELER:** Yes it is, it is to broaden it, but also it's also, items number six and seven are not properly placed even as it currently stands. But the emphasis is to extend it to the whole of misconduct, academic misconduct section.

**POPP:** That makes sense to me. Robert?

**YOST:** Yeah, I'm fine with that too, it took me a minute here to figure out what we were moving where, but I think I've found it. So we want to move 340 through 342, right ahead of H, right? So you want to put that under item six?

**WHEELER:** Well I don't want it to be part of item six so it should not be indented. It's not part of item six, but its part of item G which is the whole of academic misconduct section. So item six is actually part of a listing of the types of academic misconduct. So it would appear in line 360 but it would not be indented, it would be part of the whole section G.

**DALEKE:** I think that might be a new item seven.

**WHEELER:** Well it would not get numbered because the items that are being numbered there are types of academic misconduct. If one looks back to numbers one, two, three, four, five and six, those are enumerating different types of academic misconduct. The alternative would be to move those lines to, back to line 291, or actually back to the beginning of line 290 preceding the word "academic misconduct includes but is not limited to the following..." And so it should not be part of the sentence on 290. This is "academic misconduct includes but is not limited to the following," so it needs to be placed outside the scope of that colon following, at the end of the line 290. We need to insert it prior to that sentence on 290 or else at the very end of the section but not indented so it stands as part of the original paragraph, academic misconduct.

**REUILLE:** If I may, I'm trying to make sure that we understand you Dr. Wheeler.

**WHEELER:** Yes?

**REUILLE:** What you are suggesting then if we start at line 289 and say something like, "such as lab experiments, data collection, etc. Research projects" parentheses, and then "the faculty member may take into account the seriousness of the violation in assessing a penalty for acts of plagiarism," you said academic misconduct but I'm just making sure we have it in the right place. And "the faculty member must report cases of plagiarism/academic misconduct to the Dean of Students." Then you would put "academic misconduct includes but is not limited to the following." Is that accurate in your reflection?

**WHEELER:** That would be satisfactory.

**YOST:** Yeah but then we have a problem here...

**DALEKE:** Ok so Robert and Mary take a look at that. I think we're pretty clear as to what [End of Tape 1, Side B, some conversation lost]

**POPP:** ...it simply broadens the scope of this, I'm not sure that it is anything except a friendly amendment.

**YOST:** No I'm comfortable with that. I agree, I think that's a better situation.

**DALEKE:** Can I ask one other question then? Bill had you intended to leave the word "plagiarism" or would you like that changed to "academic misconduct"?

**WHEELER:** Well I thought it was better to use the more general term "academic misconduct" because I think those provisions apply to every type of academic misconduct, on cheating the faculty member currently has the authority to, you know, make the penalty appropriate for the violation; on fabrication and so forth. Also the faculty member is obligated to report all acts of academic misconduct currently and so I think in those three lines I was referring to, once they're moved so that they apply to the entire academic misconduct section then in point of fact we should say "academic misconduct" rather than the word "plagiarism." Plagiarism is a type of academic misconduct.

**DALEKE:** Mary and Robert are you happy with that?

**YOST:** I'm fine with that, David.

**POPP:** That's just fine.

**DALEKE:** Okay we'll take that as a friendly amendment. Before we continue we have a procedural issue here. We don't have a motion on the floor yet. We've done all these comments sort of as a committee of the whole. So if you will entertain a motion to approve the revised student code.

**TERRY:** I move.

**HERBERT:** Is there a second?

**BJORNSON:** Second.

**DALEKE:** Okay now we can continue.

**TERRY:** I'd just like some clarification of the Guidelines for Dealing with Disruptive Students in Academic Settings that is referenced at several points in the document. At

one point it says that this is a guideline being drafted. At other points it says the guidelines exist. And indeed they do, at least as Circular U10-2005. But the only status of that document is that it was distributed, adopted by the Council on Student Affairs at the Bloomington campus and distributed by the Vice Chancellor at that campus in 1997. At least that's what the last paragraph says here. And it's not consistent with the Code if we adopt it as written. For example in the middle of the first page it says, "Note: any violation of the weapons policy of Indiana University is considered disruptive behavior." And yet elsewhere we established a separate weapons policy in the Code. So I'm trying to clarify if these guidelines are yet to come, or if this Council is being asked to endorse this 1997 document that came out of Bloomington.

**DALEKE:** This actually part, the U10-2005 you're talking about was actually part of the Code.

**TERRY:** I think it needs work because I don't think it's consistent with the Code we're adopting.

**DALEKE:** We can change it separately from the Code.

**TERRY:** I would simply like to make sure that we don't, in the interim, reference students to it as if it's what we want.

**DALEKE:** Well one of the comments from the committee last year, and Robert and Mary correct me if I'm wrong, was to try to remove the policies as a separate document and that's really what we're taking up today with one addition, and that is there's a, I think two pages on the procedures. But basically all we're working on is U8-2005.

**MAHER:** I'm Chris Maher from the Bloomington campus. I want to revert to lines 565 to lines 570, particularly on the advising. I myself have and hundreds of students going through this process, and I'm pretty uncomfortable with the very last line because many times you go into these meetings with these students and it's not that, you know, they can't represent themselves, many times they're emotional, they just don't know the procedures, they don't know what to say. Frankly I'm kind of concerned about the last item where it removes the ability for, for instance I, to say something on their behalf, where you know, it is coming after speaking with them, you know, trying to represent what they're saying. So if we can discuss that or maybe some clarification. Personally I would like to strike it completely, I don't know if you guys would agree with me, but seeing hundreds of these hearings I mean serious-- this to me is not a good idea.

**DALEKE:** This point did receive some discussion on our campuses and so again let's turn to Mary and Robert for a comment on that.

**YOST:** Well David basically in principle I agree with what has been stated there, however to strike this actually does indeed take away one of the fundamentals that the committee felt was very important, and that's the fact that it is the student here who is being responsible or held responsible for their conduct. And while they may be nervous

to speak, our intention was that that advisor would not be able to question those involved as if they were the accused, as opposed to the student.

**MAHER:** Let me address that. I feel like the inability to speak well should not deter from, you know, what the student's really kind of trying to say. I think that largely it is when you go into the hearings, the problem. They'll start speaking and you know, they get caught up, they forget, you know, many problems like that they're too emotional, they're crying, some of these are very serious issues and you get to that point and sometimes they really need an advisor just to kind of clarify what they're going to say.

**YOST:** Again by way of follow-up. This isn't a hearing as in the case of a court of law. We've got to be careful about that. This is meant to be a non-confrontational situation. These are peers as far as the students are concerned as well as faculty members who are there to listen to the evidence, if you will, or to the documentation for or against the particular case. Whether or not the student speaks, that's addressed previously in the Code, is not an admission of guilt. It's all based upon what is presented as far as the faculty members concerned, and if you look at the possibility for a case, the onus is on the university to prove their case, not on the student to prove they're innocent.

**HERBERT:** There was a comment.

**MOORE:** I was going to comment from past experiences with the students and in faculty boards of review. If you strike this, there is nothing to keep the grievant, or the student, from bringing an attorney with them and converting this into a court case and that is definitely not only not the intention, but not the desire in my opinion of the faculty.

**MAHER:** Is there some way that we could restrict it to just inside the university, because I would actually agree with that comment. It's not that we're trying to speak for the student, from our viewpoint, the concern is, as I stated before, more so that the student just forgets many times, doesn't say the things, and I think I would agree along with those lines.

**DALEKE:** Let me just get a clarification here. This does not prevent the student from having an advisor that speaks to them. This is a different issue. And so, would it accommodate what you're asking, to make it clear that an advisor could advise the student at all times but this sentence is clearly here to indicate that that person shouldn't be an active participant in the proceeding?

**MAHER:** I don't think so.

**YOST:** David that point that you just made it's actually there; it's up on the preceding line. I agree with you.

**DALEKE:** Vice President Nelms had a comment here.

**NELMS:** I was just going to suggest that you have to be careful because you can't dictate who the student may have as an advisor. I mean that's the problem with it. You can't begin to dictate that while you may have another student, you may have a faculty member, but you can't have a lawyer. Okay, what if the person is a faculty member and a lawyer? What if the person is a law student? So you have to be careful if you remove or change that sentence.

**HERBERT:** Are there additional?

**BALDWIN:** Quick question about line, well what used to be line 342, "The faculty member [unclear on tape]. Do we mean "all," and if we mean all cases we should say all cases.

**YOST:** David I'm sorry but we cannot hear what's being said. Can they speak louder please?

**DALEKE:** Maybe I can ask the question if that's okay. What was formerly line 342 which has now been moved up to line 290 was the statement "the faculty member must report cases of plagiarism to the Dean of Students." The question is, does that mean that the faculty member must report all cases of, well now we've changed the word to academic misconduct?

**YOST:** Well to try and address that issue our Dean of Students would agree that yes, all cases should be reported in the sense that they are asking us to do this so that they will know whether or not a student has a pattern of academic misconduct in a series of classes. If it happens for example in Biology and I don't report it, it's happening in Chemistry and they don't report it, it's happening in, pick something, with Marty Spechler's class it happens, we have know idea of knowing if this person has a routine. Sorry Marty!

**SPECHLER:** You would in that case.

**DALEKE:** Okay so Robert but, what's suggested is adding the word "all" in front of "cases."

**YOST:** Oh okay, yeah we're having trouble with the connection. I thought you wanted to drop the word "must." "All" is okay.

**DALEKE:** Mary?

**POPP:** "All" is fine. That was the intent.

**DALEKE:** We'll take that as a friendly amendment.

**HERBERT:** We have now exceeded the time that was allocated for this item so unless everyone is comfortable with the motion as amended, we need to put this back to the end of the agenda.

**DALEKE:** Do we have any other major issues to deal with here?

**WHEELER:** Bill Wheeler, Northwest, question. What is on the floor? Is it only Circular U8-2005, or is U9-2005c and U10-2005 also on the floor?

**DALEKE:** We're only dealing with U8-2005 at the moment. We will deal with the U9 and U10 in a minute.

**WHEELER:** Thank you.

**HERBERT:** So the question now is, are there any other comments and I think, yes?

**SHORTLE:** We still have a problem with line 569 where it deals with advisors. The way it's written in the current Code it states that "the student is required to be present at the hearing and may be represented by an advisor of his or her choice." We haven't had any problems with this as it has gone on for the past couple of years. Why do we want to amend that? Why do we want to change this? We have serious concerns with this, with not being able to have somebody represent us.

**DALEKE:** Robert?

**YOST:** If I understood the question, is it that they are not allowed to have an advisor? I'm not sure what the question was.

**DALEKE:** The current, the way the Code is currently written is that the student may be represented by, may have representation, and what we've changed has eliminated that possibility.

**YOST:** No that's not true because we say that at their expense they may have anybody they want.

**CLIFFORD:** I've been on the same committee with Robert and Mary for the past two years. I think Robert's misunderstanding the question. This was a deliberate change in the current policy. The current policy, a student may bring anyone in that they like into the formal hearings to represent them, actually speak on their behalf, that's including attorneys, that's including people from Student Rights, Student Activities Office or student academic advisor, anyone they want to. And this was a deliberate change to allow someone to be in the room with the student, that's still allowable, but the change in the Code to the current version is they will no longer be allowed to speak for them. And Robert, correct me if I'm wrong, but I think that was an intentional change coming out of the committee that was made. And I am not, just to make it clear, I am not in favor in of the change, I think the current policy works very well and I think there's a good policy

reason to have it, but I think there's a misunderstanding about what is and is not allowed under the current version of the document.

**YOST:** David that was a conscientious change to make it the current wording. It was to take out the fact that the advisor or the support person would be addressing in the committee. That was indeed a conscious change.

**HERBERT:** Okay, we either have to take action on this now or put it to the end of the agenda. Are there any other questions, comments or proposed amendments to it?

**SHORTLE:** I propose to strike line 569 to 570.

**HERBERT:** The motion is to strike lines 569 through 570.

**MAHER:** I second.

**DALEKE:** Essentially the last sentence of that paragraph, is that correct? Okay.

**HERBERT:** Is there any discussion of the amendment?

**LUDLUM FOOS:** Are non-members of the Council allowed to make amendments?

**HERBERT:** They are members.

**FISHER:** Indianapolis has a comment.

**HERBERT:** Go ahead, please.

**FISHER:** We support the committees' work and we would like to leave the wording in place.

**MILLER:** Well I guess a question maybe is in order. If the current Code allows, as was described, the current version disallows it, you know, what is the reason for the change? Could somebody please just articulate what the reason is?

**CLIFFORD:** I could actually probably speak on that because I think I understand what the issue maybe a little better than the teleconference is working, and having worked with Robert and Mary on this for years. I think the primary concern was attorneys in hearings. I think that's absolutely the primary concern, and being that's my chosen profession I'll take some responsibility for the blame there. The concern with attorneys come into these hearings and they try to make it into a court of law, they try to make objections in hearings or they want points of order and things like that that just aren't part of our educational system. So I think the primary concern was to not have attorneys present, but I think we're exactly right here in that if you limit it at all you have to limit across the board. You can't say, well, students you can bring in somebody from the campus community that can speak on your behalf, but you can't bring in an attorney. They'll

bring their parents, that would be okay, but now one of the parents is an attorney and it causes all sorts of problems. I think the primary concern was attorneys in these hearings. And now, again I think that was the intent of the committee which I sat on, and I will endorse most of their policies, a lot of the changes I think we made are good. I think this is one that needs to have a little more work because I think it's a fundamental difference in opinions that we're seeing here and this may be something that needs to be pushed back on the agenda until the end of the meeting if it's going to take up some time, but I think there is just a difference of opinions. I think the committee was very clear in that they did not want anyone other than the student speaking on their behalf.

**REUILLE:** I'd like to, I have a comment from Indianapolis. Excuse me, I'm sorry.

**HERBERT:** What I was trying to suggest --

**REUILLE:** Go ahead --

**HERBERT:** Go ahead.

**REUILLE:** I just want to say that as a member of the committee who has been sitting in these meetings as well and as a graduate student, I see no problems at all with the policy as it stands. What the policy as it's written now to be approved by the faculty council, there is no limitation on who this person may be, there's no limitation on the advisement this person may give the student who's appearing. The only limitation is on participation in the actual proceedings. And they may be present in the proceedings; they just may not talk as a body. They may talk to the individual student. I see that as completely adequate for the role of an advisor and it doesn't matter what the profession of the advisor is. I think it's completely adequate as a role for an advisor. Thank you.

**HERBERT:** Okay, what we're going to do is this. I'm going to ask if there are any additional comments. If there are any additional comments on this we will put it back to the end of the agenda.

**WHEELER:** Yes, I have a comment.

**HERBERT:** Okay, in that case we will put this to the end of the agenda. We have a motion related to it. We'll take that motion up when we bring it back. Next item...

**NELMS:** When you bring it back I have a comment.

#### **AGENDA ITEM #9: BACKGROUND CHECK POLICY FOR ACADEMIC APPOINTEES**

**HERBERT:** Next item is background check policy.

**MILLER:** You all have, I hope, Circular U6c-2005. This is a policy that we have

discussed on several occasions. I would like to present two amendments to this which are considered friendly amendments of the committee. They are fairly straight forward.

Amendment number one is to move the section titled Explanations, which is the final section in the document, and make it the first section of the document. The reason for doing this is to make it clear to those who are going to be looking at this policy and trying to evaluate it, that this policy as written developed in light of a state law and various procedures developed by the state government regarding background checks and that was in fact the framework under which we began to consider this particular proposal. And we want to make sure that everyone who reads this actually understands that that's where we are coming from in the way this is currently written. We believe moving the explanation part to the front will do that.

The second change is in the policy section, second paragraph, line 1, 2, 3, 4, 5, the first word of that line is "associated." So it currently reads "associated with a position are focused on vulnerable populations." We want to strike the words, "are focused on" and replace them with "require significant contact with." Strike "are focused on" and substitute "require significant contact with." There was some confusion in the BFC discussion a week ago about this phrase "are focused on," some thought it was possible to interpret this so that if we had a faculty member who was doing research on a topic dealing with vulnerable populations as a subject matter that the current language might lead people to think that a background check would be required for such an activity and we don't believe that that is the policy we want but to the extent that the work requires significant contact with the population then.

**NG:** What about the word "associated" now again?

**MILLER:** The words that are struck are the words "are focused on."

**NG:** Now you also want to move the Explanation, the first sentence to be moved to the...

**MILLER:** "Explanation" that paragraph should be the first section of the document.

**HERBERT:** Would you like to propose a motion related to this, formally?

**MILLER:** Well, I would to propose the motion.

**HERBERT:** Okay, you have before a...

**TERRY:** Second.

**HERBERT:** Okay, it's been moved and seconded, that Circular U6c-2005 as modified be adopted. Is there any discussion, any discussion on any campuses? Hearing none, all those in favor of the circular as modified please say "aye" [aye], opposed "no". I guess I should, Indianapolis?

**FISHER:** All in favor.

**HERBERT:** Bloomington?

**GROS LOUIS:** All in favor.

**HERBERT:** Northwest?

**WHEELER:** Yes.

**HERBERT:** Southeast?

**GOLDSTEIN:** Yes.

**HERBERT:** Okay, the circular is adopted as modified.

**MILLER:** Sounds like good committee work to me.

**HERBERT:** Strong leadership!

**MILLER:** When we present this to the Trustees Mr. President, I hope you will relate to them the overwhelming support that the document has had.

**HERBERT:** I am sure that either you or the co-chair will definitely do that.

**DALEKE:** I think I need to leave the room more often, things happen faster.

#### **AGENDA ITEM #10: CONFLICT OF COMMITMENT POLICY**

**HERBERT:** Okay, Conflicts of Commitment Policy.

**MILLER:** Well, I think we have a more serious problem or it may be resolvable and we'll see how you feel about it. I would like to call your attention to lines 76 and 77 and of this statement. This is the definition of the term conflict of commitment and you will note that the definition that is used here focuses on the idea of outside professional activities. Conflicts of commitment arise due to outside professional activities.

Now, it has been pointed out in our recent discussions that this is potentially a limited view of the kinds of activities that might create what some people think of as conflicts of commitment. There are those who would like to have a policy that is somewhat more general than this. If you think about the impact of a conflict of commitment as something that leads to a faculty member or an academic appointee failing to fulfill the responsibilities of their position, I think it is quite clear that there may be all kinds of different things that could lead to that end result.

Outside professional activities is one of them. Now, it is my view that to the extent that we think about other kinds of things outside of this realm of outside professional activities, I believe that the university has policies to deal with those things. We have salary adjustment policies, we have misconduct policies, we have post-tenure review policies, we have dismissal policies, and we have all kinds of stuff that at least can be applied to people who are not fulfilling the responsibilities of their job, whether they are tenured or untenured.

So I personally am comfortable with a conflict of commitment policy that focuses on commitments due to outside professional activities. Now, the document—the problem that we have here is that some of the language in the document, in this definitions section, is a little more general but with a couple of inserted words we could deal with these issues. So let me just kind of take you through the changes that we could imagine.

One of them is in line 11, there is in the middle of that line, a phrase “outside activities,” we could insert “outside professional activities.” In line 34, there is a ... it begins “any activity,” we could say “any outside professional activity.” And those really are, well, those are the two main places. And then, it would also be possible, I’m not sure how I feel about this, I’m not too strongly about it, but some people, if thinking about that kind of change would feel that the title of the policy perhaps should also be changed to say something like “Policy on Conflicts of Professional Commitment”. That would also be a possibility.

Now, so those three changes would make this document, at least to my reading, consistent with the definition of a conflict of commitment that is there. And then there is one other matter that has come up which I think would be reasonable to do. If you look at line 37 to 38, this is a different issue. The phrase says, “where the financial sponsorship is not managed within Indiana University,” and as I understand the concern that was raised, it relates to a situation where the financial management is in part managed by Indiana University but in some other part is managed outside of Indiana University and there’s a question about whether such a case would fall under this rubric of obligations. There’s a suggestion that we strike, in line 37, we strike the word “not,” in line 38 we strike the word “within,” and substitute for “within” the phrase “entirely outside.” So the language would read, “Where the financial sponsorship is managed entirely outside Indiana University.” Those are the cases that would fall into the category where there should be a disclosure of activities.

**BALDWIN:** Just a question. There are some agencies which give personal grants, would that be included in that, directly to a researcher, but not necessarily going through the university.

**HERBERT:** Like a Genius grant.

**BALDWIN:** So that would impossible to get them.

**MILLER:** They would be disclosed.

**BALDWIN:** That's fine.

**MILLER:** Presumably that's something that someone would want to disclose.

**TERRY:** Those are exactly the changes that I would have made in this, especially the comment to remind everybody that number three deals only with things that must be disclosed. I would suggest that may be a different title change than the one you proposed.

**MILLER:** Fine, go ahead.

**TERRY:** To say "A Policy on Conflicts of Professional Commitment" is not nearly as clear about what we want to do, as to say "A Policy on Conflicts of Commitment Involving Outside Professional Activities."

**MILLER:** That would be fine with me; I'll take that as a friendly amendment.

**LUDLUM FOOS:** Can you say that again?

**TERRY:** "A Policy on Conflicts of Commitment Involving Outside Professional Activities." I agree with Ted, all these other conflicts that one may have are well dealt with in other policies.

**MILLER:** Well, they may or may not be well dealt with but they are policies in place that in principle should be able to do that.

**HERBERT:** Is there a motion?

**MILLER:** These are all friendly amendments accepted by the committee chair.

**HERBERT:** Okay, I just wanted to make sure we had something on the floor we can ...

**SPECHLER:** I too agree with Ted that other things are taken care of by other policies but there is something that has come up repeatedly and has not yet been changed enough and that is in line 21 of the draft from March 22. It says, "On average one non-weekend day each week, during a period of appointment." Now that leaves aside university vacations and holidays and especially summer vacation. So, my understanding on being appointed was that I'm responsible for term-time but what I do during the summer if I don't have an administrative appointment is entirely up to me. So...

**MILLER:** That is the intent of this language, "during the period of appointment" refers to your 10 month appointment. Well, it isn't even a 10 month appointment, I mean the official, the faculty, if you're thinking about a faculty member, a faculty member has an official start date for their work during the academic year which is one week, if I understand it correctly, one week prior to beginning of classes and the termination of

your appointment is at graduation in the spring semester. Beyond that period, you are not appointed effectively and so that's what this period of appointment is meant to refer to.

**SPECHLER:** Well I'm glad for that explanation, Ted, but that still does not leave, that still leaves open the question of the winter and spring vacation period when many of us go abroad for various research things. Now you can argue, in some cases that's part of our job, but who's going to check whether you take a Florida vacation to survey the beach activity. I think that in practice winter vacation and spring vacation does not oblige you to be in professional activity, wouldn't you think?

**TERRY:** Would it be a friendly amendment to say "during a period of appointment and not including officially university holidays." These are official university holidays?

**MILLER:** Right.

**TERRY:** The ones where we don't enforce parking, which makes them official.

**HERBERT:** Are there any objections to that friendly amendment?

**SPECHLER:** So it's an addition including...

**TERRY:** Not including

**SPECHLER:** Not including official university...

**MILLER:** Not including official university holidays.

**SPECHLER:** Is winter vacation an official university holiday?

**HERBERT:** Okay, are there any other friendly amendments or otherwise?

**FROEHLICH:** Yes there's a comment from Indianapolis. This is Jan Froehlich. I want to complement Ted on the work he's done on this document. He's given us a very nice document to be able to work with now. I'm not comfortable taking a vote on this because there has been an inordinate number of changes that have come down in the last week and as you recall, when this commitment, a conflict of commitment came up in the University Faculty Council last year, we were bombarded by the IUPUI faculty with comments with regard to the fact that they hadn't had adequate time to analyze it. So I would feel much more comfortable about voting on this after had it gone back to the executive committee for IUPUI and back to the Faculty Affairs Committee if nobody has a problem with that. You guys are changing the document as you go along this afternoon, let give some people a chance to take a look at it.

**DALEKE:** Having reviewed this and of course having my own agenda of getting these things through this Council so we don't leave Bart with a lot to do, most of the amendments that we've heard today are relatively minor changes to the previous

documents. So, unless I've missed something, please clarify to me where the major changes have occurred.

**MILLER:** The really, the only changes we're making are to bring the document into compliance with the fundamental definition of a conflict of commitment that has been in this document for some period of time.

**DALEKE:** Then can I ask another question if you'll allow me, what are the major concerns that may be raised at IUPUI? I know Bart had also made a comment just a moment ago to Jan in support of your recommendation.

**NG:** Jan go ahead.

**FROEHLICH:** I'm not in a position to be able to predict for you what the faculty responses to this will be but I do know that this is an important document with regard to faculty and what they are allowed to do in terms of generating income inside and outside of their professional duties. So I would feel more comfortable if it's going to be imposed on my colleagues to have them take a shot of looking at it before I voted on it. I know you to clean it up David, I understand that, I really do but I feel that this is one thing that would be put off without losing too much ground.

**DALEKE:** Jan I just wanted that to be making clear, I'm not pushing this too hard.

**FROEHLICH:** That's okay, I know.

**SPECHLER:** I support my colleague Jan Froehlich. I'll point out that we have 600 professors in the IU School of Medicine and they're often not represented proportionally. They have very special problems. I think most of us could very well agree with what Ted has brought to us. But as a matter of courtesy I think it should go back to IUPUI. I remind you that this policy is not there to rectify an urgent problem. We have not had that as a result of some kind of scandal. We are here to make sure as a preventative measure that we're in good shape with respect to the public and the Board of Trustees. As such, I don't think there's such urgency that we have to press forward.

**MILLER:** We do have an existing policy, so we're not without something.

**TERRY:** But I hope very strongly that if we send this back to other policies we will send the version with the small changes that have been made today so they know exactly where we stand.

**HERBERT:** Okay, the sense I have is that there is a desire to send this back to the campuses with the modifications that have been proposed. I guess the one other thing that we need to do then is to ask the Council to approve a motion that would ask the Board of Trustees to continue the current policy pending further review of this document. Is there a motion to that effect?

**LUDLUM FOOS:** Question, would it help if we made it explicit that our intention was to act on this at the earliest time next year, not that we're going on and on and on but we would be able to voting on it probably at the first meeting of the year so they know we're not just dragging our feet.

**HERBERT:** Okay, if there are no objections, I will take it that it is a sense of the Council that we ask that the Board of Trustees to continue the current policy and the intent of the Council is to review this in a timely fashion and submit the proposal.

**DALEKE:** To our first meeting

**SPECHLER:** Next year.

**HERBERT:** Okay, is that reasonable to allow the campus Councils, okay, everyone in agreement?

#### **AGENDA ITEM #11: MISSION DIFFERENTIATION**

**HERBERT:** The next item on the agenda is the Mission Differentiation and we have with us today two of the gentlemen who led this effort and Charlie Nelms and F.C Richardson have devoted a great deal of time to it. All of you have seen the report that they shared with Ken Gros Louis and me that is now part of, we're now in the next phase of our review process. As all of you know we have sent letters to each of the campuses asking for clarification. The points of clarification have differed as between campuses and what we have requested is that comments on the report as well as changes in the mission statements be submitted back to Ken and me by the 1<sup>st</sup> of June. And just so that you have a sense of timing on all of this, Ken and I will go through our review; there are a number of policy issues that have been put forth in the report. We will take a look at those as well. We will submit a document, ultimately, to the Board. We will share a copy of that with all of you prior to getting it to the Board so that you will have a sense as to what we're thinking about. This will be on the Board agenda at its retreat in September, just to give you a feel for the timing and I don't anticipate that the Board will make final decisions then. We'll walk them through everything but ultimately during the fall term the intent will be to submit something to the Higher Education Commission so that it will officially approve all of our mission statements as required by the law. With that as background let me ask Charlie if he will initiate this conversation. You have 30 minutes for it.

**NELMS:** Good afternoon, can everyone hear me? Let me begin by appreciation to Mike Wilkerson, Jack Smith, Marsha Roberts, Ken Gros Louis, F.C Richardson and all of the faculty, staff, students and administrators on all of the campuses of Indiana University who participated in this project over the better part of the year. It's about a year old now.

We have submitted our report to the President. And even though, you can see that it's about 50 pages long. The report that we submitted to the President, along with supporting materials, would be about 300 or so pages. So what you have there is the basic but we

have lots of supporting materials and we shared that in our packet of information with the President.

Let me say to you that we did not set out to do a mission differentiation project on the whole of higher education in Indiana, we focused on Indiana University only, on Indiana University only. We tried to involve as many individuals as possible, submitted the report to the President. It is now up to the President as to how to proceed. Let me acknowledge at the outset that there are many different ways to approach a project like this. We have chosen, we chose to approach it the way we did based on our understanding of higher education and our understanding of the higher education enterprise in the state of Indiana and we respect other points of view, and if you have a point of view that you're more comfortable with, we would encourage you to pursue that with the President of the university and with members of the Board of Trustees when they are considering that report.

What we would like to do this afternoon is to try to give you a context in which we pursued our work and then cover briefly some of the recurring themes and then try to respond to question that you may have in the time allowed, available to us.

In my view, the mission differentiation project can be contextualized by what I call basically five vectors and I put those in the form of questions. The first has to do with the quality and competitiveness, how can we position the university in such a way to enhance the overall quality of the university as well as its responsiveness? The second is public policy. We are a public institution receiving resources from the citizens of the state, so then it would suggest that we must ask ourselves how IU can best respond to the state's higher education needs. And here we're not talking about the state as in the legislature, but we're talking about in the context of the citizens of Indiana who are the people who ultimately pay for high education in this state. Third is stewardship, how can we best ensure the public as well as policymakers that we're making optimal use of the resources available to us. So stewardship is a very important factor. And then the final one is cinergy, how can we position Indiana University to take advantage of the individual as well as the collective strengths that we find at this university?

So our work then proceeded with that sort of as the foundation if you will: Quality and Competitiveness, Public Policy, Stewardship and Cinergy. As you know we have an Indiana University campus within a 50 miles radius of about 80 percent of the state's population. Thirty percent of all of the citizens involved in post secondary education in the state if Indiana are enrolled at an Indiana University campus, about 30 percent. Indiana University is about a \$2 billion dollar entity. So we're not talking about small pocket change here, we're talking about a big ticket item in terms of students who pay tuition as well as citizens who pay taxes and so on and so forth. And so then it would follow that ... [Tape 2 Side A ended, some conversation lost]

... that I outlined at the very beginning. We collected tons of information, we analyzed that information, but when it all sort of got to the final point, we identified about nice recurring themes that we heard across the university and if you would go to page 8 of

your report, I'm not going to comment on anything in great detail on the themes but I do want to sort of highlight some of the things that people said to us. That is, that there is a continuing belief and support of the system and core school concept. Continuing support for that and here we're talking very specifically about the IUPUI campus and the Bloomington campus constituting the core and the system kinds of, well the core campuses first of all, and then the system schools being located on those two campuses. We did not find that those system schools are operating at an optimal level in everyone's point of view, from everyone's point of view, perspective rather. But rather that some are operating better than others and that there is room for improvement.

Student housing, we heard a great deal of concern about student housing. The bottom line is that there is a belief that we have outgrown the one size fits all kind of approach when it comes to housing. That there are models in addition to what we have in place on the Bloomington campus and those models then are utilized throughout the country. So that's in essence what we said in terms of housing. What we heard rather in terms of housing.

Research environment and infrastructure for faculty engaged in research on regional campuses; we're not suggesting by any stretch of the imagination that faculty members on regional campuses should not do research, that's not what we're saying. What we heard faculty members say to us is that research is an important part of the mission of a regional campus and if we're going to be successful in attracting and retaining high quality faculty, research must continue to be a part of that basic expectation, that we cannot resort to saying that it's teaching only, or teaching and advising only. And what we sought to do with the recommendation is to make a distinction between being designated as a research campus and faculty members engaging in research, not the same thing.

Graduate education, on some of our campuses, none, I'm talking about aside from IUPUI and Bloomington, there was a great deal of conversation around this whole topic of graduate education at the masters level as well as the doctoral level. And there's a view that some of the campuses have matured to the point that they are quite capable of delivering a wide array or a wider menu of academic programs at the graduate level. What we heard people say is that if Indiana University campuses aren't put, that is, the core campuses aren't prepared to deliver that instruction at the graduate level, we should be free to form any alliances we need in order to have that happen.

Inter- and intra-university transfers, we heard a great deal of conversation around the state and bills in the legislature to mandate transferability between the community colleges. We've heard stories about Indiana University not being able to transfer from one campus to the next. And there is a common perception, is that we have students who go to our regional campuses and "transfer" to Bloomington. What we found is that the probability of the likelihood of a student transferring from Bloomington to a regional campus is just as likely as it is for a student to transfer from a regional campus. We have enormous movement within Indiana University between the campuses, between IUPUI and regional campuses, between Bloomington and regional campuses and vice versa.

The associate degree; you know the community college system in the state of Indiana is gathering great momentum amid the state budget request. I'm sorry the proposed appropriations, you will see that the community college systems is slated to get, to receive considerably more money than the four-year colleges and universities. We believe that if we're going to serve the needs of the people in the state Indiana this isn't in there, is that there must be good collaboration between the two. But if we're going to phase out associate degrees, there must be responsible phasing out of those degrees and we cannot automatically assume that just because a community college exists, that the capacity is there for those institutions to offer the associate degrees at the level of quality demanded by the citizens of the state of Indiana. Collaboration among campuses, among campuses especially in low enrollment courses. I use the example in talking with the Agenda Committee this morning, of foreign languages, and I use my IU East example because I know that there is rather limited capacity to offer foreign language courses on the IU Richmond campuses. The question is, should IU East go out and hire 8 to 10 new foreign language faculty members or might there be some collaboration between IU East and IUPUI or Bloomington or South Bend or one of the other campuses to make sure that they have the capacity to deliver to that particular environment. So that's an example of the collaboration among campuses.

Also using electronic technology to make available instruction in some of those high demand fields where we may not have enough faculty members to really mount a full degree program and that kind of thing; how can we use that technology? We are, everyone has already concluded that there are numerous opportunities in that regard.

Next to the last one that I want to highlight here is the whole notion of admissions requirements. As you all know, at Indiana University we have an admissions policy which states that if you're at the top half of your high school class and if your SAT scores is at or above the median for the state, and you have the CORE 40 courses and so on and so forth, you can be admitted to an Indiana University campus. But what we found is that 50-60 percent of the students on some of our campuses are being admitted as exceptions to the policy. So in effect, we have no policy and so as you notice from the recommendation, we feel that we have reached the point now where we should not have a one size fits all admission policy and that campuses should be able to develop admissions policies consistent with their mission as opposed to trying to take the one policy and adapt to all of the campuses.

And the final recurring theme that we share here is one of full diversity. Historically we thought about diversity in the context of black and white, let me use those two terms. It's that but its much more than that. It's gender, its class, it's a whole range of issues. And it's also purchasing and it's also construction, it's also faculty and staff hiring, it's not just diversity but its all aspects of diversity. And so this whole concept of full diversity is one that we heard people say is one of the issues that the university should be committed to.

I'm going to ask my colleague F.C Richardson to share with you some observations and then what I would like to do is to come back and sort of highlight a few of the

recommendations and seek what observations and questions you have.

**RICHARDSON:** Well first of all, thank you for the opportunity to be here and I would like to express my thanks and appreciation to President Herbert for the opportunity to work with this project. Nanci Yokom suggested a while ago that maybe it has caused me to become younger, she suggested that I was at retirement age, and I appreciate that. I am a little taller than I was when I retired but I'm also a little wider too so things are not all going in the right direction.

This project provided an opportunity for the campuses to talk about two essential issues and I think the process, engaging in the process was enormously beneficial to all of the campuses. First of all to clarify the mission and to try to focus that mission strategically for the future going forward. Each campus was asked to look at their mission statement and to clarify that mission statement so that they could focus the campus resources on the central purpose of the institution. One of the things we wanted to have come out of this process was to eliminate the possibility for mission creep and academic drift. That is, operating at the margin so that resources can be dissipated at a time when resources are diminishing. The states, not just Indiana, are reducing their commitment to higher education. In the early '90s I heard a speech by Roy Roman who was then governor of Colorado who said that a large part of the discretionary resources of the state he didn't have control over and those were the resources that went to higher education and he had to figure out how to get his arms around that. I suspect that what we're seeing now in states across the country is a result of all of those discussions that governors had back then and one of the things they are insisting upon is greater accountability.

So we believe that clarifying the mission, focusing strategically on the mission, relating activities to the central purpose of the institution will provide Indiana University with an opportunity to be of higher quality, much more effective and efficient with the resources that it has and provide accountability to those who support us. And so I think this process has enabled all of the campuses to do that. I've had an opportunity to work with all of the chancellors and all of the dedicated teams on all of the campuses including the faculty governance people. So this has been a, I think, a wonderful process for Indiana University. I think Charlie has pretty much covered the report, there are some recommendations there that I'm sure you will want to consider. The admissions policy is one of them for example. But all of that will come forward to you I'm sure after the President has had an opportunity to vet this with the Board of Trustees and others within the university. So, thank you for the opportunity.

**NELMS:** Let me do this, rather than dealing with recommendations, I think I want to deal with this part of the report where we have campus commentaries, observations and options, that's the part that I think I would like to go directly to.

In the case of Bloomington, looking at the material that we received from Bloomington and if you look at that mission statement, they speak about the campus in the context of being a flagship research type university. When we examined the material we found that to be consistent with our understanding of what a flagship kind of institution is like. We

did not mean flagship in the sense of an elitist kind of exclusionary kind of place, recognizing that there are activities that would go on in Bloomington that would also go on at other campuses. If you look at the overwhelming preponderance of PhD degrees, our faculty members who are part of professional honorary societies, nationally ranked programs, and I went back yesterday and I looked at the rankings and almost all of the ranked programs, for whatever reasons, are clustered in the Bloomington kind of environment and I'm sure that has something to do with how the campus developed and the infrastructure that's in place there. So we followed through in terms of saying that we thought that should be categorized as the flagship campus.

In terms of IUPUI, we see IUPUI as having an enormous capacity and we believe that the institution should be permitted to offer selected PhD programs that are consistent with the strengths of IUPUI and the needs of the citizens of Indiana. When you think about, it's the only campus in our state that's located in the largest population center in the state.

In terms of IU East, a place where I spent a lot of time, what we're suggesting here is, as an option, is that IU East would continue to be a baccalaureate degree institution with some associate degree programs and that masters degrees would be delivered there, on site, but through a collaborative kind of arrangement with other institutions: IUPUI, another regional campus, the Bloomington campus, Ball State or another institution, from a public policy point of view.

IU Kokomo, we're observing that option would be for that campus to continue with a baccalaureate degree with selective professional programs given the fact that Indiana is a state with about 6 million people, we have a campus within a 50 miles radius, there's a limit to the number of graduate programs we can offer on all of our campuses in terms of a need and the sustainability kind of perspective.

IU Northwest is located in one of the most competitive regions anywhere in the state. There's a Purdue campus 8 miles away, another one 12 miles away and Chicago is right across the border there. And so this whole notion of a sustainable regional vitality and cultural diversity through learning, I think it's a wonderful concept. We're saying that one of the things that they might consider is to create a School of Health and Human Services and have this institution sort of serve as a destination for people who are located in the northwest Indiana region.

Going to South Bend, we think that in terms of regional campuses, this is not to say that the other campuses do not have enormous strength and capacity, but we see the South Bend campus as having, among our regional campuses, probably one of the highest levels of faculty strength and capacity in terms of what they did. Again, if you go back and look at the history of the way the campus developed, and we think that it's a place that is ripe for continuing development with more masters' degree programs.

IU South East, being located in a large metropolitan area, having reciprocity, we think there are some wonderful opportunities there. And then of course at IPFW, even though it's not an Indiana University campus, the largest share of the students enrolled on that

campus are IU students and that's where we have an enormous range of opinions about graduate education, research and so on and so forth. There are some needs in that part of the state and we think that those ought to be responded to by Indiana University through a collaborative arrangement with the core campuses of IUPUI and the Bloomington campus and there was a great need, Mr. President, and an expression of interest in a doctoral program and educational leadership. But in anyways, you read about that in the report.

And then the final option and observation has to do with IUPU Columbus, IUPU Columbus. IUPU Columbus has grown rapidly and we think that it has probably outgrown the days when it was sort of like the Columbus center. There's even an MBA degree program offered on that campus today. They even have centers out there, you know, like IU East has a center, you get my drift. In other words, we have a couple of thousands of students enrolled in that particular environment there and it continues to grow and evolve and it has some significant accreditation issues unless we deal with it.

**HERBERT:** Thank you very much for a very for a succinct and excellent report. I wanted to just make sure that we had time for questions. Let me just tell you that we have three items and I don't want to, again, stop this but I want to make sure that everyone knows that we have three items and we are off the air at 4:45pm. So, we have to end by then.

**TERRY:** Can the planes wait until 4:45pm?

**HERBERT:** Yes, the plane will wait, I'm sure of that.

**NASH:** Point of order?

**HERBERT:** I'm sorry?

**NASH:** Point of order?

**HERBERT:** What is the point?

**NASH:** My understanding was that we deferred an action item until the end of the meeting, and I thought from the earlier statement at the beginning of the meeting we were going to return at the end of all action items to finish that discussion and have a vote before we went on to do something else.

**HERBERT:** That is correct.

**NASH:** Are we going to come back to this?

**HERBERT:** That is correct.

**NASH:** Will we return to the action item?

**HERBERT:** Yes we are.

**TERRY:** So when this item ends we will go back to item 8, we will not go to general education?

**HERBERT:** Are there any questions of Charlie and F.C.?

**SPECHLER:** Well Charlie thank you, and F.C., very much for spending all of this effort and understanding and producing, I think, a very moderate and reasoned report. I have two issues and it's good that we're here in South Bend which has been one of the wonderful bright spots of Indiana University for many years since, I think it was Lester Wolf who developed this campus and developed it with quality and I know its continuing that way.

Now the two issues really Charlie is your idea of how to deal with regional campuses. I think that that's the most important part of this report though there are other things. Two ideas stand out in my mind that are unclear to me.

The first is that you can have faculty members all doing research on a non-research campus, I would like to know how that's possible and I have a different concept but my first question, you tried to square the circle here by this formulation which to me is a fundamentally unclear and ambiguous notion. I have a different conception but sometime when we're having lunch we'll talk about that. I think that's a problem.

Secondly you suggest that on campuses such as South Bend or IU East, that masters programs be developed with the participation of IU core and system school, that's recommendation number two. Now that kind of participation which I have actually had very small part, has been problematic from the beginning. What kind of tutelage, what kind of participation are you talking about when many of our business programs that are very important are not part of the Kelley School of Business and have not been and where these masters programs such as an MBA program in South Bend, is what, 150 miles from Bloomington, a 100 miles from Indianapolis roughly? I think that's a problem, you know, the relationship kind of, you're compromised which says, well, we can have these masters program but only with the, what you call development and implementation of the core and system schools. I think that ignores some of the problems and some the history in that kind of involvement.

**NELMS:** Let me give you a couple of quick responses. Number one; faculty members on all of Indiana University's campuses currently receive release time or reassigned time for research, okay, so this is not a new concept, on this campus and all of our campuses. So that's number one. Number two: when we think about research we're talking about it in a sense of a continuum and may be research isn't the best way to describe what we're talking about. We're talking about research, professional development and creative activity and it may be research dealing with pedagogy of scholarship, okay. Scholarship

Reconsidered I guess is Boyer's book that would come to mind to sort of capturing what we had in mind there. But it's a continuum as opposed to a "pure" definition of "research."

The second thing is that we not suggesting for a moment that the MBAs and masters degree programs that currently exist on our regional campuses should somehow now go back and fall under our core systems concept, quite the contrary. We're saying because those programs are separately accredited right now, but when we're talking about new masters or post-masters degree programs being developed then those should be developed in consult with the core systems schools.

**HERBERT:** Ok our 30 minutes allocated for this has expired. I'm sorry but we've got to come back to these. If we have time after we deal with these motions we'll come back otherwise feel free to call Charlie or F.C.

### **AGENDA ITEM #8: CODE OF STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT (CONTINUED)**

**HERBERT:** We have now back on the floor the Code of Student Rights, Responsibilities, and Conduct. There was a motion to amend the circular and that is still open on the floor.

**DALEKE:** Herb?

**TERRY:** It looks like we've just lost our Parliamentarian and I'm a former Parliamentarian of this body. I move the previous question on that amendment.

**HERBERT:** Do you want to explain the motion?

**YOST:** David, for way of clarification, could you restate what it is now the motion that we're talking about?

**SHORTLE:** The motion is to strike out the final line 569 to 570, the final sentence.

**TERRY:** The final sentence.

**DALEKE:** So the motion is to delete the sentence that is encompassed by 569 and 570 starting "the advisor or support person, etc.," and ending "during the proceeding."

**HERBERT:** Okay, the previous question has been called. All those who are in favor of the amendment please say "aye" [AYE], opposed "no" [NO]. Okay it is no.

Bloomington: All no's.

Indianapolis: All no's.

Northwest: [no response]

Southeast: No.

South Bend: again all those in favor please say “aye” [AYE], opposed “no” [NO].

The amendment is defeated.

Are there any other amendments to be presented with regard to Circular U8-2005?

**SHORTLE:** I motion to amend part three, strike out lines 568 to 570 starting with “An,” the last two sentences and revising the first three sentences so that it states “Advisors: a person who appears as a witness in any proceedings conducted under this Code including the student charged and, if applicable, the victim is entitled to have an advisor or other support person represent the witness during the proceedings provided it is at the witness’s expense.”

**HERBERT:** Is there a second to the motion?

**BORKOWSKI:** Second.

**HERBERT:** The amendment has been moved and seconded. Is there discussion?

**SHORTLE:** Just to clarify this follows the previous Student Code.

**MAHER:** I think we’re looking at this as a larger problem. It’s not a problem of the other Code. It’s more of a problem of the hearings and the people who manage the hearings. Many times these people, and I’ve seen it, fail to control the hearings. So whether you bring an attorney in or not is irrelevant, because if the person in the hearing manages with the procedures set forth by the university there should be no problem. If I was conducting the hearing there would be no problem whether you have an attorney or not, regardless. So I feel like that should not be an issue and that is the largest issue. And why change the status quo if there has been no compelling reason to do so?

**HERBERT:** Okay we have two comments.

**TERRY:** I have managed a number of those hearings as a hearing officer or a member of the Student Conduct Code Review Board, or a member of the Student Conduct Hearing Commission. And practice has often been in recent years to try to prevent representation, and to try to encourage the advisor to advise and not represent in order to keep this thing in line with the educational mission of the whole activity. I could, no doubt about it, not to shut you down, I could manage the thing, but I certainly would prefer not to. And I would prefer that this language stay as it is where we... they’re welcome to have advisors, the advisors can talk in their ears, the advisors can see what’s going on in the hearing. No hearing officer is going to prevent the advisor from advising. But I think we can conduct these hearings efficiently and fairly if we adopt the language that is currently in the part three.

**MOORE:** I would also urge that we not change the language in the Code as is presented for our consideration. My feeling is this, that if we allow the student to bring an attorney and allow the attorney to participate fully in the hearing then I want my own attorney there as the faculty member representing the faculty. And then it becomes not a hearing anymore, it becomes a court proceeding. But I would feel intimidated as a faculty member to be facing an attorney that's representing the student.

**CLIFFORD:** Just a point of clarification. Is the University Counsel allowed in these hearings under the current version, and now that we are not allowing students to have representation? That's just a point of clarification.

**POPP:** This question came up, this is Mary. This question came up at the Bloomington Faculty Council in our discussions, and we learned that University Counsel does not represent faculty in such hearings.

**YOST:** Mary this is Robert. I concur. I was told the same thing here at IUPUI.

**HERBERT:** Ok we've got two more and then...

**LUDLUM FOOS:** It seems to me, I'm arguing no also that what we would do if we adopted this amendment would be in effect make the change that would have happened with the amendment we just voted down.

**HERBERT:** Ok I think there was one more hand over here and then we're going.

**DATILLO:** Matt Datillo. I'm with the Office of Student Rights on the Bloomington campus, and one of the things that we do as a part of the student government function is we work with students moving through the judicial process. We assist them with the Code, we help them understand what's going on, we often accompany them to the hearings and under the current Code at the formal level hearings and above we do advise those students and oftentimes at the student's request represent them as allowed by the current Code. And something that I think is being missed is that often times while the intention of these hearings is not to be confrontational, whether we like it or not I've been through a hundred of these hearings and they are anything but that way. Often times the student is completely frazzled to begin with and then when approached by a completely formalized setting the student feels that me whispering in their ear is just not good enough, and so many times at the informal level where our representatives, I have a staff of thirty-five, where our representatives are not permitted to speak the student is steamrolled by the process and finds, and I'm of the opinion, and I think those from the student government would agree with me that often the student loses because the student is found responsible, not entirely because they were responsible but because of a lack of an ability to articulate that.

**HERBERT:** Thank you.

**BORKOWSKI:** Just one point about this. In the case of a personal misconduct case, there can be [inaudible] of a student actually committing an illegal action, and then at the end they say within this hearing can be used in a criminal trial against them without having accurate representation even though it's an educational process, they can be found guilty [inaudible] ...expelled from the university, but also serving jail time for an act that whatever they said in this trial can be used against them in another trial.

**HERBERT:** The question...

**GINGER:** Can we call the question please?

**HERBERT:** The question has been called. All those who are in favor of the amendment please say "aye" [AYE]. Opposed "no" [NO].

Bloomington: All no's

Indianapolis: All no's in Indianapolis.

Northwest: No.

Southeast: No.

**HERBERT:** The "no's" have it, it is defeated. I would...

**WHEELER:** May I ask a question please?

**HERBERT:** Yes.

**WHEELER:** On this section, this is Bill Wheeler at Northwest. I have a question about this whole section and the discussion we've had because in my reading of this paragraph it talks about people who are witnesses, not just the student who may be charged, but all witnesses, and so this is saying that any witness, whether it's the victim or anyone who's appearing as a witness can have an advisor present while that person is testifying. So it seems to me like there are two points that have not been attended to in our discussion. First, the discussion has focused on the person who's being charged, but this paragraph applies much more broadly to everyone who might be called to give testimony. Furthermore, as it currently stands although in the amendment we just voted down the phrase "is testifying" was dropped, as it currently stands it would say that the victim, or the person being charged, assuming that person is going to be a witness, is allowed to have an advisor present while that person is testifying, but once that person has finished testifying then the advisor is no longer allowed to be present. So it seems to me as though the discussion of this entire paragraph has been not on the basis of what the paragraph actually says, but rather upon the issue of the victim, of the person who's charged. So I would like clarification on this paragraph and then perhaps consideration as to whether we do need to talk more about this.

**HERBERT:** Before we get someone to respond to that let me ask this question. We have two other items, Circular U9 and 10, all relating to student-related matters. The question is, we have to be through in ten minutes. Would you like to defer this and ask that it be

put on the agenda at a future meeting where these matters can be discussed? Or, and if we do that, what we would do is ask the Board of Trustees to continue with the existing policy until the UFC is able to take action, or do you want to go ahead and call the question and vote on this now?

**FISHER:** We call the question. We think this new policy is much better than the existing one.

**HERBERT:** Ok Charlie?

**NELMS:** Since you all pay me to be Chief Student Affairs Officer for Indiana University, and I'm not a member of the UFC, let me make an observation and a recommendation to you. Take your time. Defer, make sure that we listen to what the students are saying and that we kind of find a common ground.

**GINGER:** Excuse me but the question has been called.

**HERBERT:** The question has been called. All those in favor of Circular U8-2005 as amended please say "aye" [AYE]. Opposed "no" [NO].

Bloomington: All yes.

Indianapolis: All yes, 9 votes

Northwest: Yes.

Southeast: Yes.

Okay, the chair heard a majority no votes here, I'm sorry, a majority yes here so the Circular U8-2005 as amended is adopted and I would just tell the students who are here that this will go to the Board of Trustees and you do have an opportunity to articulate your views.

**TERRY:** I move adoption of U9-2005.

**HERBERT:** U9-2005 has been moved to be adopted, is there a second?

**WHEELER:** Second.

**HERBERT:** Is there discussion of Circular U9-2005 entitled "Guidelines for Campus Procedures Concerning the Code of Student Rights, Responsibilities and Conduct?"

**WHEELER:** This is Bill Wheeler at Northwest. I do have an amendment. My concern is, let me see if I can find it here again. It was on page two in the last paragraph on page two which begins "to an outline of the process shall include." My particular concern is with item C where it says "a description of the process to be followed by the faculty member or lead instructor when filing or sending a case forward for resolution." My concern is with this phrasing "sending a case forward for resolution" because under the current Code, at least in Bloomington, the situation is normally resolved at the informal

conference between the faculty member and the student. That's when the resolution occurs. The report is then sent forward and then the student has the option of appealing. So the resolution comes before the report is filed, not afterwards. And this particular phrase suggests then a radical change because it would say that every case, even after the informal conference, that every case would still have to be further resolved, therefore imposing upon the Dean of Students and review boards hearing every case rather than just those cases that are appealed. So I would move to strike the words "forward for resolution." Or let me actually phrase it this way, to change that sentence to say "description of the process to be followed by the faculty member or lead instructor when reporting the case to the Dean of faculties, I'm sorry, to the Dean of students rather, when filing the report..."

**HERBERT:** Is that a friendly amendment?

**WHEELER:** I would hope that would be a friendly amendment. To clarify again. To drop the phrase "and sending a case forward for resolution," to drop that phrase and replace it with just "when filing a report with the Dean of Students."

**DALEKE:** Robert and Mary?

**YOST:** David I'm okay with it except for the wording "Dean of Students" because that's going to change depending upon where we are.

**DALEKE:** Do you have alternate wording Robert?

**WHEELER:** Appropriate officer?

**YOST:** Appropriate officer is fine.

**POPP:** That's fine.

**HERBERT:** Okay, this is a friendly amendment. Are there any other comments related to U9-2005? Hearing none, all those who are in favor of the motion to adopt the circular please say "aye" [AYE], opposed "no." Unless I hear something to the contrary on any of the campuses it's approved.

**TERRY:** I move adoption of U10-2005 with one correction.

**HERBERT:** Okay.

**TERRY:** Line 4 of the introductory paragraph where it says "Part 2 section H7" I believe should say "H6" because that's what the section it is it's 6 and not 7.

**HERBERT:** Thank you very much. I assume they don't object to that. Are there any other amendments, any other questions, comments with regards to this circular? Hearing none, all those who are in favor of adoption of Circular U10-2005 please say "aye"

[AYE], opposed “no.” I hear no objects in South Bend, I assume that that was the case in all of our other campuses, therefore this is adopted.

**DALEKE:** I just have one request. Bill, I know that we have imposed upon you quite substantially in your efforts and your committee to bring a General Education to us, and Elizabeth Jones as well as co-chair of the committee. It is clear we do not have time for adequate discussion on this item. However, the materials have been distributed to the UFC and if it is okay with you I propose that you make it to the top of the agenda rather than the bottom of the agenda at the first meeting of the fall. In fact, maybe the first meeting of the fall should be entirely devoted to a discussion on general education and other issues that come out of the mission differentiation project.

**HERBERT:** We have about three minutes. Bill do you have something you can do in one minute?

**WHEELER:** Just one quick response to that. The committee itself had agreed to leave this in place for discussion until December. The College of Arts and Sciences in the Bloomington campus and the Bloomington campus curriculum committee have asked that they have an adequate time to discuss this in the fall semester before the UFC acts on it, and so while I appreciate very much the invitation, the suggestion that we would be on the very first meeting, or even that the whole meeting might be devoted to it, I think it would be useful to have perhaps a first discussion at the first meeting, but at the same time to allow the College of Arts and Sciences on the Bloomington campus adequate time before any vote were to be taken.

**DALEKE:** Thanks Bill. That was in the spirit of what I said, not the specifics, when ever is a good time for your committee.

**NG:** New business. I don't think I can exceed my president in his eloquence in describing the contribution of David during this past year. I would simply say that David has provided calm and thoughtful and extremely effective leadership for the UFC in this past year and I can only hope that I can remotely match his accomplishment. And in gratitude we have something for you and I believe that there is a book coming your way, David.

**HERBERT:** You have a minute and a half to open it.

**NG:** No, 30 seconds.

**DALEKE:** This is a book that I actually do not own called Being Lucky, you all know that one and I'm looking forward to actually having a chance to read it. I've been encouraging the UFC office to have one and I'm embarrassed to say I haven't read it yet.

**NG:** We want all of the people on the Agenda Committee to sign it but some of them have not done it yet. So we're only going to show it to you and then we'll take it back and have everyone sign it. Keep in mind, I don't know how many of you know David is a

Harley Davidson fanatic and so, first of all, I would just like to present you with a little bit of something that you can... you know, splurge, whatever you wish.

**DALEKE:** Thank you.

**NG:** And, here is a gift certificate at the local Harley Davidson shop and you can just go there and choose whatever you want. I will let you open this. I could have chosen something much racier but I thought about your reputation so I thought that it would be more appropriate.

**DALEKE:** Oh, there's more, wait a minute, we have 10 seconds. Now I can brew coffee.

**NG:** Because David has to really burn the midnight oil to make up for the lost time they spent on the UFC business, so I thought that he can have some coffee to keep himself awake and work on everything that he wanted to work on and didn't have time.

**DALEKE:** Thank you very much Bart, thank you everyone. [Applause]

**HERBERT:** We stand adjourned.