

Minutes
Indiana University
BLOOMINGTON FACULTY COUNCIL
November 14, 2006
Ballantine Hall 008
3:30 P.M. - 5:30 P.M.

Attendance

MEMBERS PRESENT: George Alter, Lisa Bingham, Julie Bobay, Marilynne Boyle-Baise, James Capshew, John Carini, Richard Carr, Keith Clay, Luis Davila, Robert Eno, Dennis Groth, Patrick Harbison, Robert Hatten, Barbara Hawkins, Amy Holtzworth- Munroe, Kevin Hunt, Laura M. Jezewski, Elizabeth Johnson, David MacKay, Eric MacPhail, Bryan McCormick, Theodore Miller, Lisa Pratt, Sara Pryor, Paul Rohwer, Elyce Rotella, Jeanne Sept, Sarita Soni, Jerrold Stern, Robert Terrill, Herbert Terry, Neil Theobald, David Waterman, Maxine Watson, William Wheeler

MEMBERS ABSENT: Moya Andrews, Eric Arnold, Katy Borner, Maria Bucur-Deckard, Shawn Conner, Angela Courtney, Les Coyne, Aurelian Craiutu, Paul Elliott, Betsy Henke, Owen V. Johnson, Christina Kuzmych, Andrew Lauck, Terrence Mason, Grant McFann, Murray McGibbon, Michael McRobbie, Amy Reynolds, Robert Shakespeare, Alex Tanford, Larry Thibos, Cara Wellman, James Wimbush

GUESTS: Kelly Kish (Faculty Council)

Agenda

1. Approval of Minutes

October 31, 2006

<http://www.iub.edu/~bfc/docs/AY07/minutes/10.31.06.htm>

2. Memorial Resolutions

Professor James Arthur Dinsmoor

<http://www.iub.edu/~bfc/docs/AY07/circulars/B15-2007.htm>

Professor Richard David Yoakam

<http://www.iub.edu/~bfc/docs/AY07/circulars/B16-2007.htm>

3. Agenda Committee Business (10 minutes)

(Professor Theodore Miller)

4. Question / Comment Period* (10 minutes)

(Professor Theodore Miller)

5. Intellectual Property Policy [SECOND READING/ACTION ITEM] (30 minutes)
(Professors George Alter and Randy Arnold, co-chairs Research Affairs Committee)
<http://www.indiana.edu/~ufc/docs/AY07/circulars/U5-2007.rtf>

6. Distributed Education Fees Structure [SECOND READING] (30 minutes)
(Professor Bryan McCormick, past chair, Distributed Education Committee)
<http://www.iub.edu/~bfc/docs/AY07/circulars/B8-2007.doc>

7. Annual Report: Budgetary Affairs Committee (15 minutes)
(Professors Herbert Terry and Bryan McCormick, co-chairs, Budgetary Affairs Committee)

8. Standing Committee Reports
9. Old Business
10. New Business

MILLER: Good afternoon everyone. It appears that we have an official quorum present at this point in time so I suppose the first thing I can say is that as you can see our presiding officer is not here today. Neither of our two potential presiding officers is here today. So I am going to be the presiding officer I guess.

AGENDA ITEM #1: APPROVAL OF MINUTES

MILLER: The first item on the agenda is approval of minutes of October 31. Is there a motion to approve them please?

ROTELLA: So moved.

MILLER: And a second? Any discussion on that?

CARR: Second.

MILLER: All in favor of approving it please say “aye” [aye]. Opposed?

AGENDA ITEM #2: MEMORIAL RESOLUTIONS

MILLER: The second item on the agenda is memorial resolutions. There are two memorial resolutions today and Jeanne Sept is here to make these presentations.

SEPT: As always I’m just going to present excerpts from these and I encourage you all to read the full resolutions in the minutes of the Bloomington Faculty Council. Starting with memorial resolution for Professor James Arthur Dinsmoor.

The life of James Arthur Dinsmoor (Jim to his many friends) was marked by a systematic, unflappable, and persistent search for answers to questions of life and science. After earning his PhD in 1949 where he worked with a group of influential experimental psychologists at Columbia, Jim came to IU in 1951 where he rose to the ranks of Professor of Psychology and

remained here for the rest of his career as a widely respected experimentalist. He was a laboratory scientist, assembling his own control apparatus and insisted that his 21 PhD students be trained in all aspects of laboratory work as well. He made fundamental contributions to the analysis of conditioned reinforcement. One of his most influential results was the demonstration that observing responses maintained only by signals of positive outcomes. In other words, a cue that predicted the absence of food or the presence of aversive events did not maintain observing. This finding meant that organisms (including humans) will not work consistently to obtain information, per se, just information that predicts positive outcomes. Jim was instrumental in bringing important faculty and students to Indiana, as well as the flagship Journal of the Experimental Analysis of Behavior. He “retired” in 1986, but his carefully filed yearly faculty reports show 20 additional years of presenting papers, interacting with colleagues, and producing significant articles almost every year.

Jim had a wonderful sense of order amidst apparent chaos, as shown in his political efforts, his research, and by his office in the Psychology Building. The office was legendary, a maze of closely stacked papers and books covering all available surfaces, towering close to head height on his desk, and nearly as high off the floor. Still, Jim knew in which stack and at what level a particular article, book, or paper was located. He may have missed a potential calling as an archeologist, given his ability to date and relocate finds at different strata of the past.

Jim was to have received a major award for Distinguished Service to Behavior Analysis from the Society for the Advancement of Behavior Analysis at an international convention this summer. Last spring, one of us wrote Jim a note of congratulations, citing his consistent engagement in research and thinking about behavior, his commitment to working on interesting problems, his tough open-mindedness, and his political bravery in and outside of academics. Jim wrote back: “Thanks for the kind words, but I will take them as a goal, rather than an accomplishment.” Jim’s memorial symposium at the convention this spring was appropriately titled: “Jim Dinsmoor: Experimentalist, Scholar, and Gentleman.”

Respectfully submitted by Bill Timberlake and Gabriel Frommer.

The second memorial resolution is for Professor Richard David Yoakam. Richard David Yoakam helped shape remarkable developments in communication technology during his more than 60 years in journalism and academics. He excelled as a newscaster, reporter and writer during the height of radio news and was a television news pioneer. After decades of practicing journalistic radio and television, Richard Yoakam joined our faculty in 1957 and spent 32 years teaching both in Journalism and Radio-TV (later known as Telecommunications). During many of those years, he also served as News Director of WFIU radio and was the architect of the Indiana University Sports Network.

"Dick Yoakam brought to IU a baritone and personality that charged everyone with his delight in the vanity fair of human foible and foolishness," wrote Trevor Brown, longtime colleague and former Dean of the Journalism School. "He had the raconteur's gift for seeing and telling stories that move or make you chuckle. Though he could entertain with gusto, he was forceful in the classroom and formidable in academic discussion."

Throughout his career at IU, Yoakam stayed closely connected to the broadcast news industry. He spent summers and election nights working for NBC News, for example. His research on the Kennedy-Nixon and Carter-Ford Debates was featured in two edited volumes, *The Great Debate* and his broadcast news textbook, *ENG: Television News and the New Technology* (co-written with Charles Cremer) became a standard in classrooms and newsrooms around the country.

Some have called Yoakam a champion of technology in news. In reality, he was a champion of two things: the importance of journalism in our society and an unending faith that his students would figure out the best ways to harness the technology to tell good stories the public needed to know. He won the IU Alumni Association Distinguished Teaching Award in 1983, followed up two years later by the Distinguished Broadcast Journalism Educator Award from the Association for Education in Journalism and Mass Communication.

Even in retirement, he stayed current with both academics and the broadcast news profession. Even after his retirement, he equally watched the emerging influence of new media in Journalism. As always Yoakam expected the students to come up with the answers, “Maybe there are better ways to tell people the news than we know of now and maybe they have something to do with the combination of technology,” said Yoakam in an interview after his retirement. “Maybe there’s a better way to do it and these students today and in the future are the ones that are going to figure that out.”

His confidence in the future was the reason his school and department established two special funds to help future students; The Richard Yoakam Technology Endowment and the Yoakam Broadcast Journalism Scholarship for every year. I think we can rest assured that Dick Yoakam will continue to inspire students and colleagues and influence the future and every changing world of Journalism.

Submitted by Mike Conway from the School of Journalism.

MILLER: Thank you very much Jeanne. Would you please rise for a moment of silence in honor of Professor Dinsmoor and Professor Yoakam.

AGENDA ITEM#3: AGENDA COMMITTEE BUSINESS

MILLER: Next item is the report of the Agenda Committee. Let me first of all begin by talking about the agenda and the distribution of the agenda. Normally it is the practice of the Council office to send the agendas out late in the week prior to our meeting, typically on Fridays. This time we had some last minute back and forth over this Intellectual Property Policy and so we decided to wait until Monday to send it out. The agenda was sent out at noon on Monday. It appears that some people on the distribution list, this was sent to the campus faculty, some people on the distribution list got their agendas very quickly but others apparently did not. Mine arrived actually this morning, late in the morning. Other people apparently even later than that. So we’re not really quite sure why the distribution list didn’t occur as normal. Maybe it is something to do with some new spam stuff. I guess maybe that’s probably it. But in any event, it may be that there are some people who still haven’t gotten their agendas and don’t know that we

are having a meeting today. I don't know, it's possible I guess. So anyway, to the extent that that was an inconvenience to you, I'm sorry about that.

Second, I'd like to make some comments about the Trustee meeting which occurred whenever it was, third and fourth of November. Several things I'd like to comment on about that.

First being the Chancellor Review Policy. You will recall that we the faculty have been working on a Chancellor Review Policy for one, two, three, four years possibly. Has it been that long? Something along those lines. It's been going on for a long time. The latest faculty action on this occurred at the last UFC meeting where we approved a new version of this policy. It wasn't greatly different from previous ones but it was kind of a new version. The Trustees basically adopted their own policy on chancellor review. I think in part it is based on some of the work that the faculty have done over that period of time. But the Trustees clearly have their own ideas about this. They were not very amenable to some of this that the faculty thought was important. So this policy, and I think we have an electronic copy of this policy. we'll send you a copy of this policy and one of the things you'll note about it is that at the heading it says Indiana University Policy on Chancellor Review: A Policy of the Trustees of Indiana University. It's not our typical policy where "approved by the UFC on this date, this date approved by the BFC, and so forth and so on". This is a policy of the Trustees. I'm saying this today just to bring to your attention the fact that the Board of Trustees is operating in a somewhat different way than previously.

Now, we know that new Trustees are appointed annually and as we get into the next summer, in all likelihood, there will be several new Trustees appointed by the governor. There will be an elected Trustee as well. Sue Talbot who has attended several of our meetings recently, is not sure that she is going to run for a new term. At least that's what she tells me. So there could be a very substantial additional change in the Board of Trustees as we go into the next academic year. What the consequence of that will be I think remains to be seen. It may be that this faculty council, and the University Faculty Council, is going to want to think about the way it does its business, the kinds of issues that it chooses to get involved in, in light of these kinds of changes that are occurring.

Now, my sense is that in the case of this Chancellor Review Policy, the argument that was persuasive in the board, which led them to act and basically ignore the faculty views on several things was that this basically is a matter of what they refer to as governance. This is a governance matter. The chancellors are positions that are appointed by the President and the Board sees the President as their agent if you will and it appeared that they were simply uncomfortable having any particular group—faculty, staff, students, they appeared to be uncomfortable having any particular, what they view as constituency groups, playing a dominant role in the review of chancellors even though as we pointed out to them over and over again that the review committees are simply making recommendations to the president. The findings of any review committee are not binding on the president in any way but simply a recommendation. They were uncomfortable having the faculty play a dominant role in this kind of a review process. Just what this all means and where it's going to go, I'm really not sure I know. I think it's going to take a little more time to see how this plays out. But I think we are definitely in a

different environment than we have been for a long long period of time. That's the bad news from the Trustees.

There are several things that I think are positive that came out of this meeting as well. One of the main items on the agenda was a report on the financial aid strategy being developed for use on the Bloomington campus. In the course of that presentation, there was a review of the financial aid review strategies that have been used on the Bloomington campus over the last ten years or so. I think the really good news for us here, given the interest that the council has expressed in matters of admission and enrollment, the financial aid policies that are going to be used going forward are very definitely cast in a way to enhance the enrollment policies of the campus. That's the basic thing; there's a connection between the financial aid strategy and the enrollment policy of the campus. So as you know, a year ago the faculty council approved the resolution on improving the quality of the flagship campus, particularly focused on the undergraduate student profile. This enrollment—the financial aid strategy is definitely keyed to that objective and I think that's a very positive objective. Neil has been involved in this, Roger Thompson has been involved in this, Michael of course has been involved in this and I think it's quite a positive development for the Bloomington campus. I was very happy to hear the report that was given at the Trustees meeting.

The third thing, the Trustees of course as you know are interested in general education and I had the opportunity to say a few words about our gen ed program, particularly focused on the implementation date of the gen ed program. There were some questions coming from the Trustees about why it's going to take so long to implement this and so forth. So I did explain to them the various things that seem to me to lead us to that sort of conclusion. You really can't do this over night. We have a lot of work to do. We have a new admissions policy that this is connected with and the admissions policy is going to come into play in certain manner and certain time and so forth. All I can say is that at the end of that presentation, they did not tell me that this was an unacceptable set of circumstances. So I think they have an enhanced understanding of why we have chosen to go forward as we have.

The final thing that I'll just say a word about is the presidential search. You no doubt have seen some articles reporting that the Faculty Advisory Committee has met. Those reports are all true. The meetings did take place. All I really want to say here today is that the Faculty Advisory Committee of course met prior to the Search Committee. Sue Talbot and I both attended the meeting of the Faculty Advisory Committee and transmitted the views of the Faculty Advisory Committee to the Search Committee, over the candidates that were reviewed at that particular meeting. I just want to say that the views of the Faculty Advisory Committee, the views of the Search Committee, are very very very, let's make it four verys, very very very very similar. So I just report this to you because I think it's quite positive. From my point of view it's quite positive. We have quite similar views about what this is about.

That is the Agenda Committee report.

AGENDA ITEM #4: QUESTION/COMMENT PERIOD

MILLER: Next item on the agenda is the question and comment period. I'm speaking now on behalf of the Provost; the Provost was asked a question about the search for the Dean of the University Libraries. When will it begin?

What I have been told is that committee is going to be formed within the next month. That's really all I know about it. Other questions please, or comments?

BINGHAM: Ted, excuse my ignorance but is there anything in our Constitution or Bylaws that gives us any jurisdiction over the Chancellor Review Policy?

MILLER: I think there is probably some language in there that indicates that the faculty has a role to play in the appointment of, the review of, people who have responsibility for the academic mission of the university. I think there's some general language along those lines. One of the issues here is—to me it's not really an issue, to me it seems like a chancellor—well, there are a couple of points, one is that we no longer have a chancellor in Bloomington. So from some points of view, this campus doesn't really have a stake in this policy anymore because no one in Bloomington is going to be reviewed under this policy.

BINGHAM: Well no one in Bloomington but there's someone in Indy to whom units in Bloomington report.

MILLER: Yes, that's right. There are chancellors everywhere else to whom this policy will apply. There is a dispute, apparently, over whether a chancellor is actually an academic officer of the university. Some of the chancellors actually don't think they are. They have told the Trustees that they don't think that they are.

BOBAY: What do they think they are?

MILLER: Well I'm not sure what they think they are. I really don't know; to me it seems very clear that the chancellor has a real fundamental responsibility for the academic mission of the university. So frankly I don't really quite understand, I don't really understand some of the arguments that are being made. But the chancellors have certainly been pressing on the Trustees. The reason this has taken four or five years to complete is that the chancellors have been resisting the ideas of the faculty. At the end of the day it appears that the Trustees have sort of given the chancellors more or less what they wanted. That would be one way to interpret what's happening.

One of the basic reasons for this is that some of the chancellors feel that they have been abused in the review processes that have taken place recently.

DAVILA: Ted reverting back to this concurrence or congruence of working with the Presidential Search Committee from the advisory committee of the faculty, is it fair to assume that you will be working inextricably possibly with the search committee as time goes on? Then secondly, if I may ask, beside leadership capability and being able to work with the general public and fundraising, what other elements does your committee, the Faculty Advisory Committee that represents us directly, have in common with the Search Committee, particular

interest in the future president that we shall have—because you said there’s very much of a congruence right now?

MILLER: Well, first of all let me describe the basic structure of the situation. Some of the things you say I don’t think are quite—I am not a member of the Faculty Advisory Committee. Faculty Advisory Committee includes 12 or 13. They have selected a person to be their convener of chairperson and that’s Jeff Palmer from Biology who is going to serve in that role. I am a member of the Search Committee and also I’m supposed to be the liaison to the Faculty Advisory Committee. That’s why I was meeting with them, so that I can represent their views in the context of the Search Committee. I will say that the Search Committee members were extremely interested in the views of the faculty on all of the candidates that were being reviewed. As I said, there’s a very real confluence of view about the strengths and weaknesses of the particular candidates. I was quite heartened by this.

DAVILA: But are there other particular elements besides that. I think we all agree that we need a strong leader.

MILLER: There’s a very elaborate description that has been prepared for this position. Have we ever distributed that here?

KISH: I’m not sure.

MILLER: I’m not sure that we have but we can send you those. There’s a URL that you can go to and look for that. That might be the best way to handle that.

ENO: In terms of the action of the Trustees—I think this is a major development and one that may be quite important for relations between faculty and Trustees in a way that Trustees view their job in the future. It may not be, it may not develop that way, but I think it would be a good idea if perhaps the Agenda Committee would draft a short statement coming from this council, which is relatively uninvolved with the content of the policy as you point out, indicating why we think this is an important change and why we’re deeply concerned about it. Rather than just saying we are, we can briefly encapsulate a few of the reasons why shared governance is structured as it is and why the roles of the Trustees has the profile that it historically has had.

MILLER: Well, we can certainly do something along those lines. It’s not that the Trustees haven’t heard us. They’ve heard us over and over again.

ENO: They haven’t heard the council as the faculty representatives responding to what they’ve done by reinforcing it. If there’s no response then it won’t matter.

MILLER: True enough. Herb?

TERRY: Since I attended the Trustees meeting, I’ll add one comment to Ted’s report because he probably wouldn’t make it himself and it reflects also upon the relationship between the faculty and the Trustees. At the end of the business meeting, Ted was being interrogated to some extent about general education. A couple of the Trustees expressed their opinion that they should

actually to some extent be involved in the substance of what general education requirements are. Ted's response to them when asked what their level of involvement should be was, if I remember right, none.

KISH: Non-existent.

TERRY: Non-existent, pointing out that curriculum is certainly something that the faculty sets. That elicited a shocked response from most of the Trustees and shortly after that the meeting adjourned. I was pleased with Ted's defense of our rights and responsibilities on the curriculum.

MILLER: Well I'm sure this is an issue that's going to come up again. I just can't help but think that the Trustees have not quite thought about what the implications of their involvement in this would be. There are all kinds of very deep and serious problems that would arise from their involvement in approving a curriculum. But even at the most superficial level, the idea that the faculty would be trooping into the Trustees meeting every time we want to change a course in the list of the Gen Ed Program, it just kind of boggles the mind to think that that's really where we want to be. I think at the end of the day they are not going to pursue this or at least I'm quite hopeful that they won't.

One of issues that did come up of course, one of the Trustees as you all know is a Student Trustee. The way I presented the result of the Gen Ed fold in the BFC, I indicated that all of the faculty members who had voted, had voted yes in favor of the Gen Ed Program. The Student Trustee did volunteer that there had been some no votes and that two of the no votes were from some of the student representatives. So they asked why.

I also talked about the Gen Ed Committee that had been appointed and the Student Trustee was basically pressing to have some student members on the Gen Ed Committee. That's how we kind of got into this discussion about who's really responsible for the curriculum in the university. I told them that the faculty has a very strong view that it's the faculty's responsibility to do it, not student's responsibility and certainly not the Trustees responsibility. That's kind of where we are with that. But that I'm sure, like I said there would be a continuing discussion as we go forward.

Other questions or comments please?

PRYOR: I'm sorry, I just want to follow-up on Bob's point, so we did agree then that a statement would be written?

MILLER: The Agenda Committee will work on that, yes. We have it in the minutes of the meeting that there's been a request made for the Agenda Committee to work on something like that. We'll try to come up with something that would be useful.

BOBAY: In answer to Lisa's question about the Constitution and Bylaws, I just checked real quickly, and I guess this is the reason for the distinction of academic officers. Under Legislative Authority of the Constitution, it states that "areas within the faculty's legislative authority include standards and procedures for appointment and review of academic officers". Under consultation of faculty, it states that "Trustees and administration shall consult the faculty

concerning establishment of administrative officers affecting the academic mission and appointment and review of administrators filling those offices”. So for academic officers in our constitution, it states that we have legislative authority but for administrative officers, consultative authority.

MILLER: In a formal way, I guess the academic officers really are not the chancellors. The academic officers are the vice chancellors for academic affairs and in Bloomington the provost is the academic officer. I’m not sure if that was the basis. It isn’t clear to me that the Trustees have ever read the academic handbooks. I’m not sure that that’s really the basis of where we are. If it is perhaps that’s not all bad if they’re actually reading the Academic Handbook. Yes.

CAPSHAW: Is there any update on the outsourcing plans?

THEOBALD: I am on both of the committees. The RFP, Request for Proposal, for bookstore outsourcing went out last Friday. It’s due back December 27th. So in early January the process is that bidders can bid on any one of the campuses or any combination thereof. We are going to go to each bookstore and give them a chance to respond to whatever bid. So it will be an iterative process between what the bid is from the outside vendor and then what the current bookstore would want to do in response. Then we’ll make a decision based on comparing the vendors who want to do, for example, in Bloomington, which I assume most of them will, and what the Bloomington bookstore would want. So that process will occur in January, may be into early February, probably by the end of February.

CAPSHAW: Any word on the Motor Pool?

THEOBALD: Yes, well it’s moving forward in the sense that the numbers are put together. The university hired an accounting firm to go through the numbers. I’ve see all the numbers. So they’re all put together. I think that’s probably going on a faster time frame, I wouldn’t doubt that by the end of next month, that decision—the process is a little bit different there. There the, and this is Bloomington only, the Motor Pool is a formal bidder in the same way that the outside vendors are. So it’s a little different process. Once we’ve done the Motor Pool, I think we saw the flaw in having the Motor Pool be a bidder because once, because once you’re a bidder then you can’t come back and have this type iterative process that I described for the bookstore. So I think that will be a final decision that will be made some time next month.

MILLER: Herb?

TERRY: I would just add that at the end of the last faculty council meeting I briefly distributed a memo of faculty concerns. I received a small number of comments back and was able to one degree or another incorporate almost all of those and did so. Neil incorporated this as a list of faculty expectations in the RFP.

THEOBALD: For the Bloomington campus.

TERRY: So for what we said we expected, bidders are aware of it and will be able to judge whether or not they respond to that.

WATERMAN: One question about the Bloomington bookstore, what about T.I.S, are they a potential bidder for the bookstore services? They already have a very large market share, I think, of Bloomington and a concern would be that they could underbid other people because it would give them a substantial amount of market power here. So is that going to be considered in this?

THEOBALD: Yes, the bid is on Monday, so we'll know who they are at that time. They are clearly a potential. The concern about monopoly power in Bloomington is clearly part of the concern. The final decision will not be made, I'm assured, on the bottom line. Obviously there's service concerns that other people have raised and the faculty document that Herb mentioned. It will basically—these are going to be apples and oranges comparisons and at some point we simply have to make a decision of whether we're going to go this way or that way. But it won't be simply which is the greatest return financially because things such as what you're talking about, once someone has a monopoly position that could create problems for our students, faculty and everyone else.

TERRY: Neil, how will this actually work? Will you make recommendations to Clapacs? Do you make recommendations to the Trustees? What happens after you get the bid?

THEOBALD: Well, both. We make recommendations to Terry Clapacs, Terry Clapacs would make recommendations to the President, and the President will make recommendations to the Trustees.

AGENDA ITEM #5: INTELLECTUAL PROPERTY POLICY

MILLER: Ok, let's move on to Agenda Item #5; this is the Intellectual Property Policy and George Alter from the Department of History will make the presentation today. Randy Arnold from the Department of Chemistry is with us as well.

ALTER: Well you have a new draft. As Randy said last time, there were some issues that forced us to go back to the draft that we had before, and change it. I think that the way it was sent out emphasizes how much it was changed because you see all the changes. Many of those changes are really rewordings and to make things shorter. I think that there are three changes that are worth noting however.

One is that there's a rewording of the definition of Traditional Works of Scholarship, which is in section 1.C. The key thing there is that the words—two things; one is that the words Scholarly and creative works regardless of their form, was added so that it no longer reads just in terms of written work. We're trying to capture all the many different ways that scholarship can be done.

MILLER: This is on page 2, is that not correct?

ALTER: Yes, page 2, it's Section 1.C.i. The sense of the policy however remains that there are essentially two categories. There's Traditional Works of Scholarship, to which the intellectual property resides with the creator and there are two exceptions to that. One is patentable intellectual property, which falls under another set of rules. The second one is University Works.

University works are defined primarily by three criteria there. There are works that are commissioned specifically for the university's use. Secondly they are works that involve exceptional support and third they're works that involve external funding. The rules on that all really remain the same as in the previous draft.

The second thing that was changed has to do with the operations of the Intellectual Property Policy Council. This is a council that is both advisory but also it serves for appeals when there's a dispute between creators and the IURTC about whether the IURTC will proceed in terms of patenting or licensing patentable intellectual property. Those disputes can be brought to the Intellectual Property Policy Council. What's been added now is an appeal from the Council. This was something that the University Counsel's Office felt extremely strongly about. Now, it appears in a number of different places but now recommendations by Intellectual Property Policy Council can be appealed to the President and it is the President's decision that is final. So that appears in a number of places.

MILLER: I might just interject here that this is precisely the kind of issue, a so-called governance issue. Who really has the final authority to make decisions? Without this kind of appeal, this policy would also be in trouble, if we're going to ask the Trustees to approve it, which I think we're definitely going to ask them to approve it. Without that appeal to the President, well, they would rewrite this policy too, possibly rewrite it.

ALTER: The third area, this I think is less controversial, is section 5.C which deals with delays of publication because of the process of patenting. In the previous draft, there was language specifying certain numbers of days. That actually has been taken out because there's another policy dealing specifically with this issue of delaying publication that's being drafted. So that implementation language will be in a different document which will also come before the council. So that was just shortened in this draft and said that another policy will be drafted to cover it. But I think that those are three changes that I think we consider significant. There are some other things that have been taken out to shorten the document somewhat, but in our various discussions back and forth among different constituencies, none of them seem to be controversial.

CAPSHAW: George, I'm wondering about the distribution schedule for the revenues and stuff. I guess it wasn't clear about where IU fits into the larger world in terms of how we distribute revenue.

ALTER: Randy can answer that.

CAPSHAW: Do you have comparisons and stuff or not?

ARNOLD: I do not have numbers that I can give you. Bob I don't know if you remember from the drafting committee, my understanding is that we were generous towards the creators but numbers wise I don't know how we fit in there.

ENO: That's close, that because there are a number of places that may have as high or slightly higher, some places higher, definitely higher, cuts to the creators outright but only for a patent up

to a certain sum. For instance, if the revenues are \$100,000 or \$200,000, and when the sums get higher, the shares go down. We decided against having an option structured that way and there's no limit on what the creators can draw. The 35 percent with the provisional 15 percent for use within the university at their discretion, so long as they are affiliated with the university. That combination by the matrix we use, put us at that time as the most generous policy among all the ones that we reviewed, which included all the Big Ten and several outside the Big Ten.

CAPSHAW: And then I'm still unclear about the distinction between the labs and the campus units. Campus units can be a department?

ENO: Yes, a campus unit is the unit—essentially it's the unit closest to the principle investment, the creator. The goal was to incentivize those units, which means your dean in most cases, or your department chair to promote your research because that unit gets a cut of the result. The dramatic change from the last policy is that the university share, which is remote from any incentive specific to the research and that's cut down to the 5 percent.

MILLER: At the very last minute of this afternoon, I got an email from a member of the faculty who asked a question regarding some rather rare awards that faculty members might get. Bob I appreciate your view on this in particular. One that was mentioned was the MacArthur Award. How would a MacArthur Award fit into this sort of scheme of things?

ALTER: I think I can answer that. What makes something a University Work is a grant that goes through the university. So, if you take something like a Guggenheim or something like that, those fellowships are made not to the university but to the individual. We specifically asked and discussed this with Ann Gellis. So a fellowship [end of tape 1, side a], if a MacArthur Award was a contract with the individual, it would not fall under the policy of University Works. The underlying logic here as I understand it is that when the university accepts a grant, the university is making a contract with the external funding source and it's the university's responsibility to make sure that that contract is fulfilled. If the contract is between an individual faculty member and some external body, that doesn't fall under this policy.

MILLER: So that you think is an understood principle?

ALTER: Yes.

ENO: It's certainly clear that nothing funded that way would be a University Work. The question would be if anything comparable to a MacArthur Award could be considered external funding, in which case, the issues about intellectual property would have to be determined by the contract that surrounded that. MacArthur as I understand it, there is a chunk of MacArthur money that goes to the institution or some part of the institution customarily for somebody who is in academics and that might actually be routed through contracts and grants. But presumably, unless MacArthur specified the outcome of the intellectual property in a way different from what we would anticipate, which is that any outcome would be traditional. Well, it is not a contract for any deliverable. I can't see where you could construe it as changing intellectual property relationships unless there were deliverables specified in the contract that the grant organization

routed through the university if it were routed through the university. So I don't think there's a place to talk about it in the policy.

ALTER: Well to the extent, let me see if I can find it in the policy. I think the key thing is on page 5 section 3.A.i, which says that if the work is a copyrightable work, the university does not have an interest in it except to make sure that whatever contractual arrangements are fulfilled. We specifically mention that academic publications for academic journals and presses, the copyright goes to the creator. So the principle here is that the university is intervening in these cases of external funding to make sure that the contract is fulfilled, not in order to gain copyright for any other purpose.

CARINI: Well if you look at the definition of 1.F., Externally Funded Works, that is a very broad definition and would apparently include awards such as MacArthur so maybe we should put in there that are administered by the university or some qualifier like that.

ENO: MacArthur grants don't fund works, they fund people.

CARINI: Well, suppose you use a MacArthur grant and something comes out of it that is clearly patentable, then what?

ENO: Then it, I would assume, it would need to be disclosed. As I understand MacArthur grants is that the MacArthur grants will essentially fund release time and there's a cash amount that goes along with it, but patentable works that are produced while on leave, no, that's different question.

HUNT: It's not just release time, it is pretty free ranging, the sorts of things that you can do with the cash when you get it.

ENO: You can do whatever you want with the cash as I understand it.

ALTER: The question really boils down to the relationship between the faculty member and the institution, is the faculty member acting as a faculty member but pursuing research in a context where the faculty member may be on leave without pay?

CARINI: So can we just put in that the university has to be managing the funds. In other words, if somebody gives me a check versus the university a check...

ALTER: Okay, we can discuss that. I can bring that up. We specifically discussed this issue of fellowships and there was no question about that, they were outside of it. I think that the broader issue is that there might be cases, and perhaps MacArthur is in this circumstance, where some of it goes to the university and some of it doesn't. But when you look at it, those agencies have policies on intellectual property and I specifically looked at both NIH and NSF, and I think NEH. They have policies on intellectual property and in general they say that the intellectual property belongs to the creator. The sense of this document is that if that's the policy of the funding agency, then the university will exceed to that. That's the meaning of section 3.

CARINI: That isn't true of patentable?

ALTER: No. Patentable is in a different issue. This is only for copyrightable issues.

CAPSHAW: Ok, I'm still confused about the definitions. Let's say a person got a grant; a small grant to translate something and then that appeared in a book as part of the book. That's an outside grant, so that would be considered University Work?

ALTER: I'm sorry?

CAPSHAW: Would that be considered a University Work because it is externally funded?

ALTER: Yes but that falls under this clause in 3.A because it is scholarship, and assuming that unless the funding agency wanted to take the copyright, the university would, if it appears in a scholarly publication, the university would automatically cede the copyright to the creator.

HOLTZWORTH-MUNROE: I have a question but what if you are paid a \$100 or \$200 to write a chapter, and it is a for-profit publishing company, does that count?

ALTER: Is it paid to you?

HOLTZWORTH-MUNROE: Yes, the faculty member is paid to write a chapter.

ALTER: Then it doesn't go through the university.

HOLTZWORTH-MUNROE: That does not go through the university?

ALTER: Right.

HOLTZWORTH-MUNROE: Even though you are writing that chapter based on the work you do as a faculty member.

ARNOLD: Any consultation you might do separate from your appointment to the university would remain separate. It wouldn't be covered by this policy.

HOLTZWORTH-MUNROE: So I guess it's confusing what you mean by separate because the only reason you're being consulted would be because you're an expert faculty member in this area based on the work you do as a faculty member.

ARNOLD: Right but you're using the resources of whatever that other entity is to do that work, then that work...

HOLTZWORTH-MUNROE: Most people don't have a separate entity and most people don't have a business where you're called up because you're an expert in this, "do you want to write a chapter or do you want to come in and consult". You do it.

ENO: It's moot for copyright. It would apply to patent.

HOLTZWORTH-MUNROE: Okay, so then for copyright that would not count?

ENO: Right, the university is making no claim.

ALTER: There are cases where the university would claim copyright but the university would not claim copyright if the funding went directly to the faculty member and didn't go through the university. That would not be considered a University Work.

MCCORMICK: If I could ask for a clarification on the section related to Online Instructional Materials, and I'm looking specifically at page ten, it's under the ownership issue, item (e) at the top section indicates that all works by staff developed within the scope of their employment are considered University Courseware, and are therefore owned by the University. Is this to imply any work by staff on related materials; this is where I'm not clear. Is it an entire coursework that would qualify or would it qualify for a segment that might be worked on with staff? There's an exception when it talks about exceptional university support. But this particular item, I'm not sure if this is an entire work.

ALTER: First of all, tell me again which section again.

MCCORMICK: Looking under major heading G. is Online Instructional Materials. It starts on page nine, subheading ownership is ii. and then that follow on page ten, and I'm looking at item (e).

ALTER: First of all, I think we probably need to clarify this but my understanding is that faculty are not staff. So this refers to people who are employed for this purpose. So that's why it falls under...

MCCORMICK: But as an example, suppose I get an instructional media support grant and use TLTC to develop an interactive case that I use in a traditional course, is that owned by the university?

ALTER: There I think it is a question of how much support you get.

MCCORMICK: But what I'm looking at here is that this doesn't say proportionate. It simply says all works developed by staff. So this element of a traditional course was clearly developed by staff while the...

ALTER: The criteria are further down on that page, if you look under Exceptional University Support. So if it's basic orientation, occasional technical troubleshooting, and consultation. If however they are writing code specifically for this purpose, I think that falls under University Works.

MCCORMICK: Does that apply to traditional courses then because under this it only applies if I put it online? If I don't put it online, because it falls under the heading of online materials, what

the example I'm using is one that I actually developed with staff support and internal funding but I use it in a traditional course, is it a Traditional Work of Scholarship? Now if I put it online, does it now change its quality?

ALTER: No, the reason there's a separate section on online things is really because as we understand it from Ann Gellis, that's where the problems have been. But the principles are actually the same. This is in some ways redundant and it was put here because there have been a number of cases where these have been complicated. But whether it's using online or not online, if you're developing things for your course and using Exceptional University Support, they become University Works.

MCCORMICK: But this is one of the challenges is what constitutes exceptional support. If a routine instructional media support services has a routine grant funding program to develop media for use in course work, is that exceptional? It's available to any of the faculty members who want to use those sorts of resources. My concern here is that if a staff member touches it and you put it online, does that mean that the university owns it?

ALTER: No, I don't think that that's the case. Well, maybe you have another interpretation.

ENO: The intent behind this had to do with works that are created by staff rather than the component of staff contribution that may or not constitute exceptional support in works created by you. If that's not clear we might want to...

MCCORMICK: I think it is simply an issue of clarification, again, the Exceptional University Support part is part of it, or even works created in entirety by staff is clearly university owned. There is no question about that at all. This is the part that's not clear to me.

ENO: That's the intent of this.

ARNOLD: I don't know if this answers this question exactly but on page eleven part (C.), it specifically states that Exceptional University Support for online instructional material shall be provided pursuant to a written agreement. So there should be that understanding in advance that if it's the work of staff that constitutes Exceptional University Support, that will be known in advance so that help from one lesson from a staff member wouldn't necessarily make it Exceptional University Work.

MCCORMICK: My only concern is that the language is written that all work created by staff. it doesn't clearly state that it is an entire work as opposed to maybe a segment, or component, or an element of an online course.

ALTER: So your comment is on section (E) on page ten. We'll look at that again.

ENO: Actually I don't think any of us ever gave it the reading that you are giving it. So it's hard to see what would solve that reading.

MCCORMICK: ... some ways to hopefully clarify.

HAWKINS: I just want to comment on the same topic because from my point view, if I write all of the content and lay out the design for an element of a course and I go to a technician to write code I go to that technician much like I would have gone to a secretary to mimeograph things in the past and I think we need to be very clear about what is intellectual work versus processing something to set it into an environment. I think I would agree with Bryan. The way this is written, it sounds to me like typing or writing code is now considered some sort of an intellectual process rather than a technical process. We need to be real clear about that when it comes to online materials.

MILLER: Bob?

ENO: The out clause on this Barb, which is the last clause on (C.) that Randy was pointing to, we realize that there's a borderline question that points to all of this and no policy is going to solve the border line questions.

HAWKINS: But I'm not going to go to this when I have things and I'm creating.

ENO: But if you ... the last clause says responsibility for initiating agreements ultimately lies with the university and with the relevant unit, rather than with you. Therefore if you're making regular use of staff resources that might constitute exceptional support it's up to your unit to support that and initiate the issue of the agreement up front.

HAWKINS: I think that's the problem; that's exactly the problem because we have a lot people in units who do technical work like secretaries used to do but it is computer-based and now we're making it more difficult to use these people to get our work done in an instructional environment.

ENO: It should tip the other direction.

MILLER: Bill?

WHEELER: When we last discussed this, Brad Wheeler raised a question about the impact that this intellectual property proposal with regards to the TurnItIn plagiarism detection software, were any changes made in the proposal to address that issue?

ALTER: Brad had a change in wording that he recommended to us and I better check with him.

ENO: It was built in

ALTER: Yes, we talked about it afterwards and it came down to deleting one word and he was fine with it. So I'll double check to make sure we deleted the word that he wanted us to delete.

GROTH: On page 9, G.i.a., I don't want to open up a huge can of worms but "offered via the internet" is something that is fairly restrictive. There are ways to deliver courses in electronic

form that needn't use the internet, needn't use a wire at all. For example, burning to a CD or a DVD or things like that. Is the intention here to ignore those cases or to ignore new technologies that may not be called the internet?

ARNOLD: The idea being there a course offered entirely electronically. Is that a capture—maybe that doesn't even capture all the possibilities.

GROTH: It probably captures most of them.

ALTER: So you are suggesting “offered electronically” instead of “offered via the internet”?

GROTH: Sure.

ARNOLD: But I think that entirely electronically because there ___ normal courses you can post grades online, post homework assignments online. But for a standard course, you wouldn't want this necessarily to apply to that situation right?

GROTH: For example there's ftp, is that the internet or some other just dial-up connection?

HUNT: It could be a text message though, a long text message.

GROTH: Yes, exactly. It's getting more sophisticated.

HUNT: It's essentially a .pdf by a text message.

ENO: We could probably solve that with a really minimal change; “a courses offered electronically, such as the internet”.

MILLER: Well our experience with this policy is that it is one that appears to be able to be discussed almost endlessly. It's a complicated policy and one of the big issues, once this is approved, is really to translate it into a language that everybody can understand so that we all really know what is going on here. I think we've been talking about this for a long time and I think we really do want to move this forward if it's possible to do so. So I'm basically asking whether you are ready to--- this of course is not the final approval for this document. It's on blue paper, so this is a university level document, and it is at least in principle going to be discussed by the UFC at its next meeting. Whether it will be voted on by the UFC at that point, I'm not sure. We have various campuses that are in various stages of consideration of this. I think it would be useful for the Bloomington campus if you are willing to set an example of actually bringing this issue to closure on a campus. We can demonstrate that it's possible to bring a discussion of this to closure on a campus. I think it would be useful to do so if you think you're ready to do it.

PRATT: Ted it seems to me that it might be possible to do that if somewhere we acknowledge how fluid this environment is and how often this would have to be revisited, because I think that is the problem. We all recognize that this is a not going to work in the current language for a limited period of time because the language of devices and software and delivery is changing so

fast. If there's some way we can indicate that we understand that this is changing quickly and would have to be revisited. Who is responsible for keep this up-to-date?

ENO: Actually that's in the policy. Exactly where it is, I've lost track. But it is towards the end of this policy.

PRATT: Because I glanced at that. I flipped through this and I must have not seen it.

ARNOLD: Page 16, under Implementation, part B.

ENO: The Intellectual Property Policy Council shall periodical review this policy. So it will be up to that group to initiate recommendations for changes in policy. In fact, if you look on the web at policies like this, they hang around for many years because the burden of trying to keep the policy up with changes in the environment, it is too burdensome to be able to have drawn this much faculty time to do it. This is a university policy. We've invested countless hours and there's a diminishing return. One of the thrusts of the policy is constantly to say "get an agreement upfront and that will trump the policy", which is really what it is trying to do.

ROTELLA: But I think that speaks to having principles clearly enunciated and keeping to details and the implementation slightly separate from that, so that if your principles are well established and short, then those can live on and the details can change. It's good to evolve in the details.

ENO: That is principally true for the online section. The history of dispute over that made it seem better to have both a statement that you should get this agreement upfront and a detailed default that was in place.

ALTER: I agree with that. That is our understanding too; that it's really the big principles that are in the first three sections that are important and we would urge you to vote on. The actual tech implementation on the courseware issue is a response to recent examples of disputes that are—it is too bad Ann Gellis isn't here today, but she was very forcefully at that she's been dealing with this all the time and she needed some help to have it written down.

HOLTZWORTH-MUNROE: This is going the opposite direction of where we're going and it is not a holdup. But if a colleague asked me to explain this to them, I don't know that I could. Like in the series of examples today that further suggests to me that I don't quite understand the details. Would it be possible to move forward but to actually come up with an example page? I know that they did that with the Conflict of Interest statements at some point. For example Professor X does bla bla, etc just to flash out some of these things we've been talking about?

ENO: That's a great idea.

KISH: Bob, perhaps you should remind the council that there is a set of principles that this policy implements.

ENO: Yes, it starts out by saying this policy implements. The earlier policy, which is quite an

old policy we've had in place for some time, ___ principles, a good guideline. It's not all that brief itself.

HUNT: Well I move with the clarifications and the changes suggested.

MILLER: Is there a second to that please?

HATTEN: Second.

MILLER: Any further discussion? All those in favor then please say [aye], and opposed no. Thank you very much.

AGENDA ITEM #6: DISTRIBUTED EDUCATION FEES STRUCTURE

MILLER: Next item, Distributed Education Fees Structure. Bryan McCormick from the—I'm sorry, the past chair of the Distributed Education Committee will continue with his presentation of last time.

MCCORMICK: Good afternoon, this is a second reading of the proposal coming forward from the Distributed Education Committee. This year's chairs are Jim Capshew and Joe Farley.

Just a real brief update on the proposal itself; the results of work last year was to identify the status of distributed education fees on the Bloomington campus. We spent the fall contacting budget officers in the various units across campus. We found very widely differing policies and interpretations. Essentially the issue is that the Board of Trustees, in approximately 2000, ceased to separate distributed education tuition fees. Up until that point they had set specific fees for distributed education based on schools within the university.

MILLER: Bryan did they—they must have known they were stopping doing that?

MCCORMICK: Yeah. It is really hard to document though. The policy stops. In the Trustees minutes, there is no motion to this effect. They simply ceased to do it.

MILLER: So we don't for sure know what they had in mind. That if they weren't going to do it anymore, who was going to do it?

MCCORMICK: No. As part of the work, we did search the minutes of the Trustees meetings from about 1997 to about 2001, searching on distributed education, and there is no comment in there at all. There is one place in 2001 where they do set a special fee but specifically say this does not set precedent for the continuance of setting special fees. The problem has essentially been that as of about 2000, different schools have interpreted this policy differently and it has been handled in different ways. Within the school of HPER of which I am faculty member, we have one program that was "grandfathered" in. All other programs did not receive this grandfathering. The grandfathered program still assigns based on an agreement with the bursar's

office, in-state tuition for non-resident students enrolled in this course for any other distributed education courses, such an arrangement does not exist. So the bursar assigns out-of-state fees for non-residents regardless of where they are. The School of Education is the other unit that is significantly involved. Although there are programs in both in Business and SPEA, those are administered at the Indianapolis campus not at the Bloomington campus. The School of Education works through a third party contract with the bursar where they basically pay the difference and then get the money back from the bursar. And so the chemical informatics programs just started last fall as I understand it is also operating under the same sort of third party contract with the bursar's office at IU Bloomington. The essence of the proposal itself is really in terms of the recommendations and what the Distributed Education Committee is recommending is that programs be permitted to set a single-rate for fees for DE courses as long as that rate is not below resident tuition rate by programs the DE committee is recommending that these are set at the unit levels, in other words schools or the college. The rate can be higher than in-state tuition and sometimes there are additional fees that may be related to that. As the third bullet point identifies the structures are so that the academic unit with appropriate approval by campus chief academic and budget officers. Fourth item, academic units, develop policy to address the application of DE fees to non-resident student, enrolled in DE courses, who are in-resident on the Bloomington campus. This residence, non-residence, in-residence stuff is kind of confusing but the reality is that we do have students who come to campus who are non-residents through such a policy would be able to in some ways quote-unquote get around the non-resident rate by taking distributed education courses while here in Bloomington and so the recommendation is that policies are developed to address this potential issue. The fifth bullet point, currently fee structures for continuing professional education, including those delivered via DE, remain within the jurisdiction of the academic units and those have historically been the purview of the academic units themselves. The final recommendation is that from time-to-time programs may have a legitimate reason for offering courses below the regular in-state tuition rate and that these could be handled on a case by case basis. The recommendation is that we remain flexible to accommodate setting a special tuition rate where there is a compelling rationale. The main initiative behind this is that since 2000 basically our distributed education efforts on this campus have basically been in a moratorium and with continuing statements of globalization, we are somewhat concerned at least when it comes to education its globalization is the world will be coming to Bloomington because right now our policies make it very difficult for us to distribute our educational opportunities beyond the Bloomington campus using electronic media as long as we stay within the boundaries of the state of Indiana everything is hunky-dory.

MILLER: Thank you, Bryan. Now the structure of this document closes with a series of recommendations to who are the recommendations?

MCCORMICK: The recommendations are being made right now to the Faculty Council, so coming from the Distributed Education Committee brought before the Faculty Council for endorsement. Realistically this would have to move right up all the way to the Trustees, because the Trustees are the-their authority is to set tuition and fees.

MILLER: Neil, what is the view of the campus administration on this matter.

THEOBALD: We have not discussed it. But I think clearly we want to involve the School of Continuing Studies the new dean there would certainly be the person I would want to talk about this before we decided exactly the direction in which we wanted to go.

MILLER: The sense that I get in Bryan's introduction to this is that there is some kind of void currently. Is that your sense as well?

THEOBALD: I agree.

MILLER: Yes

THEOBALD: There really is no policy to apply.

MCCORMICK: And this actually has been one of the biggest challenges without any clear rationale. It's a whole bunch of different interpretations and those interpretations are sometimes correct and sometimes not correct. I mean the interpretation within my school was that it was a Trustees decision that put this into effect. Yet no Trustees decision can be found to this effect so without any clear consistent sorts of policies there is little for the units to go on. And our current policy of applying non-resident tuition to out-of-state distributed education kills it. We are not, we will never be, competitive if we are charging students in Hawaii non-resident rates, when they can receive it through someone else.

HAWKINS: I just want to punctuate the importance of this fine example. We had garnered a grant from the U.S. Department of Education from the Fund for Improvement for Postsecondary Education and the grant was to put gerontology classes online and offer them to individuals working in the field who had no training in this area and these are typically people who do not have a lot of money but are direct caregivers. We finished the grant and we have the online programs but we couldn't fill the courses because the dean was charging out-of-state tuition and those people can't afford it. So we didn't really fulfill, I think, our agreement with the federal government because it got caught up in this out-of-state tuition business. So it can hurt the university's reputation externally, if you have an opportunity to put some real forward thinking programs online and the very people that you are trying to target cannot afford to pay that out-of-state tuition. Real tragedy in my mind.

BOYLE-BAISE: I want to speak on behalf of the School of Education. You see that we have the same rates for in- and out-of-state residences our policy is market driven. The people that we serve are teachers and they do not have a lot of money so it would not make sense to charge anyone more were as say in. I really think it is important that these policies stay at the unit level and these recommendations make a lot of sense in that regard. Certainly in the School of Ed we have different needs and interests than say in Business, if somebody is getting an MBA perhaps their corporation would like to pay for some of their courses and that would be helpful and maybe they could pay more. But in the School of Education it is very rare if someone is going to further their education that their school district would pay for them to get more education, where they would get into a higher salary and then they didn't have to pay them a higher salary. So it is important that they stay at the unit level and that we charge in and out-of-state the same rate.

MILLER: Lisa?

BINGHAM: I don't have any problem with the substance of the recommendations. I am just a little confused about the use of resident, non-resident, in-state, out-of-state in different contexts. We have got non-resident for non-resident in Indiana, and the we've got in-residence in Bloomington were people that are non-resident but they are in-residence. I just think that we need to clean up the language some.

MCCORMICK: The language actually comes from what the bursar's office uses.

BINGHAM: For someone out of state it is going to be confusing.

MILLER: Bob?

ENO: I certainly agree when policy is developed, global policy that would be a good idea on the terms. In terms of what Bryan is asking, what we would need to do is to recommend to the campus as a body that to endorse these recommendations ___ recommend that the campus proceed with policy development in a timely way in consultation with the DEC in accordance with these recommendations and in accordance with these policies in that way both encourage the development of policy and ask for a continuing iterative link. I do have one problem with the recommendations which came up last time, which is on the fourth one. I do not think that it is a good idea that academic units individually get to set policies with regard to the particular difficult question of how we charge out-of-state students who are in residence. I think that there could be a lot of difficulty with units competing with one another for that particular audience unless there is a policy that is set at the campus level on that component. And that policy would presumably take into account the different needs of various units but would create a level playing field among those units on that particular question. All the other recommendations seem to me to be very sensible, but that particular one I would say that instead of the academic units that the campus develop policy.

MILLER: Bill?

WHEELER: Since we've just struggled with intellectual property were we had to worry about definitions. Could I request please that the committee on the last page, the back page, consider changing the definition of Distributed Education Course for the following reason, I certainly know what the intent of this definition is when it says a course in which the majority of course interaction and course content is delivered through technology, but when I think about my own course in mathematics, there are certainly some students in my large freshman classes for the majority of the course interaction and course content is done through the homework system and their presence in the classroom maybe rare. I vote for a definition that would be somewhat less broad because it may actually be that some of my students view my course as a distributed education course as I do not.

HUNT: Maybe just put "intended"

MILLER: Elyce?

ROTELLA: The proposal that we charge in-state and out-of-state, resident or non-resident students the same fees. I understand the demand driven argument but there is a rationale for this and I am wondering how we could sell this to the legislature. We charge lower tuition to in-state students because we get a subsidy from the tax payers of the state of Indiana for those people that we do not get for the citizens of the states of Ohio or Illinois. And as I understand this, I do not think I would want to try to sell this to the legislature. Do we have a rationale that explains why we don't, does the legislature not give us subsidy for these students?

MCCORMICK: This goes to at least in some instances to the students, I am currently teaching a course, I have a student in Hawaii that student doesn't have access to the same sort of resources that a student who is actually here would have, who is here in residence would have. Just as a very concrete policy, Writing Tutorial Services will not work with you unless you can meet face to face with them so automatically a student that is not on the Bloomington campus that's a service that is completely unavailable to them. So there are issues related to differences to students that are in-residence and have access to services and this speaks to Bob's comment the use of distributed education for here in residence becomes a bit more tricky when we are distributing it outside of the campus in particular outside of the state those students have a different interaction and a different resource use with the campus. I think there is a reason to identify that. The other challenge because one of really what is the academic mission of the university and I think to the extent that we look at an international or global focus. This is really a significant obstacle to a really global distribution of a top research university and one that is heavily invested in technology and we have policies that really hinder the use of that technology for part of the distribution of the academic element.

ROTELLA: So how have other state universities solved this problem?

MCCORMICK: Off the top of my head, they vary. We looked at a number of the Big 10 schools most of them that are involved in distributed education have a distributed education rate.

ROTELLA: That's different from in-state and out-of-state.

MCCORMICK: And off the top of my head. I do have the information. I can't draw on it right now.

ROTELLA: When you send the numbers to the legislature by who we want the subsidy for, where would you put these?

THEOBALD: We are not funded on students. We receive a flat amount of funding so we don't report the things.

ROTELLA: It is not related

THEOBALD: We are using a flat fee. Bloomington and West Lafayette are considered mature campuses.

ROTELLA: So I thought that when our enrollments went down that we got less from the state. That's not true?

THEOBALD: Not that's not true.

ROTELLA: Then why are we so worried when enrollments went down then.

THEOBALD: Because we receive less tuition.

ROTELLA: Okay so we wouldn't have any troubles selling this to the legislature.

THEOBALD: Oh I think we would.

ROTELLA: The truth is the standard of the Big 10 universities.

MCCORMICK: My suggestion is though that the Trustees did in fact do this. There were policies to set separate tuition fees for distributed education up until 2000 and the Trustees ceased to do it. There is a precedence here that they have done this in the past and these fees were applied both to residents and non-residents alike. This is actually more of the issue than anything. The Trustees have seen fit to do this in the past they just have not seen fit to do this for the last six years.

MILLER: Well, ok, this item identified on our agenda as a second reading. Is the Distributed Education Committee still actively working on this document? Do you know?

MCCORMICK: Jim is shaking his head at me too. We certainly can go back and take the feedback from the discussion and comeback with some further discussion about the issue of across campus versus within unit policies on resident/non-resident application of this along with clarification of the language, but I do not want to speak for the chair of the committee this year because I am not chairing it.

CAPSHAW: It seems like we could do the same that we did with intellectual property policy. There was a couple clarifications that seemed reasonable but we need to have a vote and further it and get things moving because we have been working on this since last year. I haven't been a member of this committee since last year but apparently there is a lot of work and we are ready to roll.

MILLER: Ok, so the committee basically has put forward this proposal to us and we will take that as a motion to approve. Is there a second?

DAVILA: I second.

MILLER: Okay, second. Discussion?

ENO: It seems to me that this has to be a resolution. I think what we need is a resolution that says we recommend that the campus form policy.

MILLER: You had a statement several minutes ago that sounded like a resolution of type that you are talking about it. Could you?

ENO: Yes I can. The council endorses the recommendations of the DEC and purposes that policy be developed in – policy development proceed in a timely way with consultation with the DEC in accord with these principles. I only want to move that if we modify principle four to campus rather than academic units cause I think that is serious flaw in principles.

MILLER: So we'll take that as a substitute for the motion that is on the floor. So you are moving to amend, remove the phrase academic units and point four and replace it with that the campus develop policy. Is there a second to that amendment?

WATSON: I second.

MILLER: Any discussion on that?

THEOBALD: Bryan, would the idea be that each campus would have its own DE policy. The reason why I am raising, my concern is we get into a situation were the department of economics at Kokomo is offering courses by distributed ed in South Bend and Bloomington and we are required to use those courses within, allow students to transfer courses [End Tape 1; Side B]

MCCORMICK: In terms of

THEOBALD: [Start Tape 2. Side A]Bloomington says no we are going to have what we have here and then we are kind of we have got all the different schools at the various region campus competing with us for our students that would be my concern with a campus level policy.

MCCORMICK: Are you talking in terms of the fee structures?

THEOBALD: Well if each campus has its own policy. Those policies could be setup in competition to one other that's my concern.

CARINI: But we are now, our fees are different, quite different.

ENO: You mean DE fees.

CARINI: Tuition

THEOBALD: It has to do with students in residence.

CARINI: Well yeah.

THEOBALD: That's where these are folks who are out around the state.

ENO: That seems to be a different level of issue from the one that we have got here. Kind an issue of concern but just not part of the existing recommendations.

THEOBALD: But it's the nature of the recommendation itself that Distributed Ed fees will be set at the campus level, which I am favor of that idea, I'm just wandering what probably could you run into. You could run into business schools across the state that are IU business schools that are going to compete with Kelley Direct.

STERN: Kelley Direct is not even.

THEOBALD: Okay, that is a bad example, but you see what I am saying though. And given our structure of one university and having to accept credits from other campuses. I don't know maybe that not a – that is what I am raising – do you see that as a concern? I guess is my question.

MILLER: But this, if we were to change this to say that the campus shall develop a policy. This would be a recommendation, right, and to the extent that there are issues that we have not thought through thoroughly surrounding this.

THEOBALD: It has to be dealt with at that time.

MILLER: This is not really binding and presumably the kind of iterative process that Bob is talking about. The administration talking to the DE committee and coming to some kind of agreement about where we are going with that.

BOYLE-BAISE: I just would like a point of clarification before I vote on this. This is saying that places like the School of Ed, can still set their own policy in regard to distributed education at large, but the campus would be able to decide about this non-resident, in-resident situation, correct?

ENO: Right.

MCCORMICK: The purpose of this policy was to address distributed education fees not all distributed education in the units.

BOYLE-BAISE: But this change on the fourth one, only changes the minor point or the confusing point about what do we do with this small group of people who are trying to get around the issue not the general issue at large.

MCCORMICK: That's my understanding, yes.

BOYLE-BAISE: Thank you.

PRATT: Well I'm still very confused about that because I thought what Neil was just saying is that this is a much more broader based policy issue that needs to be dealt with now and that this

change is not just for this small number of students who are living on campus, paying out of state fees for their regular classes but they could claim the lower fee. Are you not talking about something that is much more comprehensive?

THEOBALD: I haven't thought this through.

PRATT: I'm very confused. I think I am hearing one group of people say that this is a campus level or maybe even system level fee problem. And another group of people saying leave it alone because it's operating quite nicely at the individual units. And I am now confused enough that I really don't know what my opinion is anymore because it seems to me that it is quite important.

MILLER: George?

ALTER: It seems to me that my interpretation of these recommendations is that this is a call for a policy to be developed and that's the way that we should treat it. This is not a policy. It's a set of recommendations and the main one seems to be that we do need a policy and the campus as a start should develop that policy. I don't have any doubt if the campus develops a policy the Board of Trustees will want to see it reconciled at the university level as well.

MILLER: And it certainly has never been the view of the faculty that the faculty has responsibility of setting these fees and so forth that's not part of our view of the proper role of the faculty. So making recommendations to the administration, you are pointing out what appears to be a problem and really is looking for a solution and needs to be solved. It seems like a very appropriate thing. The exact language here is probably not - isn't certainly binding.

MCCORMICK: And on behalf of the Distributed Education Committee that is essentially what this proposal is intended to do.

MILLER: Shall we vote on Bob's amendment then to replace in bullet four "academic units" with "campus". All those in favor of that please say aye. [aye] Oppose. So we have then the resolution, we will vote on Bob's resolution, any further discussion about that.

ROTELLA: The resolution is to whom.

ENO: The BFC endorses the recommendations of the DEC and proposes that the campus policy development proceed in a timely way in consultation with the DEC.

ROTELLA: It is a recommendation for the campus.

ENO: That makes it clear to whom it is a recommendation. Proposes that campus policy development proceed in a timely way in consultation with the DEC and in accord with these principles. And we will have to presume that the campus will understand that it is part of a larger university with the problems that Neil has pointed out.

ROTELLA: And the campus is essentially Michael, Bloomington. And so this goes to Michael.

ENO: _____

ROTELLA: You will do this.

THEOBALD: One of us will respond.

MILLER: Further discussion please? All those in favor of this resolution, please say aye. [aye].
Opposed. Thank you very much.

AGENDA ITEM #7: ANNUAL REPORT: BUDGETARY AFFAIRS COMMITTEE

MILLER: Our final item is a report from the Budgetary Affairs Committee, Herb Terry is going to give the report this year.

TERRY: Last time I think I had one minute or something like that. I will try not take even the entire 10 minutes and leave time for questions. Let me start out by explaining that although your agenda says that Bryan and I will present this. Bryan and I are co-chairs of this committee this year, but Bryan was a part of the committee last year but not as co-chair so I will present the report on last years activities. Let me also thank last years co-chair with me Bob Kravchuk. Bob was a very able co-leader of the committee and has been responsible for much of what we accomplished, I think. Keeping this report short. Let me remind everyone, especially those who may be new to the council, that the Budgetary Affairs Committee is a different kind of faculty council committee. We are authorized in some instances to act on behalf of the council. We don't bring some of our recommendations back to you or the agenda committee, rather we work in somewhat of a confidential relationship with the campus budgetary officers and represent you in budgetary matters especially in the distribution of what is now called the Provost's Fund. In many ways the Provost's Fund is the major source of discretionary money available on this campus as a result of RCM. Deans in their budgetary presentations every spring ask for, typically ask for, some share of the money, they historically ask for a great deal more money than there is, which is noted in this report. Last year in our 31 budget conferences, we had requests for a total of \$12, 677,032. There was ultimately \$3,809,769 that was about 1/4 of what was asked for and it was our job to make recommendations to the Provost for the allocation of those funds giving the Deans request. We are not the only people who make those recommendations; ultimately the Deans also make recommendations to the Provost as how they think the money should be distributed. And the way that this system works then is that the Provosts takes our recommendations and the Deans recommendations into account and makes an allocation, which this year was in the end was also reviewed by the President in his role as the Chief Executive Officer of the campus. The table at the back is an indication of what happened in a large part to our recommendations, but I would point the table also reveals why things were so constrained this year. This was a transition year. We began under Chancellor Gros-Louis and we ended under interim-provost McRobbie. And we inherited a number of commitments that had been made by Chancellor Gros-Louis of this years Chancellor's fund before he left office. This is not entirely unprecedented but the magnitude was fairly substantial. Ken left us with recommendations or commitments really of almost 2 million dollars, \$1,978,000 and those had to be honored and that left substantially less money that might normal be to respond to other campus requests. It may be a little unfair actually blame all of these on Ken. You will notice that the strategic investment in

science dates back to President with Miles Brand, but ends in 2007 so we are gradually working our way out of these prior commitments but it will take some time to get out of all of them. The table, as you can see, is divided into two things, basically requests for this money can be from academic units, they can also be made from support units. The smaller table represents what we recommended and, what happened to our recommendations with regard to academic units and the last page indicates what happened to our recommendations in with regard to support units. There is an interesting thing in the last table that the committee has not done in past years. This year we were confronted with some requests for funds where honoring the request could be staggered over a number of years and where, probably, if we did it all in one year we wouldn't be able to do it, but if we spread it out over multiple years, it could be accomplished. In some cases to be honest these were requests that we had seen in prior years and had never able to fund either. So if you notice under campus child care services, we recommended a 190,000 in one-time money for this year, fiscal year 2006-07 and said that we were also recommending that there be \$132, 305 in one year money for 07-08. The campus response to that, not a bad response in my opinion, was to simply put \$190,000 in base this year that continues so that means with regard to this particular recommendation Campus Children's Career Center will get \$190,000 this year and \$190,000 next year and on into the future unless the budget is cut. I don't know that every response that the campus makes to this multi-year recommendations will be like that but I think the campus – I don't think we did this without consulting with the campus as to whether the BAC making multi-year recommendations would be a good idea. I think the committee and the campus, Neil's office, agrees so we may do that again in future years. Other than that I think the summary of the basic statistics is in the report. Normally, we would present this report when the Provost is here but he's not here today and he may not be here for the December meeting. What we contemplated is if you have questions of this report or the distribution of the Provost Fund that they can either be scheduled as an agenda item the next time the Provost is here or they could come up as a question in question/comment period. And that is about all that I have to say for the committee, if you have questions for me or maybe for Neil. Bryan?

MCCORMICK: Could I just as a clarification the table itself actually was based on the actual allocation that the committee did make recommendations for other programs that were not selected for funding so this table just represents what was actually done.

MILLER: Any questions for Herb on this?

JOHNSON: What's a sick Leave Bank in the Office of Women's Affairs.

THEOBALD: It is when people donate their sick leave time so that those who have exhausted their sick leave can draw on this bank if they have need for additional sick leave beyond what they are allocated, of which they are eligible

JOHNSON: And the money was to administer that.

THEOBALD: To start it.

MILLER: Alright, thank you very much. The meeting is adjourned.

Meeting adjourned at 5:27 pm.