

**Minutes**  
**Indiana University**  
**University Faculty Council**  
**University Place Conference Center 132 (Indianapolis Campus)**  
**November 11, 1997**  
**1:30 - 4:30 P.M.**

**Members Present:** Ex-Officio Administrative Members Gerald Bepko, Myles Brand, David Fulton, Kenneth Gros Louis, Emita Hill, Kenneth Perrin, Hilda Richards, F.C. Richardson, George Walker, Michael Wartell; Elected Faculty Members Robert Arnové, Ellen Brantlinger, Ann Bristow, William Burgan, Lewis Ciminillo, Luis Davila, Michael Downs, Paul Eisenberg, John Findling, Edwin Fineberg, Bernd Fischer, Michael Foos, Richard French, Paul Galanti, Laura Ginger, Stuart Hart, Steven Hollander, Sara Hook, Paul Joray, Thomas Mawhinney, Julieann Nilson Rebecca Porter, Victor Riemenschneider, Linda Rooda, Carl Rothe, () Henry, Richard Vaden, Marion Wagner, Walter Wagor, David Zaret.

**Alternates:** () for Faculty Member Robert Arnové; Beverly Ross for Faculty Member Karen Cobb, Keith Morran for Faculty Member Donald Cunningham, Susan Harrington for Faculty Member Richard Heinz, May Jabari for Faculty Member Dolores Hoyt.

**Members Absent without Alternates:** Faculty Members Patrick Brantlinger, Thomas Broadie, Michael Cochran, Jan Keffer, Gerald Marker, Theodore Miller, Richard Peterson, William Schneider, Dennis Senchuk; Student Members Thua Barlay, Steven Chiagouris, Thomas Mulcahy, David Orensten.

**Agenda**

1. Presiding Officer's Business  
(President Myles Brand)
2. Agenda Committee Business  
(Professors Theodore Miller and William Schneider)
3. Question/Comment Period  
(President Brand and Professors Miller and Schneider)
4. Status Report: Proposed Changes in the Policy Against Sexual Harassment  
(Professors Paul Eisenberg and Rebecca Porter, Affirmative Action Committee)
5. Vote: Proposal on Fair Use of Copyrighted Works for Education and Research  
(Professors Fred Cate and Kenneth Crews) (Circular U6-98)
6. Non-Tenure-Track Faculty  
(Professor Patrick Brantlinger and Librarian Sara Hook, Faculty Affairs Committee)

**BRAND:** Okay, let's begin. These papers coming around with compensation measures that were recently passed by the Trustees, and I want to spend a few minutes talking to you about those. But first, one announcement is that, unless I'm mistaken, IUPUI just recently, like an hour or two ago, announced that it joined the Mid-Continent Conference. Congratulations to IUPUI. As you know, the Trustees last time around had approved Vision 1, and now they are in a particular conference, the right conference. Also, I think, Bill, you indicated that the Search Committee for the Affirmative Action position, which is both of Bloomington and a university-wide position, has been appointed. Let me now talk about the recommendations for compensation adjustments. And these issues were discussed and voted on by the trustees in the last meeting. There may not be a great deal of news here, but I think it's important that we become clear precisely what we're, what (048) to take. And it's divided into three parts: the first part are several recommendations for equity adjustments. These apply to each of our campuses, except Fort Wayne, which we do not set salary. And these are internal reviews to the campus to assure that there's equity between male and female faculty members, librarians, professional staff, as well as faculty members, librarians, and professional staff who are of color. And each campus will now undertake a preliminary review, which means essentially you look at division, department, maybe school, depending on the size, how large a group you need to get a reasonable grouping. And look at the variable of seniority. So people who have 1-3 years experience, 3-6, and so on. And that's a scan of the entire campus. And if it turns out on the basis of that scan there are systematic issues that need to be addressed as opposed to just one or two small issues that could be addressed under the normal salary assignments, then the campus will move to the second stage, which is a full-scale equity study. Post-scale equity study means that favor each faculty member, librarian, and faculty staff who is female or of color, there will be a group designated of two or three individuals who are similarly situated under a range of variables, and there will be a process set up on each campus to judge whether that faculty member is equitably paid in comparison to the similarly situated individuals. Male, white male faculty members, can volunteer for such a review, and there are cases clearly in which there is some inequity in those situations as well. But each female and faculty, librarian, professional staff member of color will automatically undergo such a review. Cathy Warfolk will act as coordinator across all our campuses to assure that this inconsistency process, although each campus will proceed somewhat differently because the governing systems and other mechanisms on each campus have their own idiosyncratic approaches, and we do not want to have everything (075) when it really would be pushing the campuses in those directions when it's unnecessary. But there is some consistency that is needed, and moreover Cathy will provide information exchange. Both of the large campuses, Bloomington and IUPUI, are each engaged now in, I believe, the full-scale review. Is that right Jerry? I know Bloomington is, and I think IUPUI is beginning that process. So the large campuses have gone through the preliminary process. None of the small campuses have gone through the preliminary process at this point. I would like to see inequities resolved as soon as possible, but the latest is the 99/2001 biennium. If they are (083), we can resolve them quickly. If they turn out to be rather expensive, it may be necessary to extend the period of resolving over several years. If we get to a full-scale review on a campus, judging what has happened at other universities, it's possible that there will be some contention. And some faculty members may not agree with whatever committee decisions or dean decisions are made. And that's not atypical of this kind of process. As Ted pointed out in an earlier discussion, we can design our own internal processes to each campus in a way that tends to minimize that effect, and I think that's the right approach, and we should be looking at campus processes rather carefully to make sure that that, as much as possible, takes place. But we should not be so naive to believe

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that everyone will be satisfied in advance of the outcome. Having said that, it is none-the-less the right thing to do, and the Trustees agree with that, so we're going forward. We will do this sequentially, starting with equity adjustments first, and then move on to each campus to the competitive adjustments. But before I turn to the competitive adjustment issue, are there any questions or issues you want to bring up about equity?

**ZARET:** I know that the (098) Committee wanted (098) to discuss this (099) that the end of the process (099) given to the allocation of funds, so that those units which have engaged in bad behavior in the past will not be rewarded for that behavior. That is, if some members of the units that have engaged in contracted discrimination has resulted in (103) salaries may want to think about other adjustments that should occur in conjunction with the equity review. For example, the compensation, to make sure that (105-106) rewarded for past (106).

**BRAND:** All of these recommendations approved by the Trustees don't address that, I recommend to you and to the group something along those lines. Namely that in the case of equity adjustments, the unit should be paying for it. Now, there's some difficulty defining unit. In the case of Bloomington, is it the college or is there a department, and I leave that to the campus. But for just the reasons you named, I believe it's not appropriate that the entire campus share in the resolution of those problems. Now, it may create some difficulties, and there may have to be some intermediate steps taken in order to reach equitable salaries, if the unit for various reasons hasn't the ability to do it. But over the long run, at least, the unit should not be rewarded for those actions in equitable salaries. On competitive adjustments for faculty, however, I see that as a campus-wide issue. And that the campus, through whatever processes are appropriate to the campus, should resolve. But again, I leave the specific procedures to the campuses. Let the minutes so read that that's what I said. Anything else on equity issues? Okay, let's go on to competitive adjustments for faculty. The basic concept here is that faculty members on each campus should be paid in each group at a 60% or higher of their comparitors in other groups. The key question, of course, is what are the comparator groups? Now, only one of our campuses, namely IU Bloomington, has a natural built-in comparative class, which is the public universities of the Big Ten. each of our other campuses needs to settle on a reference class, of 8, 10, or 12 other campuses, either regionally or nationally, that are appropriate. And the chancellors have been working on this issue in the past, in part through the work done on the Lilly Grant, which also required a list of comparator. But I've gone back to the chancellors to ask them to be clear and certain about what is the comparator class. And over the next few months, we'll try and resolve for each campus what that comparator class is. That comparator class, then, will be used not only for competitive salary adjustments, but will also be used for issues such as retention and so on. And it may well change over time as different campuses evolve and change, but at least for the present time, we need as good a comparator class for each campus as we can find. We will treat the Bloomington campus and all the other campuses on the same time frame. But all the campuses but Bloomington need this additional step of identifying an appropriate reference class. There was a great deal of discussion at the trustee meeting about the amount of money it would take to meet the goal at Bloomington. That issue is resolved for the present, but not in the long term. Because we'll report back to the Trustees' question of whether the comparison is to be made cross-ranked using AAUP data, is it to be made across discipline, is this to take into account cost of living? These are various questions that give you slightly different answers. For the Bloomington campus, it was decided that approximately, and this is an approximate number, it would take 3 1/2 million dollars to bring the campus, at least through AAUP standards, on compensation, not salary, on compensation up to the 60th percentile. The majority of that money, more likely than not, will go to equity issues on the Bloomington

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campus. Item #5 was tabled; I don't believe the trustees were ready at this point to set the Agenda for the long legislative session. And you should not read anything into that other than that. Anything on the competitive adjustments for faculty?

**ZARET:** Can you tell me the basis which leads to the preliminary assumption that most of that money, of that 3.5 million dollars (155) would go to equity adjustments?

**BRAND:** The AAU figures, which came out, I think were published publicly in the newspaper some time ago, indicated on a very preliminary analysis that there were inequities. We went back then to the Chancellor Ken Gros Louis, as well as (159) Budget Officer, and asked for a tighter review, namely at the preliminary review level, looking at different units, departments, or schools, both in college and beyond. But not yet the librarians and professional staff. I think they only looked at faculty. And they did factor in seniority, so the 1-3, 3-6, and so on. And on the basis of that, a preliminary review indicated a certain amount of money, which turned out to be more than half, the majority of this money, would probably be needed just to resolve the equity issues. That is not a solid number, or a solid figure, because it wasn't done on the full-scale equity review, and once you do the full-scale equity review, that number can vary considerably, maybe 50% in each direction. I don't know. So we're not sure of that, but at least on the preliminary review basis, which was step one, recommendation 1, it indicated that a much, clearly not all, but much of the 3.5 million dollars will be needed to resolve just the equity issues. And now remember, in order to bring the campus up to the 60th percentile, you have to add 3.5 to the base. If you add x through equity, it's 3.5 minus x, which is left over for the rest.

**ZARET:** (174) preliminary review of the equity issue used campus level data to control the seniority (176) campus wide.

**BRAND:** Remember, equity is always internal to the campus.

**ZARET:** Yes, but (177) controlling for seniority at the system (1177) across the campus that serves differences in each of those categories (178).

**BRAND:** Assistant professors in business, maybe that, I'm making this one up. But suppose that's a large enough group to have several women in it and a majority of men. And then you look within that category by seniority basis, and on the basis of that say that you've got this much of a dollar problem in that area. Assistant professors in the school of business. So you add up all the various areas.

**ZARET:** If that (184) based on all the (185) departmental (185-187).

**BRAND:** That's the initial assumption. Again, we won't know for certain until we do the full-scale review. And I believe the IUPUI review will be done this academic year? And I'm not sure of the time table. Does anyone know the time table for the Bloomington review? David, I'm not sure it will be completed this academic year or not. I think they're still setting up the procedures, as I understand them, on the Bloomington campus.

**ZARET:** Okay, thank you.

**BRAND:** But however long it takes, we'll try to do it right. Anyone else?

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**E BRANTLINGER:** This is a one-shot procedure. Is there going to be some kind of mechanism to (194)?

**BRAND:** If we, the department and the school or college, should be looking at this on an annual basis. Apparently, that has not been taking place. And we may have to go back in a few years. I don't know. 3 years perhaps, to see if any other inequities emerged. And then I would worry about it.

**E BRANTLINGER:** But will we be (200-201)?

**BRAND:** Well, we have to assure that at the department and school level that we are looking at those issues, absolutely. And I would assume that in all cases, that's already been built into the salary allocation structures. Not every unit has been faithful to the rules that are already established. So, I'm not sure we need new rules here, but we might.

**E BRANTLINGER:** Well, it is an (207) problem, because if you don't have equity. If we're predicting that women are going to get an equity raise, it means that over a 10-year period from the last time this is done, there has (210-212).

**BRAND:** I agree with you, Ellen.

**E BRANTLINGER:** Fair procedure.

**BRAND:** Well, it's not a fair procedure if it

**E BRANTLINGER:** -212-

**BRAND:** What?

**E BRANTLINGER:** -212-

**BRAND:** But, it's not a fair procedure if inequities continue to build up after we've done this. I agree with that, and your point's well taken. But the question's how can we assure the, we already have requirements that people are equitably paid, how can we assure that they're enforced? Certainly not, going to back to the earlier question, certainly not by letting those units who didn't pay equity off the hook. So, but I think the point's well taken. We're going to have to find a mechanism on each campus to ensure year by year that there's fair payment so we don't have to return to this in 5 years and see we've got a new problem. I agree with that.

**E BRANTLINGER:** But that doesn't really compensate. That doesn't compensate for the ones that are already-221-

**BRAND:** I understand, I understand.

**EISENBERG:** Well, let me say, the obvious, we've not only --221- we also need the money year by year. I think one of the problems we -222-224- available for that purpose has often been so small -225- the problem itself drags on year after year -226-227.

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**BRAND:** I'm not convinced in every case that action has been taken to resolve the issue over a period of time as opposed to let it ride or even get worse, and that's why we're having to build our problem over the last several years on the Bloomington campus. Equity is the first priority in terms of salary allocations, and so before you make any other salary adjustments, you have to make sure that everyone's treated fairly. And so, there was always money for that because it's the first priority and the first call on the -233- though you may not be able to do to the extent that you would like other things. But in my way of thinking, equity fairness is the first priority.

**SCHNEIDER:** Along similar to that although a little bit different, we recently discussed this at our faculty counsel, and the question was asked wasn't there a similar study and some adjustments done before and the answer was yes. And the question was what was done? And the answer was given. Is there prediction here that at the end of the process or at the end of the study to say what has been done, for several reasons, in other words to give a report on the end of this -241-

**BRAND:** Oh I, I don't know if we have an explicit request to that, but I think it's probably a good idea that each campus understand what the expense was and where the problems were, and if there are specific areas that have problems in them, some areas more than others that attention is paid, particularly to those areas for future adjustments. I generally leave that to the chancellor, but it wouldn't hurt to have a unified -247- that might be an interesting exercise.

**SCHNEIDER:** At least to let people know the process. At least in this state, it is done.

**BRAND:** That's a good point. Please.

**FINDLING:** How do these adjustments relate to decisional Indiana University procedure -249- salary increase is based on merit?

**BRAND:** Well, merit follows equity, that's to say first everyone has to be treated fairly, but then merit takes effect. We tend to, and appropriately so, allocate funds on the basis of merit. Am I answering your question? OK, but...

**FINDLING:** I didn't know if there is a separate merit pot of money, or separate equity...

**BRAND:** Well, we, we have one...

**FINDLING:** -253- just a pot of money, or

**BRAND:** No, we have one pot of money, and we, our principle is that we allocate on the basis of merit. But before you can even answer the question about merit you want to assure yourself that everyone is treated fairly.

**FINDLING:** OK.

**BRAND:** Please...

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**FINEBERG:** After this process is completed, will there be a non-confrontational error in the magnitude of the problem and perhaps some investigation into recent -260- problems of this -260-.

**BRAND:** I think that's part of the question Bill asked as well. I don't know now that there are any specific problem areas. If it turns out in this case-by-case review we have some very serious problem areas, we'll take action on those. Bill's comment, which is well taken is that it may well be useful and the end of the process to have an overall report and to see if there are any patterns here that we need to look after in particular, and I think we could do that, it's a good point. Please, -266-

**MILLER:** Well, I just would observe, and perhaps I'm wrong about this, I haven't looked at the salary policy that the faculty councils have approved recently, but it isn't, it is not my recollection that the principle you stated so clearly here is manifest in our salary policy.

**BRAND:** Change the policy.

**MILLER:** Well, I'm just...

**BRAND:** I can't conceive of an adequate salary policy that doesn't put fairness first. You've got to have a fair distribution. And then, of course, the overriding consideration is merit.

**MILLER:** Perhaps I'm mistaken there.

**BRAND:** But those who know the handbook better than I, perhaps it needs a review -277-. Anyone else? OK. The final recommendation that was approved by the trustees is the 1820 costs, and I believe we discussed this last time in another room, we weren't in this room. The only addition I would add other than to repeat that anyone with 1820 will not be affected by these changes that we're only concerned with figuring out how to pay for it, not to change either the 1820 policy or the early retirement policy for anyone in a position that has one of those two benefits. We will put together a committee consisting of faculty and some staff. Probably that group will also seek some external consultant advice, and they'll report out by March 1. Judy Palmer will chair that committee, and I've already asked the UFC agenda committee to provide me with names to serve on that committee, but there's nothing other than that new to report on, that seventh item. Any final issues on compensation adjustments, and I was reminded by some to repeat that this is compensation we're talking about, and not salary. That it's the total compensation that faculty librarians and professional staff receive. Please.

**DAVILA:** With reference to the 1820 section of this sheet you handed out, the wording in the second sentence, I believe, that refers to "the committee and solely -299- and others," first I would ask if you have some idea who the others might be, and then secondly, reverting to the second line, if you have some concept of what steps might be plausible or possible for this committee to consider -304- this precedent.

**BRAND:** Yeah. The others I mentioned already will primarily be independent consultants, Big Six accounting firm folks who know how to work in these areas. The magnitude of the problem is significant. It's probably about two-and-a-half billion dollars over the lifetime of the 1820 program in future dollars, and that's a very large amount. But I believe that there are steps that might be taken for future employees that will ameliorate the problem to a manageable level. It

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may involve reviewing retirement plans, making sure that we're competitive, of course. It may involve finding ways to amortize the debt, as it were, all the, that last one is severely complicated by the fact that we're a public entity, and a lot of the opportunities that are open to the private sector are not open to us, but there may well be some opportunities, I don't know of any, but there may be. That's one of the reasons why I would seek outside assistance in reviewing that. So I think those are the sorts of issues we'd look at, namely, are there any changes in future, in benefits for future employees, not current employees, future employees, while remaining competitive as a university that would help us ameliorate that, and are there any other mechanisms, none known to me right now, but any other mechanism open to us. It's a complicated set of issues that have both legal and financial implications and so I think we do need a study committee to look at it, in addition to asking the UFC for some folks to serve on the committee. I've also asked the Dean of our School of Business to serve on the committee, and we've got a few people from our financial office to serve, so there's some technicalities to it as well. When that report comes out on March 1, that report will then be presented for consideration and discussion to this group, amongst others, before any action is taken. We're not in an emergency situation here, we do not have to act immediately, we have the opportunity to think through this carefully, and we should take advantage of that. Please Michael.

**DOWNS:** One observation, not entirely frivolous, is that unless steps are taken to deal with shifting upon the -338- point, we could easily arrive at the top of the Big Ten in total compensation within the next decade, possibly -340-./

**BRAND:** Well actually that's not true for the following reason. Since 1820 is an unfunded plan, it doesn't count in our compensation package. So we don't get credit for it in terms of comparative groups, but we still have to pay for it. That's even worse than what you said.

**VOICE:** You need an equity adjustment.

**BRAND:** Any other questions or issues on this? OK. That completes my report. I now ask Ted and Bill for the agenda committee business.

**SCHNEIDER:** I'll give the report. This is on the Indianapolis campus, it is my duty to do that. Let me welcome you back to Indianapolis for the second meeting of the UFC, and last one for the year. Next year we'll be meeting in Bloomington and South Bend, the last three meetings. The room you may notice is a little different from last time. I've gotten different reports on how well that worked. Some people liked that we were all cozy and close to one another. There certainly was a lot of discussion, but we decided to go back to the traditional layout here in the grand square so, I hope that the discussion is just as lively. I've got one technical announcement. It's the replacement of a member of UFC. Lauren Henry from IU Kokomo has replaced Margo Sogman. If Lauren is here, welcome to the body, I hope you enjoy and learn as we all do at each of these meetings. The agenda committee talked about, I don't know whether you were aware of it, but the agenda for this meeting was distributed electronically only. Did anybody notice that? Were you expecting paper? Did anybody not get the electronic version? Well, you're all very electronically literate. Congratulations. We plan to do that in the future, to make the agendas available electronically and any documents that are necessary as attachments available by the web, the web page of UFC. In addition, the agenda committee has decided that it will also make at least the agenda, well the agenda with notice of where the documents are on the web, available to all faculty members. We have to work out the details, but we don't see any reason why everybody shouldn't know at least what our agenda is. And if anybody has any observations or



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suggestions about that, let us know, or questions about us, let us know. The, we talked a bit about the status of post-tenure review. In case you're wondering, the cover letter and the IUPUI policy as an example of it have not yet gone out to the campuses. They should be going out within the week. Where's Sarah? Within the week, and with the suggestions that we hope to get responses back from the campuses in time for our next meeting in February. So if you're wondering what the status of that is, be expecting that, if you haven't already begun discussion. One other item that you I think might want to know about is the policy that UFC passed last April for family-related partial leave was presented to the Trustees in I think it was the June meeting with several questions raised. The faculty agenda committee, some members from it and the benefits committee have outlined some areas of disagreement or possible agreement, and there will be a small subcommittee of faculty and trustees that will meet in December to go over those points, to see about common ground that might let us go forward with a policy that is acceptable to both faculty and the Trustees. And if we're successful, we'll probably let you know about that at the February meeting. Finally, in case you didn't note, this is our halfway point for the year, this is our third meeting Fall semester, we'll have three meetings in the Spring. There will be some other things, obviously, that we'll have to do. This was the easy part. Usually is. Most of the stuff we have to do is in the Spring semester. I hope we'll be moving along to making some decisions and recommendations as well as deliberations both in the rest of this afternoon's meetings as well as in the Spring.

**BRAND:** Questions for Bill or Ted? -404- Please.

**FINEBERG:** Bill, I wondered whether the document that we need from you -406- attached to the agenda. -406,407-

**SCHNEIDER:** From email? From within email?

**MILLER:** Sure.

**SCHNEIDER:** We can see.

**BRAND:** Well, I think that will depend on your local email program. I mean, if you're, if the program you use to access your email supports that, I think that'll happen, yes. Please, Carl?

**ROTHER:** It'll be on the web, right? The documents? Not email.

**BRAND:** OK, anyone else? Questions and answer period, item three on the agenda. Any issues or questions you'd like to bring up? Please, Paul.

**EISENBERG:** One of the things that you'll not see on the agenda for today is the discussion in executive session of other degree proposals. As chair this year of the Degrees Committee, I'd like to express a personal concern, I suspect shared by all of us on the committee, that we've not -421- now, for consideration, any finished proposals. The timing is rather late, and so I would urge all of you who have any interest in this matter at all -422- expeditiously. That means Myles -424- informed all of you so it is not the function of the other individual committees to generate the proposals, but to pass on recommendations which -426-, so please proceed if you have any -427-.

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**BRAND:** Paul, that's a very well-taken point, I believe, that for whatever reason there's a paucity of nominations this year. We don't have to give out honorary degrees and nothing will happen, but there is, for whatever reason, a paucity. Remember the process, namely that people receive honorary degrees when they're nominated by faculty members, deans, others. One of the issues that was pointed out to me last year is that when we provided our honorary degrees, I think there were eight or nine honorary degree awardees last year, there was no gender equity in that group, and so, as you think through this, you might come forward with recommendations along those lines. But that you, Paul, it's well taken. Any other questions or comments? OK, we'll move to item number four now, and I'll call on Paul and Rebecca please, for the Affirmative Action Committee status report.

**EISENBERG:** I think it's actually going to be my only report that can unfortunately be called today -447- any problems -448-. I hope that all of you have received by this time the -449- committee just hired me themselves: one copy of the document -451- division, and along with it, a copy of the handout -453- points or areas of concern with regard etcetera, etcetera. This is to be only a rather brief progress report, and so this for many of us isn't -458- outcomes, this current draft in limited circulation for quite some time now. In this case, one hopes that the -461- will turn out something good but they certainly -462- turning slowly. In any case, all of you should be aware that these manuals -463- again at the meeting in February, when I believe -465- vote on revised version of the current draft. After that, matters go to the Trustees. Between now and the February meeting of the UFC, it will be a meeting, in fact, on November 20th of an ad hoc group that will consist of Peter Lamber, a current affirmative action officer from the university, as well as -473- with us today, the -474- counsel, unless there are any questions today, the legal background of the issues involved in this draft or in future drafts. The other members will be Ben Quarter, the co-chair of the Affirmative Action Committee of UFC, along with me, and my co-chair, in Bloomington, Laura Grader. There are a number of things that need to be worked through, as I indicate on this handout -483- get a copy of it -485-. I find it pointless to discuss -485- of those things, but let me highlight for you a few of the areas of special concern. Foremost among them, which is far more the point of concern, as I -489- I was really -489, 490- of concerns, is the matter of the kind and type of document that is to be produced. What we have in the current draft, a draft definitely subject to further revision, is something that's pretty brief and that outlines a proposed policy that the university -497-, but does not speak of the larger background issues and does address itself to future educational programs which might mean that it ought to deduce such problems as sexual harassment. So it is precisely a question of the nature of the document, what kinds of things should or shouldn't include which is right now a principle source of concern for those who look at the document, for those -506- that I've just mentioned. Other matters that certainly are very important among the eight that are listed for you are four, -510,511- scope of the document in the sense of the kinds of persons or groups of persons for whom the document -512- sexual harassment apply. Currently the draft speaks of employees and students. It has been, however, suggested that other persons for example, -516- visitors to any of our campuses, or guests, might also -519- be persons to whom -520- sexual harassment policy apply. There is, on page three of the current draft, a use of that legal phrase we know is certainly suggested that that be spelled out in the context of, -530- insofar as it can be done. And, perhaps lastly, for now, as -531- pointed out, that the current draft does not speak in any way whatsoever to the issue of retaliation and similar policy statements which come before the -534- policy of opposition to any retaliation -537-. So, clearly, there is much to be worked on -538,539- but still important. The point of bringing this up now is the -542- fact that this document is under close scrutiny -544- and I hope that all of you have an interest in the outcome. You might think about the draft, and areas or points of concern that you may -547-. Perhaps

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contact me or others on that ad hoc committee as we proceed with our work. And so allow the discussion, the full-scale discussion at the February meeting to proceed -552-. If you have any comments or questions now

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**DAVILA:** If I may, just with respect to number three, under the head in smaller points where -010- “should” with “shall.” I can understand the “shall” with respect to the people that are responsible for making sure that sexual harassment is investigated and -013-. I wonder if ...I think we should be careful about placing the “should” in front of people who might be victims of sexual harassment, and therefore “should report it” as opposed to “shall report it” and my reason for regimenting a bit of cautionary thinking -018- is it might put the brunt of the people suffering from this or observing it in too limited of a time frame. And also, it might infringe on their right to decide whether they shall or shall not. So I urge at least a contemplation when we might put “should” and when we might put “shall.”

**EISENBERG:** It’s a good point, and I -024- in writing point three we have to adopt a uniform policy in that respect, that all requirements should -025, 026- in a discriminating way -026-.

**BRAND:** OK. Any other comments please?

**CIMINILLO:** Just a question. I wonder if you could just tell me, in this one part, what’s under “Enforcement Principles”, item six, “in the event of a -028- corrective action to stop harassment up to and including -028- through the appropriate channels of the university...” My question is, who is primarily responsible for -030- corrective action. Is this the department head, or is this the chancellor? I know that everything is advisory student system but who gives that initial information as to what is appropriate in the way of discipline, or something to stop this?

**FRAPWELL:** It probably would depend on the individual. Are you asking specifically whether you’re going to a faculty person?

**CIMINILLO:** Yes.

**FRAPWELL:** Faculty person? It might very well be the dean, a chair. I think you have to look at the rank of the individual who is accused of the harassment, and then starting with the next level of supervision, perhaps, would be where the recommendation might come.

**CIMINILLO:** Should there not be some sort of cooperative effort on the part of the campus administrators, that the initial recommendation should come out of the -037- individual -037- with his supervisor?

**FRAPWELL:** I think it could. I think it could come from a group of people. One thing I found out, in any of the harassment cases, you think you learn from each one, that the next one is going to be easier, and they’re not. Each one seems to take on a life of its own, and needs to be dealt with in a manner consistent with the facts that give rise to the harassment charge. Unfortunately, or fortunately, they’re not so similar that I can tell you I know exactly how the next one is going to be handled.

**CIMINILLO:** -042- the sort of line of command, or line of authority in terms of -042-

**FRAPWELL:** Sometimes the first person who knows anything about it might be the affirmative action officer, who might make a recommendation.

**CIMINILLO:** I see.

**FRAPWELL:** I think it really depends how the complaint comes into the system, and what we found is that they tend to come in very many different ways. For example, the affirmative action officer may know about it before the chair of the department knows about it. I think part of this policy is to try to get everybody functioning in a manner so that there is more consistency in the manner in which these are handled.

**BRAND:** Pat.

**P BRANTLINGER:** In relation to corrective action up to and including this charge, -048, 049- what is meant by “corrective action?” What kinds of sanctions and corrective actions are now taken? Can they be spelled out -050- I am also assuming that, guessing that, in his view of this of course, most universities, nobody’s ever been dismissed for sexual harassment. -052-

**BRAND:** I’m not sure that that’s true. I’m not sure it’s false either.

**P BRANTLINGER:** The reason for the question has to do not only with sexual harassment but other forms of crimes and misdemeanors. In fact, it appears that at Bloomington campus has great dismissal procedures. They seem to be rather vague. There isn’t much communication - 056, 057-

**EISENBERG:** Again, my person decision, I would like -057, 058- that the language is vague, because on each case -059- and if so what would be totally corrective action in one case might be very different totally corrective action in another. Imagine in one case it must be sensitivity training, whereas in another conflict, a severe case, we might need to be talking about a possible discharge. Does that include -063-?

**FRAPWELL:** I think for your first question it did. Can you tell me what it was?

**P BRANTLINGER:** Well what are the things, the corrective actions that are now taken?

**FRAPWELL:** I think there was a case recently where someone was suspended.

**P BRANTLINGER:** Indefinitely, or....?

**FRAPWELL:** For a semester. I can hear half the cases that have resulted in -066-. I think there are cases in which the corrective action is instructing, “Don’t ever do it again.” So I really do think, depending on the behavior, the number of times it has occurred, this is the first time or the third time will make a difference, the number of complaints that we might receive...I couldn’t tell you, nor would I suggest, that you say “For the first offense, this is the penalty. For the second, - 070-” These cases really vary in terms of clarity and -071- about which -070-.

**BRAND:** Please.

**WAGNER:** I have a concern. I don't know the answer to this, but I hope you really look at this "need to know" issue. There are times it certainly makes sense for use to protect the accused, and even after someone continually -074- that they won't do this again...I know of a situation at our school on another campus where someone had been involved inappropriately with young undergraduate students, and was told not to be alone with these students in his office again, and then time went on, the administration on that campus changed, and the need to know...it was assumed that those people should not be told had ever happened. So when the activity happened again, it was much longer before anyone intervened and realized that this was going on. Students were certainly impacted negatively, whereas if there had been more sharing of information, perhaps the second occurrence may not have happened. That person later, I think, was asked to resign, and so the consequences were appropriate for the behavior, but in the interim what happened to student is not what any of use would have wanted to happen. So how we protect the accused, at the same time trying to provide a safer kind of future, especially when it's students, I think, is a real concern I have. And I'm a social worker, not a lawyer, so I don't have any idea how to frame, this, but I would like to see us tip it a little more where we can do some prevention, if we need to.

**BRAND:** David.

**FULTON:** Paul, would not the stipulation that the Office of Affirmative Action act as a clearinghouse cover precisely the situation that was just described? And if not, why not?

**EISENBERG:** Oh I think it would. It seems to be a very plausible suggestion.

**WAGNER:** If it gets to the office -092- I need to give an example of something that's, approximately, as these examples. Of the faculty that had some sense of this, or the director of that area had known that this had happened in the past, they'd probably have been more vigilant, and even try to make sure that the opportunity didn't come up. The person violated the understanding of the corrective action, and so eventually they -097- ramifications. It's what happens in the interim, before it gets to Affirmative Action, that concerned us. And I only learned about it by serendipity the first time. I think this is not an unusual circumstance. I think they're similar kinds of concerns, and so I don't know how we deal with that.

**FRAPWELL:** It's a very difficult balance, and what happens is different parts of the university know different pieces of information. And you really don't want to trample all over the rights of the people who are accused. On the other hand, as an institution, and what our responsibility and liability is for not dealing with these cases, makes it difficult. I had a situation that came up recently where I...you hear things...and I suspect that you all do...maybe because I am more concerned about the liability of the institution, I go ahead and act on it. I made a phone call recently and said, "Have you ever had a problem with so-and-so?" and the person said, "Yeah, we have." Well your heart kind of sinks, because know you know somebody else knows about a problem, I've heard about a problem, who else has heard about a problem? And in legal actions against us, when all of us knew and we didn't do anything about it, we've got significant exposure to liability. So it's this balance. Hopefully having affirmative action officers helps but that may not be enough. I mean, there may be other people who need to know. It also happens, as time goes on, the institutional memory goes away, -111- situations so recently. Something that happened a long time ago, somebody said "Wasn't this a problem -113-" forgotten about it. So this is what we're trying to wrestle with here, and we understand how important it is.

**BRAND:** Dennis.

**SENUK:** I guess I was sort of a little worried about the way in which putting down these kinds of protections backfired against the university. I would think that if you give somebody who's informed the -115- "need to know" -115, 116- the person charged might well sue against the university.

**FRAPWELL:** There are situations where you end up being sued by the person who has been accused and the person who is the accuser. That's just something we have to live with. On the other hand, most of these cases wouldn't come up and -119- to these issues. So I think that's just a risk you take. Yeah, I'm worried if it's a lie being spread around a campus, but more often than not, unfortunately, when I hear about these cases, people tend not to make them up. I'm not saying it never happens, and maybe the ones that get to my office are worse, but I don't see people making up stories most of the time.

**SENUK:** OK, well then that's the -123, 124- too much information but if you put down that there is this need to know requirement, I wonder whether that suggests that there will be some action taken against individuals who inappropriately disclose information.

**FRAPWELL:** I assume that would be a violation of -127- methods, if that happens. I think you want them written generally enough so that you catch all people you believe have a need to know. That probably does not give you the right to go to a cocktail party and tell everyone.

**BRAND:** Ellen.

**E BRANTLINGER:** This is a proposed revision, but what we don't have is the original document. We don't have the -131- about what document this eventually would occur in, could be the Faculty Handbook, so -132-. The other thing is, I saw a document recently -133- that had a formal hearing procedure, and in this document I don't see a formal hearing procedure for affirmative action. I recently been on a campus -135- and there is a list of sanctions there that are listed in the student code that you choose from if the person is found to be responsible for the action. This doesn't list the same sanctions so when I was on that I had to go from document to document to try and figure out even what the definition of sexual harassment was, and which one applied...was it the student code or was it the Faculty Handbook, or was it another academic handbook, the Academic Guide. It has a different definition. It seems to me every time we revise anything we should go back to all of those guide limits to make sure we're consistent throughout. But I don't even know how to -142- your revision if I don't see the original. When we did the Student Code, for -143- responsibility, we had the old document and then we had pencil through what we were deleting and we could then type all of them up so that you could look at that. This is, to me, coming out of the blue, and not enough information to do a good evaluation. So maybe you can answer some of those questions for me . It's a number of questions.

**FRAPWELL:** I can answer some of it. This policy book will apply to everyone at Indiana University. You know that policies within the staff, faculty and student area are different. This is the overriding policy that will control what those...here's this policy, and we have different procedures underneath, different procedures for different areas of the university, we're pretty consistent in determining people who are staff -151- dismiss a student in a different manner than one might discipline a faculty member. But this is the overriding policy, I believe, is what

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this started out to be. Right now, I think it's pretty -153, 154-. It's much similar to the affirmative action policy. It appears in every one of those guide books that you just talked about. I believe the president signs a letter every year about affirmative action that is reproduced in the Student, I know it's in the Academic Handbook, I know it's in the Personnel Policies. We put it everywhere.

**E BRANTLINGER:** Well then what was it I saw a few weeks ago at -157-?

**FRAPWELL:** It was the Affirmative Action rules. I wasn't there, I'm guessing at this, but those are hearing procedures that the Office of Affirmative Action tends to follow. I wasn't there, I didn't see them, but I know that -159- working on it, so I think that's what it was.

**BRAND:** Laura.

**GINGER:** -161- and those are ways of implementing procedural specifics. We were thinking of -162- .

**E BRANTLINGER:** I'm thinking of where do we find this policy? Is it the record of UFC if we pass this, or is it in the Academic Handbook, the Academic Guide? -164-

**GINGER:** But is the overall university policy -165, 166-

**E BRANTLINGER:** I understand that, Laurie, just, if we do a revision on the -166, 167- but if you actually go and look I think you'll find that there are different pieces in different places. They may be overall consistent, but when you're actually looking for which one you're going to -169-, if you're on one of those hearing boards...

**BRAND:** Well, Paul, this is good procedural advice, as you come forward with the final version, OK? Any other questions and issues?

**P BRANTLINGER:** Could Paul just tell us quickly what the major changes are here?

**EISENBERG:** I'm sorry, I'm not able to do that. I inherited this document a couple of years ago, and it's -172, 173- .

**BRAND:** None of this is up for a vote right now. This is just advice to Paul and his committee, and I think you've heard the advice, including what is the best way to present this material in the future. Dennis.

**SENUK:** Just a very minor point. I would think that if this is indeed a document that is going to -178- somewhere, -191-193- for one thing I expected a little bit -193-

**BRAND:** This is from 1890.

**SENUK:** And some of the other, more -196- examples could be selected where one foot, for example, -198- cases of kind of inadvertent difficulties of let's say, -199-,

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**BRAND:** I think one of the questions as you read the type-written sheet is “What’s the purpose of the document that must be decided - whether it will have an instructional pedagogical aspect to it or not. I take remains in open question. And if it does, then the kinds of issues that you bring up seem quite appropriate - a mere legal statement about policy, maybe not, and the pedagogical points which you raise are important ones. -206- elsewhere or by other means. Did you want to add something Donny?”

**FRAPWELL:** The issue whether they should be examples is very controversial, and when this was written. I can’t remember who it was. Somebody felt very strongly that they shouldn’t be in there, because they thought there really are people who don’t understand it and don’t get it yet. I thought -209- So if you feel strongly about it, let -210-

**BRAND:** But it pertains to one of the key questions...

**EISENBERG:** -212- at all appropriate. If you do, then you might want to modify -213- others.

**BRAND:** Any other comments on this before we go on? Last one.

**MAWHINNEY:** I argue that you include the examples. Your current postscript certain behavior patterns and --216- those behavioral patterns are the least stereotypical ones put there for people who don’t get to see, so that they do get to - in a preventive way.

**BRAND:** Good, thank you, okay, last comment.

**WAGOR:** When we look at the overall document, there are statements about what happens if a corrective action is needed. What’s not stated is how are accusations that turn out to be false followed up. You have a number of people potentially in the -223- line who are involved with what -223- things. What if one of the procedures was going backwards and informing all the -225- been involved during the process about what action -226- or whether, you know, astoundly invalid suit accusations. It just seems like, -227- both incomplete.

**BRAND:** That’s a good issue. Sometimes the accuser may be left out of the cycle, resulting in what the result is. Are you -229- you’ve heard all the feedback and ... let’s go onto the next issue, and that’s the proposal on fair use of copyrighted works for education research, and -232- if you would make that presentation. And if you would come up here please.

**FRED CATE:** Thank you very much. My colleague Kenny Crews appearing before you last time, and after the session he had with you, he’s left for South America. I mean that literally by the way. So it’s my pleasure to at least fill in for him today. You have before you the handouts in the back. I hope you all have copies. The revised version now of the policy on fair use copyrighted works for education and research. And, it reflects I think one revision from the last time that you saw this draft which is a new point 4 which clarifies which what was the intent of the committee all along. That the policy not only contains the first 3 provisions, but in addition, any faculty member, librarian, or staff member following this policy would of course be defended and indemnified by the university council’s office, in accordance with the trustees resolution on such matters. From 1971 or any subsequent amendment of that indemnification policy. The policy is before you today for a vote, so I want to make sure you have as much possibility for any additional questions or comments, or further explanation that you might want, but since you’ve



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been through it once already, I won't take you through it once again unless there are specific questions or comments.

**BRAND:** Okay, questions and comments? We're scheduled to vote on this today, so any issues you want to bring up, please bring them up now.

**CATE:** Let me just point out one additional change which I neglected to point out earlier, and that would be addition under point 3 of the words "whenever possible." So it now reads under point 3, "Avoid whenever possible adopting or supporting policies or agreements." That would restrict various rights. This was an amendment proposed by the Bloomington Faculty Council and it recognizes that although we believe in the super human capabilities of the university, there may be times when it is not in fact possible to avoid taking an action which would appear to support such a policy or agreement. And that we only expect what is possible from our colleagues.

**SENUK:** One of the predicaments of the offices --261-

**CATE:** Yes, good, I was hoping you were going to ask that, because I'm extremely up to date on those issues. As you might expect from 1971 I'm so pleased to see that university council has made it here to today, and had an opportunity already to participate in the discussion. So can I just refer this to you?

**FRAPWELL:** We went through this at the last meeting. There are policies passed in 1971 that just generally says useful things. When probably most of of us -268- It applies to more than just this context. The students who do or get bad grades...-275- We defend our boys when they get named in lawsuits for a whole variety of reasons. We always would've done it, this just specifically - there would seem to be a desire to have explicitly stated in this policy.

**CATE:** It might be worth just a moment's clarification. The initial draft of this policy which none of the council saw, which only the committee debated, in fact point 4 was in here exactly like this. And then it was decided to take that point out because it is in fact the policy of the trustees to defend the faculty on any matter whatsoever in which we're engaged in our professional conduct in good faith. And so it was thought kind of unnecessary to point it out here since in fact it's true of absolutely anything we do within our official capacities. However it did come up in discussions, not surprisingly, as this made its way through the faculty councils and so it seemed appropriate to then put it back in. The text had already been written. It was just a matter of putting it back. And all that it's intended to do is to state what is the obvious under the 1971 policy, not in any way to modify that policy.

**BRAND:** Any other comments or questions? Paul..

**EISENBERG:** Now here I am with my philosopher's hat on, -280- but when I look at point 3 which I know is a result of -290- I wonder what situation in which it wouldn't be possible to avoid docking and supporting policies, etc. Etc.

**CATE:** Let me give you the example that was discussed at the BFC. This is not a matter, I don't think of earth shattering importance, but I can at least answer your question, I'm so happy to have one I can answer. And that is for example if a librarian is negotiating with a supplier of CD ROMS and the CD ROM contract says you can have this package of CD ROMS only in the

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condition that you do not exercise any fair use rights in it. At the point that the librarian tries and fails to negotiate that out, is this policy that we could prohibit the librarian from signing that agreement. What we were trying to say is that whenever possible we are going to try to get rid of those -00

**EISENBERG: -010-** this conversation

**BRAND:** With all due respect that's a philosophers comment. (Laughter) Any other comments or questions.

**EISENBERG: -018-**

**BRAND:** I can't hear you, please.

**EISENBERG: -018-** Can the university propose policies -021- for example

**BRAND:** I imagine that it will be possible to overcome such circumstances but the university generally speaking except for complicated -029-will promote -030-runs and this policy is designed to maximize the use of an air route in its rights. As a matter of fact the way this policy differs from the way some of the other universities' have focused the issue is that we are trying to maximize -034-. There may be some more cases but the intent here is to do that.

**CATE:** Just to add one point to that which is as some of you will remember, although shock therapy has helped some of you to forget it, I have appeared here a number of times to discussing other -038- property policies with the faculty council and with those there were often times in which the faculty were in sort of a negotiation with the trustees or other parts of the university. This is really an extraordinary pleasant experience because this is a policy in which we believe everybody's interest-042- pretty consistently on one side. And that is to maximize the extent of which we take advantage of fair use as a university as teachers in the classroom, as researchers and as the university conducting other activities of the university. There is really very little controversy about this at all, and it will be a pleasure to see a -047-property policy of any type go through the process with what I imagine will be his widespread support from faculty trustees, administrators, staff absolutely everybody on this type of policy.

**BRAND:** Any other questions and comments before the vote. Will someone call for the question please. All in favor please say aye.

**EVERYONE:** Aye.

**BRAND:** Opposed. Ayes have it, thank you Fred. Lets move on the the non-tenured -056-

**BRANTLINGER:** Let me just give you a brief history of this -058-I was not on the committee at that time-065-that this fall Phil and I sat down and tried to come up with a set of finitive proposals that this body might act upon and that's the second half of the document. -070- the earlier discussion-071-there are three things, one is to come up with as clear terms for the employment-076-and the second thing is to as -077-the third thing is to slow or perhaps put a halt to the universities' -083-as is noted in the records last spring the increase in the university-084- is not dramatic, it's not crisis with portions it maybe more so on some campuses than on others. -

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090- the next step is for us to distribute this to the faculty and -092-and to generate at least -094-discussion before any action is taken. So with that I'm going to turn it over to Bill and Sarah.

**SARAH:** I think that is correct this is our first attempt to not only bring together this complex issue into a reasonable introduction but then also to provide some preliminary recommendations for dealing with -103- faculty. Bill and I did have the opportunity this summer to meet with the academic vice chancellors of all the campuses and really I think he determined that many of our concerns are shared by him as well and the need to balance it-110-. We need to balance that with the flexibility needed for programmatic changes and budgetary changes and I think that statistic I read said that 20-26 percent full time faculty are not tenure-117-and this is a national statistic. So I think we can see that we are certainly not alone in confronting the issue of non-tenured -120-faculty and I believe too that from our original discussions last year, one goal we proposed would be as Pat mentioned a slowing of the -123-

**BRAND:** Ok, any comments?

**BURGAN:** I'll just add to that, we were given last spring by the Dean of Faculties -127-been collecting all the data that we have so far, figures for the increase in dependents on non-tenure-130-faculty across the whole system over the past seven years and those figures are now being backed by the individual campuses, the Dean of Faculties doesn't want to make public any figures until each campus in question has had a chance to go to over them and pull out any possible misinterpretations-136-that we're almost there, so that we will very soon have something that's important to this discussion which is some tracking of the change over time. There's no questions and I think everybody here is aware of this so it doesn't -140-. There's no questions that in absolute terms and leaving the question of increase, dependents on non-tenure track faculty in the whole system is very substantial. I don't think anyone disputes that, one thing that-147-figures for part timer as distinct from full time non-tenured -148- But in the mean time we can begin by making some proposals and have some discussion on that and these number -154-

**BRANTLINGER:** I just wanted to add, you may not be on -155- that doesn't matter, we would appreciate it if you would read the recommendations carefully, if they don't seem to fit your situation on your campus let us know. If you have other recommendations you think we should consider let us know that. Right now basically we are looking for good advice on this issue.

**BRAND:** Now you've just circulated this is it your intent that we discuss it now or do you want to discuss e-mail?

**BRANTLINGER:** If people want to begin discussing it that's fine with us, but I don't think it's the first time -166-

**BRAND:** It would be a little hard to discuss this, I don't think anyone is actually ready yet except perhaps you, so these are important issues we'll need to return to them a few times it might be most productive if everyone went home and read it and got in touch with you in an appropriate ways and we came forward with a discussion about the preliminaries or anything else you want to bring forward in interest to data. Is that acceptable, coach? There may be some questions you may want to raise now or feed back as the group goes forward -179-

**FINEBERG:** -179-

**BRAND:** I think that's fair and as long as you are doing impact studies you might want to look at number 7 too. Any other questions or issues please do.

**SCHNEIDER:** This is quite good and I really like it. I think it's exactly what we need it focuses to some particular points, some specific recommendations that may change. One of the reasons I like it is that assume then that you'll be coming forward with specific recommendations either all together or in groups or one at a time and we can hack on them accordingly or do you want to try to have the whole thing tied together, what's the thinking or is that one of the things you want to decide.

**BRANTLINGER:** -199-

**BRAND:** Any other comments?

**GINGER:** -215-

**BRAND:** Ok, that's what we'll consider. Anything else please.

**ROTHER:** On the same issue of item 4 -238-

**BRAND:** I wonder if the issue was local control of these matters is that one of the questions your playing with here?

**JORAY:** Yeah. I don't know about the other smaller campuses but our campus to raise the average for part time -263- fairly close to \$2000-\$3500 per section it going to be a huge -268- we're talking about hundreds of sections on the lot money, I'm not sure it's there.

**BRAND:** That's why you need an impact statement, I think, and it's questioned whether it's mandated or recommended or goal, I think context is going to be very important. Anyone else?

**SCHNEIDER:** Let me mention one thing, I'll only mention it because I think it's pretty big substantive matter I didn't see it scanning through here. One of the things we wanted in ensure was that part time faculty enjoy the full rights and responsibility of that kind of freedom to teach. Is that in here? If so, I think it ought to be in the first point that following the rules of the academic handbook.

**BRANTLINGER:** I had the same question and I wondered if it would be intentless to include it in the recommendation -286- if not, recall we had that long discussion about clinical faculty that was a major issue for us I think by analogy we should refer to it here as that. Any one else, any advice.

**FRENCH:** One question I had was how are we assuring that-294-to voice their opinion on the -297-

**BRAND:** Good, point. Bill.

**BURGAN:** We have talked to some people -304-

**BRAND:** You were thinking of a more systematic approach?

**BURGAN:** Exactly.

**SCHNEIDER:** This getting on with the trustee's meeting during the discussion to in fact deal with trustees at IU Southeast and one of the problems the non-tenure track faculty are so literally disorganized that it's difficult, I'm not sure whether that should be one of the recommendations or not but it's something to think about.

**BRANTLINGER:** -318- entire comment

several people talking

**FINDLING:** I want to comment on that, to say that certainly some units that are directly responsible for hiring of such people are very exercised about it, very concerned and trying to improve the situation. I am speaking especially of South Bend where I have to talk to people as well as other campuses so I don't by default be suggesting that other campuses aren't involved because it was clear from the conversation that Sara mentioned although this is generally perceived as a very real problem. The person directly interested in hiring them for more composition for example at South Bend -014- was concerned that current practices might be subject to legal challenge at some point because they aren't clearly adjusted to affirmative action requirements as might be desirable, for example. My sense was that they have been working with some success in doing is to try to prove that convention of the problem and I was assured by two people there at South Bend, but flexibility does not mandate the degree of instability now in the system. They can tolerate much more stability so to speak, -023- the amount of lack of control and correlative lack of attraction of these individuals to the institution that you've now got. So there is concern with that, but my point -026-

**HOOK:** I think if you look at point -028- the particular kinds of context designed for -029- suggesting that stock -030-begging to develop these might be the clinical -031-or some of the things are in the IPY some women are full time lecturers -032-and I think I heard -033- the willingness to entertain instead we're not going to let anyone know until classes start, suddenly they're teaching but the willingness to implore a one year or even longer term contract give people some clear sense of what will have at least for the year term future addition and then also again we still have the person who's teaching awful classes for an awful institution-038- that might be somewhat -039-by this type of vote.

**BRAND:** Sara, is number 8 intended to include the possibility of -040- for these individuals. Certain kinds of contracts -041-over a long period of time and so on. Is that under active consideration? Ok.

**HOOK:** Now one thing that we did learn from the summers discussion was several campuses are making a real effort in terms of making these -043-the overall academic scheme one campus says -044- they added representatives to their campus, faculty council, another campus had a newsletter that -046- and then there were some tapes I listened to this summer, that gave a whole range of different ideas that could be used to build -048- for part time people and they didn't really involve additional compensation -049-.

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**ZARET:** I worry that may not be a paradoxical outlook for this type of -051- (rest of his speech)

**BRAND:** Professor French then Professor Hart.

**FRENCH:** Is there a time limit that your committee is working on -065-

**PAT BRANTLINGER:** I think any time this fall, that's cutting it short, I can't imagine we would wind up with a -067- last meeting of the year.

**SCHNEIDER:** Our next meeting is February 10. We have two meetings after that and they will go through March and April. Wouldn't it be bad to have that February deadline to get caught on his back.

**HART:** Sometimes we're on pretty dangerous ground when we decide to do things for or to people rather than with them. This may be embedded in the document and I've just missed it, but to one extent have we surveyed or assessed the point of view of non tenured faculty about what's important to them.

**BRAND:** That is related to an earlier question too.

**BURGAN:** We talked to some people in this situation we have not involved them on a systematic basis say a member of a committee or something of that nature, we've done interviewing and I think it would be useful to do more. I think also that when you get to a certain level in this matter there is a question of wording in the fact that people are, as I think Pat pointed out, heavily dependable upon these jobs. And you ought to counter the objection that we don't want individuals point of views this is something needed and they don't let it interfere. That's for sure, but -085-

**GALANTI:** I wanted to say that the issue of sexual harassment earlier, there was some question as to the terms whether employees and students should be expanded to -089-staff members I just want to make sure that somehow we make changes in this second harassment policy that we somehow don't exclude part time faculty who I assume are -092-

**BRAND:** The policy will apply to all employees of the university.

**MAWHINNEY:** It suggests under comments that this case seems self evident that on part time -096- under all circumstances -099-that some of my best friends who are in this position don't have any requirements to serve on committees or do original research. I am a little perplexed by strength of that statement. Maybe I just missed something.

**PAT BRANTLINGER:** No, I don't think you did. (Laughter) whispering I can't recall there may of been some slight ironic -108-

**JORAY:** If I could make a comment, I think on our campus -110- part time faculty member there are two courses with exceptional circumstances believe the vice chancellor for academic affairs has sign off on this he or the department chairperson can have a person for 3 courses which would be equal to the normal load of a full time faculty member on our campus.

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**PAT BRANTLINGER:** I am not aware of ever anyone having 4 courses and being part time.

**JORAY:** South Bend.

**PAT BRANTLINGER:** Bill has studied this issue in more detail in far than any of us.

**BURGAN:** I just wanted to say that in our conversation with the trustees about this that the kind of thing they are concerned about, particularly concerned about, they do not want these people having very heavy course loads. They interested in maintaining quality by seeing to it that there isn't this kind of-124- .

**SCHNEIDER:** I'll give you an example of how you more than full time. We have part timers on our campus that also teach part time in Columbus and can teach part time in other places and if you add them up they can come up to more than four. You can't really say they are at another university but if it's within the IU system we might be able to address it I am not sure if -130- it may not be enough people to worry about.

**PAT BRANTLINGER:** There's also a big issue that if we use -131- and these people are paid per session then we are not helping them in terms of compensation.

**ELLEN BRANTLINGER:** Well, I think number one really needs to be strengthened because we do have rules about (003) and I think there should have been (004) there is a need for it I replaced someone and eventually I lucked out by getting into this entire new position. That needs to be strengthened and there has to be a way after 2 years we have to look at if there person is tenure or advertising them (007) something like that. It's got to have some bite because I know people that are teaching now that have done this for 15 years and never been given tenure.

Its very difficult to generalize on all this because I can imagine the Law School for example there would be an adjunct faculty member maybe even teaching two courses, though I doubt it, or one course on a continuing basis he or she has a law practice.

(011) couldn't hear

But you see how you do you spell out that that's different?

Primary (012)

Well, it's easier to say.

No I would disagree with that I think you can spell that out. It needs to be because I think for whatever reason there was never a search for a tenure track person and I do think you can look at that and you can have a screening mechanism to say if somebody is hired from a full time primary job for the 2 years they shouldn't be able to hire the (018) that's the time (018)

You may be right but I worry about trying to define in an inclusive way primary job of function.

(020) couldn't hear entire comment

That may not do it either but I don't want to argue the point right now.

I would like to see something (022) in the way of maybe ensuring that we don't go non-tenure tract route. We've got the clinical rank for writing, and the clinical rank serves every purpose, but this is looking at (024) I would just say that this is my recommendation.

Thank you for permission to speak, when this issue was first raised four years ago by the faculty affairs committee we had a number of these considerations in mind and I welcome (029) discussion. I think there are two issues here, however, have gotten lost in the transition from one committee to another. We were very concerned about supervision and evaluation and especially peer supervision of part time faculty, now if you notice in (033) there is some consideration of this but I believe that this really goes too far and is impractical. It says that affirmative action and other guide lines that apply to recruitment are in excess of tenured faculty should also apply to the non tenured track faculty. I won't talk about affirmative action that's self evident but the way part time faculty are hired, or need to be hired very often, is on (039) and flexible basis. This would call for a search, a formal search, that's really not practical for part time faculty. We have quite a bit of long term assessment, yearly assessment of full time tenure track faculty, again I think that's a little bit too much for part time faculty. But the important thing is that these people be evaluated by their peers on the basis of their teaching ability and not strictly by the administrator or a chair who is hiring them for the convenience of partner. So I would stress peer review but I think that fact just goes a little too far. I yield the floor to my friend Patrick.

Just a couple of words, one is that the first page of the document spells out three categories and the proposals and recommendations that we've worked out really bind in the first category(052) . Full time by the university and academic work, which would include people like my wife who may be carried over year after year as visiting as adjunct as, as so forth.

No, no. You may be right that even for those people item 9 seems dead, heavy weight in terms to it's attempt to attach (057) category.

I would like to (058) give us some guidance here now only for the people who are carried over year after year but also for the people in the other categories, what kinds of affirmative action guidelines should be applied to people who are even more temporary or part time, to use your word, even though many of the people are full time.

I think that's very reasonable that we work out something middle ground which would involve peer review for each category consistently the way that they are hired and paid. As you probably know, although I'm a member of the committee I didn't have access to any of this material before this meeting so we have a chance to read it....

No one did Mark, it was just passed out so you are on the same ground as every one else, it was just passed out.

Oh, I understand but unlike every one else I am on the committee. (Laughter)

I understood the committee members saw it for the first time here.

I don't have any big reservations about this, I think that people ought to know that this hasn't been discussed in the committee.



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Well it should have been.

(073) and now we are looking for reservations (074) conversation among the committee but I've invited other people on USC to chime in with whatever comments they want to make about these recommendations.

I know this is not up for a decision so it's not serious. Second point I'll make very briefly are the original faculty affairs committee that considered this is also concerned about students and their relation to professors. We recommended at that time about 3 years when Elton Jackson and I were chairs that the students be advised of who is actually doing their teaching that they should have the ability to choose whether they got a tenure eligible or part time faculty teacher. At Indiana University unlike many universities we don't announce in advance the rank and status of people who are doing the teaching. In fact in many many cases we don't announce even the name and personally not speaking for any committee now, I find that unacceptable. I think students have the right to know who is teaching them and what their qualifications are just as if they would if they walked into a doctors office.

Thank you. We are reaching the point pretty quickly that we're beginning to take up particular proposals and we don't want to do that yet, so if there are a few more general comments otherwise we will bring this discussion to a close, please Dennis.

Well, what lines of (092) earlier, I guess I worry about the paradoxical (093). It seems to me that (094) (can't hear rest of comments).

Bill, do you want to speak.

Just very briefly I want to connect this data that has been brought up. I am very aware of the paradoxical nature of this problem and the difficulties. But I want to zero in on that phrase "let's (103) institutionalize the use of non tenure track faculty", (104) the fact that we can't pull out figures that we've got because believe me if you look at the figures they're institutionalized already, the idea that this institution is going to make (105) that we're somehow going to rid ourselves of very large numbers of people who are doing the teaching is pure ludacrist. It's already institutionalized. The other side of the paradox to bear in mind is that we don't want to get into a position of (108) institution hypocrisy where actually the fact that we secure the biggest rip for ourselves with minimal guarantees and minimal security for the people who are doing all this work on the grounds that we are some how protecting the value of the institutions and tenure. I think this is headed in that direction as well, so that (112) if we are really kidding ourselves if we even think that we're part of some danger or some future (113) the institutionalization depends on part time faculty and tenure track faculty is here. It isn't.

I am not sure, I didn't think that academic reading, at least by indication, would apply to non tenure tract faculty, it certainly applies to non tenured faculty and I would imagine have to apply to associate instructors and graduates.

(119) can't hear comments

Minus academic freedom system applies (123)

(124) can't hear comments

I think the question really is to what extent is academic freedom connected with indefinite job security, that's where the issue seems to take root.

It is unrealistic to ask you (129) at a time when the university's educational mission can be carried out only by tenured faculty with all (130) and I agree with the comments made along those lines. Really our concerns as tenured and tenure track faculty should be that the academic mission is carried out in the best (133) as possible. It's unrealistic to achieve (133) who are not tenure track to carry out condition without some rewarded light, I think unfortunately (136) and I believe that in order for us to assure that the educational mission is carried out to best possible manner and after the fact assure that the people who (139 are or aren't) essential to carry out our mission to those non tenure track faculty have the (140) assurances that their jobs are satisfactory and they are as reasonably happy as possible

I would like to make extend to the name come close to summary, it involves this larger questions of this state we are in as well as how we got into it and whether or not it will change. There are people that predicted that this is not only the way things are but it's the wave of the future and it's going to become more so. That was not the sense of the trustees, we recorded on this I think it was the October meeting of the trustees, in fact the trustee committee that heard this shared the goal, one of the important things in this document is not just institutionalizing the regular rising and straightening up and make sure there are some minimal guarantees here for the use of non tenure track faculty. But also the recognition of the dangers of over-reliance on non tenure track faculty, I think that is a very important point that is in here and it's one that is supported strongly by the trustees committee, indeed, the real question I think and the most important conclusion that came out of that meeting was that it took us a number of years to get to this point and if we are going to make changes it will take a number of years to reduce over reliance, if there is over-reliance as it is, and we should see it accordingly. I don't think there ever was a time Ed when there were only tenure and tenure track faculty I think that's a myth of a (159) age but I don't think necessarily that it's inevitable that there will be more I think we didn't get into the situation with along range plan it happened very short sightedly in that the most important thing we are doing now is really taking a look at it with a longer range plan and taking action accordingly.

David.

I think it's important to bear in mind that tenure speaks to more than the academic wheel it speaks the notion of self governance and those part time non tenure track people work here to accomplish certain tasks(167) and that's part of the flexibility with that(167). We ask them to teach specific courses pertaining to faculty exercises considerable, it's not like choosing what to do their research on, what courses to teach, what interests to pursue and I think we need (170) as well, it not simply academic (170).

With (171) longer term issue of attempting to counteract (171) non tenure track faculty, it might be helpful I think to consider taking some of the economic incentives out of such lines, I wondered if your committee might not think of (174) with budget mechanisms such that with campuses and individuals in a campus pass a certain threshold we inflate (176) So we might say for example if it is a permissible to have 10 to 15 % of credit hours in the college (179) ....

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Yeah, and the argument could be made that the most severe problems exist on the smaller campuses for obvious reasons financial incentives the small campuses are individual RCM units the whole campus is an RCM unit so I think what applies to the larger campuses, Bloomington impartial, might not easily carry over in the specifics but the general principal that there may be incentives or disincentives as you will.

Any other general comments, please.

Conversation ???

Just one last one on my part, this goes back to our earlier discussion in the faculty affairs bill about (194) language departments dependency on supervisory PHD people who have been some of the situations where they have taught here last year without (197) change in compensation objection so I feel really thankful that you were considering the inevitability of (201) experienced people appeared to you with PHD's that are not likely to have tenure track positions (203)

Any last burning comments on this issue. (Laughter)

I do have one last comment, I have a feeling we're probably all not terribly happy (212) academic freedom I just wanted to underscore the point that I think you made. We talk about academic freedom is not freedom of speech it is not constitutionally guaranteed that we all have it as citizens but that the only sufficient guarantee of academic freedom has been seen as tenure or as you put indefinite appointment, so that by definition these people that we are talking about today do not enjoy academic freedom in the traditional definition.

I think that's well taken it's academic freedom tempered by specific assignments or contracts. Yes AI's enjoy academic freedom but if you are assignment to an AI is to go over this problem set in class and they do something entirely different they don't have the academic freedom to do something entirely different as a tenure track faculty member does. It's academic freedom in the sense of not having external forces imposed on you outside the university or the academic environment and how you conduct classes but not academic freedom in the full sense that David was talking about autonomy in teaching and research , I think that's explicit in our discussion and it was worth bringing out.

Thank you. I'm ready for the final motion. Thank you have a nice day.

Adjournment: 3:42PM