

Indiana University
BLOOMINGTON FACULTY COUNCIL
February 17, 2009
IMU Georgian Room
3:30 P.M. - 5:30 P.M.

Attendance

MEMBERS PRESENT: Eric Arnold, Randy Arnold, Jack Bielasiak, Leslie Blaha, Julie Bobay, Purnima Bose, Stephen Burns, Carolyn Calloway-Thomas, James Capshew, Diane Dallis, Jon Dilts, Carrie Donovan, Erika Dowell, James Drummond, Paul Eisenberg, Harold Evans, Christine Farris, Julia Fox, Thomas Gieryn, Laura Ginger, Dennis Groth, Karen Hanson, Patricia Henderson, Brian Horne, Paul Losensky, Valerie Markley, Bryan McCormick, Michael Morrone, James Perry, Lisa Pratt, Diane Reilly, Jennifer Riley, Richard Shockley, Daniel Sloat, Sonya Stephens, Jerold Stern, Alex Tanford, Herbert Terry, David Waterman, Maxine Watson, Sue Whiston

MEMBERS ABSENT WITH ALTERNATES PRESENT: Sharon Brehm (Amy Holtzworth-Munroe and Brian O'Donnell), Geoff Conrad (Sarita Soni), Moira Smith (Jennifer Riley)

MEMBERS ABSENT: James Biles, Nate Birkhead, Bruce Burgun, Andrea Ciccarelli, Nicholas Clark, Lucas Fields, Luke Gillespie, Valerie Grim, Patrick Harbison, Robert Hatten, Michael Jolly, Padraic Kenney, Lloyd Kolbe, Amanda Meglemre, Lokman Meho, Dan Ondrik, Richard Stryker, Neil Theobald, Vasti Torres, James Wimbush

GUESTS: Haley Adams (IDS), John Applegate (VPPP), Nicole Brooks (Herald-Times), Amanda Ciccarelli (Office of the Provost), Stan Jastrzebski (WFIU), Lesa Lorenzen-Huber (APHS), Jonathan Plucker (Education), David S. Wise (Informatics)

Agenda

1. Memorial Resolution for George List.
<http://www.indiana.edu/~bfc/docs/circulars/08-09/B16-2009.pdf>
2. Agenda Committee Business (10 minutes)
(Professor Herb Terry)
3. Presiding Officer's Business (10 minutes)
(Provost Karen Hanson)
4. Question/Comment Period (10 minutes)*
(Provost Hanson and Professor Terry)
5. Resolution from the Diversity and Affirmative Action Committee on General Peter Pace.
(20 minutes) (Professor Alex Tanford) [ACTION ITEM]

<http://www.indiana.edu/~bfc/docs/circulars/08-09/B12-2009Rev.pdf>
http://www.indiana.edu/~bfc/docs/circulars/08-09/auxiliary/Response%20to%20the%20New%20BFC%20Resolution_Feb13.pdf (added 02/16/09)

6. Reports from the Distributed Education and Faculty Affairs Committees (10 minutes)
(Professors Lesa Lorenzen-Huber and Jonathan Plucker)
7. Resolution on Intellectual Property Policy Revenue Distribution. (15 minutes)
(Professor Stephen Burns, Chair of the Research Affairs Committee) [FIRST READING]
<http://www.indiana.edu/~bfc/docs/circulars/08-09/B17-2009.pdf>

*Faculty who are not members of the Faculty Council and who wish to address questions to Provost Hanson or Professor Terry should submit their questions to the Faculty Council Office. Our documents are available at: <http://www.indiana.edu/~bfc/>. To send e-mail to the Faculty Council Office: bfcoff@indiana.edu

Minutes

HANSON: Even though it seems that a fair number of people are not here right now, I think we should begin. A number of people won't be here because it's Hoosiers for Higher Education day up at the statehouse, hence the red. There was a very nice ceremony just before, well it's still going on, people are meeting with their legislators, and we had the good word that the House Ways and Means Committee had approved funding for the Indiana Innovation Alliance, though there is still a long way to go for that. So that's the news from there but, Mike? So again even though some people are absent and may not be here today, we'll begin. We're going to have a slight departure from the agenda. We will memorialize George List next time, and so we'll move directly to Agenda Committee business.

AGENDA ITEM #2: AGENDA COMMITTEE BUSINESS

TERRY: Thank you. As you know, we have the resolution back today from the Diversity and Affirmative Action Committee. That's spurred a question from a former member of the Council about whether we could improve or speed up access to the minutes of prior meetings. We're able to do better than we were a few years ago when those were entirely transcribed by human effort alone. We now use voice recognition software, and it's possible to prepare a preliminary version of what goes on in these meetings much faster than in the past. The voice recognition software, or hardware, as most of you know, is not perfect. It can take 'we are now able to do something' and turn it into 'we are not able to do something,' so we still are a little reluctant to put the unedited versions out, but the Agenda Committee is going to discuss that and see if there is any way in the future that we can speed up turning around at least portions of minutes when some item continues to a subsequent meeting.

The election should be completed; at least the ballots should be submitted by February 23rd for next year's BFC. I hope that means that we'll know shortly after that the results of those elections that the Council can then elect its own officers, and that the BFC might actually get all of its committees set up before the end of the semester. I can tell you from last summer that the committees should be a lot easier to set up if they're done before the end of the semester than during the summer, so I hope that will work out well. In connection with that, you've sent your ballot this time to a name that those of us who've been associated with the BFC for a while have always heard about, Dan Seldin, who's been the Election Supervisor for as long as I can remember. Dan is retiring. This will be Dan's last BFC election as Election Supervisor. It means we'll have to find another way to supervise our elections. We have explored doing them online but that's pretty expensive, so we probably need to find someone else to replace Dan. Most importantly, we will do something to honor Dan and all of his service for this Council over many years before the last meeting of the Council in April.

As you know, UITS issued its second strategic plan a while ago, and I can tell you that Brad Wheeler is moving quickly on some items, particularly a couple that I think are of special interest to the Council. You may remember at the end of that strategic plan, there were some things that UITS thought should be addressed that were bigger than UITS and bigger than Indiana University. And a couple of those have been of interest to this Council. Some years ago, we adopted a resolution urging the libraries to find ways to get journals cheaper than buying them all from monopolies like Elsevier (inaudible). Many other universities adopted the same thing at about the same time. The twist on that in the UITS report is a recommendation that universities, including this one try to figure out how to recapture their intellectual property, their publications and so forth, prepared by their faculty. We're not the only university addressing this problem. Many are right now. In addition, there has been a concern about the rising costs of textbooks and Brad's strategic plan addresses the question whether somehow universities working together through their IT might do something to reduce that. Brad has responded to that by naming David Lewis, who is the head of the libraries at IUPUI to the position of assistant or associate, I didn't write that down, Vice President for Digital Scholarly Communication, and tasked him with the support of the libraries, with trying to start bringing people together to work on these two problems. I've been very impressed. David's been in communication with me a lot; he seems to have a great deal of interest in addressing this problem. He's going to be down here February 27th for a meeting with the Agenda Committee, well as many members as we can get together of the Agenda Committee, Faculty Affairs, Library and Technology Policies Committee. And this is sort of a first get together to see where this project goes. If any of you would like to join that meeting, please send me an e-mail and we can certainly include you.

As I think I announced before, the University Faculty Council is considering a set of baseline policies for promotion and tenure at all Indiana University campuses. That was discussed at the last UFC meeting, and the result of that meeting was that Simon Atkinson from IUPUI and the President and myself, we were supposed to get together and prepare a sort of consensus draft for ultimate consideration by the UFC. We've started those talks; John Applegate is representing the President in that. Our goal is to have something together by the early part of

March, maybe the first of March, so that all of the campuses, including the BFC here, can look at it and have some comments on it. We'd hoped to take it up at the UFC meeting, the next to last UFC meeting, near the end of March, and then hopefully it will either get adopted then, or if necessary, roll over to the last UFC meeting of the year. So you can anticipate some discussion in here in early March about that document.

And finally down there somewhere is a card that I'm sending around for those of you who might want to join me in doing something. I announced at the last meeting, I'm sure many of you knew, that Myles Brand, our former President and the head of the NCAA, has pancreatic cancer. This morning's Indianapolis Star is the result of an interview that Brand granted the USA Today. It's in stage four. It's serious. He's still coming to work and that sort of thing, but clearly this is a time that's pretty stressful for Myles and for his family, so there's a card going around. Myles is a former President of this university; we were one of the founders of COIA, the Coalition on Intercollegiate Athletics, which has worked very closely with Myles on academic reform and intercollegiate athletics, and if any of you wish to sign on that, please do. I'll pick it up at the end of the meeting and I'll attach a cover letter and we'll send it up to him and to Peg, and that's it, thank you.

AGENDA ITEM# 3: PRESIDING OFFICER'S BUSINESS

HANSON: Thanks Herb. As I mentioned at the beginning, today was Hoosiers for Higher Education day up at the statehouse, and one of our members, Luke Fields, gave a very nice talk, talking about the textbook issue and how the students from Purdue and all of the Indiana campuses have been getting together to address this problem, and in general just acquitted himself very well and represented the university very well. President McRobbie and President Cordova spoke as well, but I thought Luke was the Faculty Council member and you might want to hear about it. A couple of little announcements and one in response to a number of questions that I received via e-mail; you should know that we'll be making the appointment of the Director of Sustainability, the position that came out of the task force, in the very near future; Bill Brown, who's based up in Indianapolis, an architect, will be appointed the first Director of Sustainability, and will begin working actually in March. Details will be available soon in a press release, but he will be occupying an office temporarily in Geology and another one out on Range Rd. while we kind of figure out where to locate this unit, but it will mainly be working on the operational side, but Bill will also be working with the student interns who've been involved in many of these projects, and we'll be thinking about ways to connect with the academic enterprise. Another announcement of an appointment that's being made, this is really Sonya Stephens' announcement to make, but I just wanted this group to know, and I have the microphone at the moment, is that Kurt Zorn has joined her office as an Associate Vice Provost for Undergraduate Education, and I'm sure most of you know Kurt; certainly as Interim Dean of SPEA, and has a lot of experience in a whole variety of ways, been active in a number of university task forces, so that's terrific appointment. Thirdly, and this has to do with questions that I received about an e-mail that went out, I know at least from the College, I don't know if it went out from other schools, it was something that was communicated to the Deans and some Deans sent it right on and since I'm a member of the College, I saw that one and I don't know if

other people saw it, having to do with the policy on contact with federal officials. I think this alarmed a number of people in the College who got it, because everyone who wrote to me was actually from the College. I hope that's being cleared up. It just needed a little bit of context; it's not as if people can't contact anybody they please about political matters. It's a matter of who is representing the university, so there are relatively new laws about registering lobbyists, so that those on the campus who actually work to lobby with various federal officials, are expected to register as lobbyists, and if any of us has contacts with people who might be providing us federal funds, we actually have to report that, so that's part of what the Deans were being reminded of, but it should have been clear that that has nothing to do with anybody individually contacting their representatives about any matter they feel like representing, they just can't represent themselves as speaking for IU, so I hope that everybody is calmed about that. And while we're on that topic, I mean part of the reason this was salient is because we have been watching the economic stimulus bill like a hawk as an institution trying to figure out where to pounce as soon as the money becomes available, and I think that there will be money available that we will be able to lay claim to if we act expeditiously, and the various units have been seeing, you know, what portions of the bill will be relevant to us, and it will be flowing in two ways; directly from federal agencies, and also from the state fiscal relief, so you should know that I think most of the people who need to be involved in watching that are watching it, and as I say with shovel ready proposals, but also with grant proposals; that's on the bright side of the fiscal picture, so I just wanted to apprise you of that.

AGENDA ITEM #4: QUESTION/COMMENT PERIOD

HANSON: Any questions about any of those things? Okay, next item then in the resolution from the Diversity and Affirmative Action Committee on General Peter Pace. Alex?

AGENDA ITEM #5: RESOLUTION FROM THE DIVERSITY AND AFFIRMATIVE ACTION COMMITTEE ON GENERAL PETER PACE.

TANFORD: This is now the third meeting at which this resolution has been before the BFC, so I don't see any need to summarize it. In its final version, you have it in that little packet of information sitting in front of you; you also have in front of you, a memorandum from the Academic Council of the Kelley School of Business that was circulated yesterday and I only got it yesterday also so the Diversity and Affirmative Action Committee has not had any opportunity to review it in detail or to meet to decide whether any kind of reply to it is necessary. I do want to make, just on behalf of myself and two other members of the committee who did sort of reply but mostly for myself, make a couple of comments in response to the memo. First of all, I thought most of the memo was constructive and thoughtful, about what can be done during Pace's upcoming visits to expand the opportunities for members of the university community to hold meaningful discussions with him, and I commend the Kelley School for that. The memo reiterates the Kelley School's full commitment to diversity. There was never any issue on the part of the Diversity and Affirmative Action Committee that they did not hold such, have a policy. We never questioned it, and we never - they make the point that they didn't intend to offend anyone - and we never assumed that they did, and their commitment to diversity we

hadn't questioned that, and in fact we should note that the Kelley School is one of the sponsors of the 2009 GLBTQ Pride film festival currently going on in Bloomington at the Buskirk Chumley, so I mean they've even put their money where their mouth is and so I think that should definitely be known. There are some suggestions in the memorandum that either the BFC or the Diversity Committee should formally recommend specific things that the Kelley School should do. At the committee, we rejected that idea a long time ago. We didn't think that certainly the committee or even the BFC has any particular business micro-managing what an individual unit does. I mean we're perfectly happy to sit down as the committee and talk with any unit, any administrator, any faculty member on campus who wants to brainstorm about ideas about making their unit or their institution more welcoming to minorities. We're happy to discuss it in that sense, but I don't think it's appropriate for us to be drafting rules governing the Kelley School. And there is one, I think, error in the memo, and that is that it states that General Pace's views on homosexuality are religion based. While it is certainly true that many people who hold views that homosexuality is immoral, base those views on religion, however, General Pace has not done so. We researched that fairly carefully. He just said it was a personal thing and had to do with his upbringing and he did not attribute it to religion. The memo suggested that the resolution does little to advance the university's larger mission, which is academic dialogue. I think it misperceives the purpose behind this resolution, which was not to advance that particular mission but to advance one of the smaller but also important missions of the university, that is that it be a welcoming place for minorities, including gays and lesbians, and that that can be done completely consistently with the university pursuing its other missions and policies.

Part of the Kelley School's recommendation was a request to this body, and you can read their memo if you have not done already, suggesting two reasons why this body might want to table the resolution. First was because the Kelley School has now decided to expand the academic dialogue between Pace and the university during his upcoming visits, again while we're glad that they're doing that, it misperceives the nature of the resolution. Part of the background was that he was sort of off limits to the rest of the campus, but the resolution that is actually before you doesn't talk about that. It is addressed not to limits placed on his visit, but to the decision to award him the Poling Chair university honor. And had the Kelley said that they were considering withdrawing that or negotiating a way to retract that award, that might have been grounds for tabling or delaying the resolution, but they did not suggest that among the things that they were considering was the withdrawing of the award, which was the central symbolic act that the resolution addresses. The second reason that they give for potentially tabling the resolution is to give General Pace time to meet with the Diversity Committee. We're a little baffled by that. We're perfectly happy to meet with General Pace, we're perfectly happy to meet with anyone, but this is a resolution addressed to the Kelley School, and the committee made a request to the Kelley School that they send a representative to the Diversity and Affirmative Action committee and they declined. They have sent this memo to the BFC today and an invitation was extended by Herb that they were free to speak, free to send a representative to this meeting, and they again declined so that, you know, if there were reason to table this because there were meaningful dialogue between the committee and the Kelley School, that might be a reason to table it. But there does not appear to be any such dialogue

and they do not appear to be willing to engage in it, so that does not seem to be a reason to table the resolution. The end of the resolution, or you know several sort of broad paragraphs, one in which it suggests that the resolution is setting some implied policy that everything; that everybody has to be vetted for personal beliefs. I don't think it does any such thing as a plain reading of it shows. Indeed it goes out of its way not to set any particular policy. Its final dramatic punch line is urging all administrators to be sensitive to minorities in the future. That does not seem to be anything that suggests either directly or implicitly, that every future hiree, appointee, and person who sets foot on the campus, needs to be vetted for personal beliefs and I think that is exaggerating by the Kelley School. Finally it suggests that the Kelley School is being held to a standard that did not exist a year ago when they made this decision. I, again with all due respect, there is only one real standard or policy that we mentioned, and that is the University's Equal Opportunity Policy; the policy that this campus should be a welcoming place to all people and particularly minorities who face lots of discrimination in the world around them, and I believe that that policy, that we should all be sensitive to the concerns of minorities, clearly existed a year ago when they made the decision, and that is the only thing that the resolution addresses.

HANSON: Any questions?

MORRONE: I'm actually on the Diversity and Affirmative Action Committee, and I was the person that voted against this resolution, and I still oppose the resolution. I think it brings up some thorny issues, and when you hear what I have to say it's going to sound like we're not even talking about the same thing! To begin, in the two meetings that we had, which were last fall, we talked about bringing a resolution that in fact, suggested a policy. After that, this was drafted, and now at our last meeting, I hear that there is no policy suggested at all, so I was a little surprised by that. The other thing that came up is that Professor Tanford focused on the fact that our committee was engaged in protecting the rights of minority groups, but with all due respect when I go and I look at the Diversity and Affirmative Action Committee, it looks like we're supposed to propose policy around diversity, and it looks like we're supposed to monitor the Affirmative Action position of the university, and when I got a look at the Affirmative Action mission of the university, I see that this discrimination based on religion is prohibited.

I have a few comments based on some of what happened at the last meeting, and also one based on an interpretation of whether or not this proposes policy. First as far as proposing policy, it says that in the future we should be more sensitive to who we invite to this university for honors. And Kelley was trying to do that, right? They distanced themselves from the General's opinions, they had open Q and A sessions at all of their meetings with students. Now in 20/20 hindsight, we're hearing that wasn't sensitive enough. That, to me, looks like we're proposing a policy around sensitivity. You can't do these things but well, maybe in the future we'll come back and criticize the other things that you do try, so I'm concerned that this 20/20 hindsight actually doesn't recognize the fragile nature of civility, which this group highlighted in its 1999 statement on civility. It doesn't have the mutual respect for Kelley to make decisions about what is sensitive. Then a couple things; around freedom of speech, the resolution reaches much further than General Pace's statement. It actually imputes his statement to an IU

school that is welcoming to LGBT faculty staff and students, then explicitly disavowed itself from Pace's personal beliefs about homosexuality. How many high profile speakers will survive a vetting process that looks not only at the speakers personal views, but also at the views of people that speaker has associated with, or organizations that speaker has associated with? When we start thinking about that it reminds me of things that happened in the last presidential election. Who you associate with may say something very strongly about who you are. That was a common argument that we heard in the last election. Secondly, around freedom of religion. I have very serious problems with this resolution around freedom of religion. I know that the committee is trying to distance itself from this problem, but it can't. General Pace's words paraphrase Roman Catholic doctrine. General Pace was raised as a Roman Catholic. If you do a web search, you will get hundreds and hundreds of hits. You do 'is General Pace Roman Catholic?' Hundreds and hundreds of hits. He's Roman Catholic, and his word choice mirrors the doctrine of the Church. Regardless of the genesis of his views, they reflect church doctrine, and the problem is that the second and third "whereas" clause, call this doctrine "discrimination." They say it violates IU's spirit of discrimination. Catholics as individuals may distance themselves from the doctrine, but the dogma of the church is still part of a Catholic's life. The great historian Arthur Schlesinger Sr. stated that bias against the Roman Catholic Church is one of the most deep seated biases in American society. You can't just sweep that away. You can find book after book in the Wells library on anti-Catholicism. Long and short, we should not reaffirm this bias with this resolution. And moreover, I believe we should try harder to find the right words that promote diversity at IU, both religious groups and the LGBT community are worthy of respect and deserve that effort. There should not be a hint of a tradeoff approved by the BFC, and in this resolution the tradeoff is clear. I believe that promoting diversity with negativity is a poor route to demonstrate that IU is committed to diversity. I think that we need to be mindful of the fact that Kelley is trying to open up dialogue. The General is still in, in his tenure, the Polling Chair for the next year and a half. That is the way he's being brought here. There is an opportunity to open dialogue, and we should take advantage of that without passing a resolution that has the kinds of tradeoffs I've mentioned. Thank you.

TANFORD: Just as a kind of point of personal privilege. I am also a Catholic, so at least my drafting of this was not in any sense a bias against Catholicism.

MORRONE: I appreciate that.

TANFORD: And for that matter, I suppose, I'm a liberal Catholic so I'm not exactly in the Church's favor at the moment, but again it requires no comment. Well General Pace may be Catholic but so am I, so it's a majority religion. It's a big tent, and I don't, again, I don't see anything in here that says there's any discrimination going on against religion.

MARKLEY: I would like to ask, if it were not General Pace, if it were Dr. Peter Pace from say Microsoft or some other place, would anybody have even inquired or bothered to ask what his views were on homosexuality? In fact, he really only gave those views when he was pressed by

reporters. Again it comes across to me as discrimination. We want to bring people to campus, but not the military. Can you respond to that?

TANFORD: It is beyond the jurisdiction of the Faculty Council to worry about what the Chicago Tribune does. General Pace, when he made a statement equating homosexuality with immorality, was being interviewed in his role as Chairman of the Joint Chiefs by the senior editors of the Chicago Tribune. Whatever may have been the propriety of their interview, once that cat was out of the bag, it was only after that, knowing that that had happened after he had attained national notoriety for this statement, that the Kelley School made the decision, as far as we know. We have inquired several times at the Kelley School to give us a description of the process that led to his appointment, and they have not responded, so I am assuming that the Kelley School made the appointment after these comments were made, so there wasn't any requirement to do research or vet things or dig around, or for the university, to ask anybody about anything, it was already out there as part of his, of who he was. So, at least, I would agree with you that the university is not under any obligation, nor should it indeed go probing into everybody's background before they invite them to campus, and this resolution has nothing to do with that. Is it discrimination against the military? Again, I don't think so. It was not intended as such. It is intended to say, as you know, that the military has a policy has a policy imposed upon it by Congress, which policy is contrary to the policy of the university Board of Trustees, that one may not discriminate based on sexual orientation. Therefore, the decision about whether as a university, we are to discriminate against organizations that discriminate against gays has already been made by the Board of Trustees, and we were following that policy in reaching our decision. So take it up with them.

HANSON: Diane?

REILLY: While I find General Pace's views really repulsive, my personal feeling is it doesn't need to be reflected, I feel, in the way that we decide to invite people to campus, and the university is supposed to be a forum for open dialogue, and sometimes that dialogue is very uncomfortable and if we're looking at inviting say, foreign leaders, some of whom come from nations that have religions, not Christian religions, that also reject homosexuality very vocally, are we going to then decide that these leaders who could be interesting and informative; you know a dialogue with them can be very informative for our students, even if it is sometimes abrasive and uncomfortable, are we just going to decide that anyone who doesn't accept the university's policy, isn't allowed to be invited to campus?

TANFORD: This is not a resolution about inviting anyone. If you look at it as a resolution solely about given them a distinguished university award, that is an act of university administration that is in fact bound by university policy. I don't care who we invite. We should invite all sorts of people and this resolution has nothing whatsoever to do with that.

REILLY: I'm just concerned it has a chilling effect though I do see the distinction that you're making.

HANSON: Jerry?

STERN: The process of having General Pace come here is still an ongoing process. He is still going to be making a few more trips to campus. He's going to be meeting with lots of student groups. He's happy to meet, he will be meeting with the GLBT, and he'll be meeting with other student groups. He's happy to meet with the Diversity and Affirmative Action Committee to discuss any of his views, just as he has before. He's met with the press in the past, and is happy to meet with the press here. I think that since the School of Business memo on this only came about as of yesterday, and the Diversity Committee has not had a chance to meet to discuss this memo, I would like to make a motion to refer the resolution back to the committee so that it can discuss the resolution in light of the School of Business memo that came out.

HANSON: Is there a second?

PERRY: Second.

HANSON: Any discussion?

TANFORD: The Diversity Committee doesn't want it back. (laughter) And if you refer it back to us, I know the sense of the committee, if you refer it back to us you're just going to get the same thing back again. That is, we're perfectly aware of the Kelley School's concerns. We're perfectly aware of the problem that some people read this as having to do with who can be invited here for any reason rather than awards. We're aware of those. We've done, I think, the best drafting job that we can do, and most of the comments here miss the point. Our point is a small one. That is, it doesn't have anything to do with inviting General Pace, it doesn't have anything to do with how many times he talks to people. Giving him an award was a symbolic act that was deeply offensive to the most discriminated minority in the United States today, the gay and lesbian community. In response to that, as the Faculty Council and as the Diversity Committee, we think we need to have a similar symbolic statement saying that we think that was inappropriate, and however many times he meets with people, the Kelley School has not proposed withdrawing the chair, and simply inviting him as an un-chaired person. If they propose that, we would be glad to reconsider this, but they haven't.

HANSON: The motion's on the table though from the Council to commit to the committee, and that motion has been seconded. Is there any other discussion of that motion?

BIELASIAK: Which motion?

HANSON: The motion to recommit the resolution to the Committee in light of the memorandum that's come from the Kelley School Academic Council which I thought Alex said they haven't had time to consider as a committee.

TANFORD: Well we've read it, but we haven't...

HANSON: You haven't had it as a committee, so that's what's on the table.

BIELASIAK: Yes, I do want to speak to that because I see we are conflating a number of issues here which is troubling. One is the private/public dimension. Once the statement was made by General Pace it became part of public discourse and was on the record, and the fact that the Kelley School then provided an honor and an award after that kind of statement is an issue here. It is not the other things that have just been heard that may have been said in a private setting. It was a public utterance, and was then ratified by a unit of this university by granting an honor despite that statement. And let's put our cards on the table. Had the General provided anti-Semitic, or anti-African American statements, we would not be sitting here today. The fact is that the gay and lesbian community is more vulnerable. It is not as protected as the others and for that very reason, I would strongly urge us to proceed with this resolution. I would in fact favor a stronger resolution but I realize the political ramification of that so I'm willing to vote for this one and I urge us to proceed today.

HANSON: Any other discussion about the motion?

EVANS: What do the other members of the Diversity Committee feel about this motion?

HANSON: Who are the other members of the committee?

TANFORD: Mike Morrone is here. I don't see anyone else from the committee who is here. Most of the members of the Diversity Committee are not members of the BFC.

HANSON: Mike, do you want to say something?

MORRONE: I am not...

HANSON: I mean about the motion to recommit to the committee?

MORRONE: I think that it would be interesting for the committee to actually sit down and talk face to face about the motion. We haven't talked face to face about any of this since the first week of December. We didn't talk face to face about the redrafting of this. I don't think that there's been very much interaction at all about what's written down here in the committee. That's my opinion. I think the motion's a good idea. I think this should be redrafted.

HANSON: Any other comments or discussion? Do you want to vote on that motion now? The motion is to recommit the resolution to the committee. All in favor? [Aye] Opposed? [Nay] I think we need a count. All in favor? All opposed? [The count is by raised hands] The motion fails. Any further discussion of the resolution itself? Bryan?

MCCORMICK: I've been very conflicted on this and managed to put it out of my mind until this morning when I saw the IDS. I think Professor Tanford last time spoke very clearly about the

challenges of this particular group, and how this is one of the groups that can be openly discriminated against, and the issue of power in terms of really what is our policy in protecting them, any group that is the target of oppression. At the same time, I think, what I struggle most with about this resolution is, is it a resolution about policy or an individual? I realize that the individual represents the challenges that we're faced with in terms of bringing any speaker on to campus. I have to say though, I would have a hard time supporting a resolution that is about people as opposed to a practice, and that's what's still problematic as I see it in this resolution.

HANSON: Additional discussion? Dan?

SLOAT: I have a few items, so bear with me. First, the second "Whereas," phrasing here that suggests that the, although not explicitly named, the 'Don't Ask, Don't Tell' policy is one of discrimination based on sexual orientation. I think it's worth noting that this policy was introduced in 1993 under the Clinton administration. It was developed to depart from current practice, which completely banned service by homosexuals. Now individuals may serve regardless of sexual orientation, and they are only in danger of dishonorable discharge if they engage in physical acts, homosexual or heterosexual, such that it detracts or threatens unit cohesion. In contrast, there is very little statutory common law in case law establishing employment discrimination based on sexual orientation as a legal wrong. Next and the third "Whereas," a phrase in here about the impact to the public image of campus, I'm concerned that there's no consideration for the public image of the Kelley School of Business. It feels like in a lot of ways, they are being used as a scapegoat. In reference to the IDS article today, Professor Tanford, you "compared the Kelley School's act of honoring Pace as equivalent to rewarding a leader of the Klu Klux Klan and that no one on campus would think that was appropriate." Generally, I'm not sure if that's really worth discussion. You're probably right.

TANFORD: In the first place, I think that anyone who takes too seriously the IDS' getting its quotes right has not been around that paper very long. (laughter)

SLOAT: Well, for the record, it is in paraphrase and even so our student body does take the IDS very seriously. Unless of course the Ku Klux Klan was an ad lib?

TANFORD: Are you asking me? I have not seen the IDS story, so I cannot say what it said or whether it quoted me correctly or not.

SLOAT: Okay, okay. Next I think that this comparison suggests that his personal beliefs are so radical that he not only supports but participates in terrorist violence and activities and behind a cowardly mask, no less. Thirdly, in the "Resolved," your phrase that he was brought in a way that was offensive and we should be more sensitive, I don't think that there is a very clear way of how to go about that. I have a few questions for you, rhetorical, largely.

TANFORD: Oh, I'm a lawyer, I can answer rhetorical questions. (laughter)

SLOAT: First, it's worth considering how many students need to be offended for the Diversity Committee to consider fighting on their behalf.

TANFORD: Well, they have to be a member of a minority group for our particular committee to be concerned about it.

SLOAT: Moreover, how few students have to be offended for the Diversity Committee to consider fighting on their behalf?

TANFORD: That depends on the size of the group. For example, our Native American student population here is very small, but we would stand up for their rights as well. It numbers under 100.

SLOAT: The Diversity Committee seems very cavalier in these recent meetings about the risk of offending larger groups of students; largely with the phrase that they have "traditionally been discriminated against." I think that this seems to suggest that if groups of students have not been offended in the past, which I think it's been known that they have, then the university should not be concerned if it happens now, and that ultimately Kelley students are just as deserving of protection as anyone else.

TANFORD: I agree with that, but university policy, the official policy of this University as passed by the Board of Trustees, identifies about ten minority groups that have been historically discriminated against and are therefore deserving of special protection. The Kelley School students and the Kelley School are not on that list.

BOSE: I just wanted to respond to Jack's comment. I absolutely agree with him that if General Pace's comments had been directed towards any ethnic group, or religious group, we wouldn't be having this conversation, but I also wanted to respond to the concern that this resolution was directed somehow at the military, and denigrating the military, by reminding people that the military is not a monolithic institution. It's comprised of men and women with very diverse views, some of whom agree with General Pace, and others whom do not agree with his views, and the resolution that we're presented with doesn't really challenge General Pace's right to speak at IU. It's rather a fairly gently worded rebuke of the Business School for honoring him with this chair.

HANSON: Any discussion?

E. ARNOLD: Is the military one of those minority groups that is protected by the...?

TANFORD: Actually, under university policy, veterans are a group entitled to special protection, the military as such is not.

E. ARNOLD: Okay. I mean, because I've had cadets spat upon. I've had cadets have lit cigarettes flicked at them. I've had professors tell cadets that soldiers have no souls.

TANFORD: Come to the Diversity and Affirmative Action Committee and we will draft an angry resolution.

E. ARNOLD: I would just be willing to submit to everybody that in Bloomington, being a soldier, you may be as discriminated against as some of these other smaller populations. Here in the friendly confines of Bloomington, so...

HORNE: Mr. Tanford I have a question that departs from this a little bit, but you said that in response to a couple of times this same issue being brought up, that we know his opinion on this only because he gave an interview where he said it and this wouldn't necessarily be the case if he hadn't done that, then we wouldn't necessarily know it and we wouldn't go prying, and we shouldn't go prying, but we happen to know it, and therefore I feel to some extent that the committee, or at least you and certain members of the committee, feel that you just almost have no choice but to react to that. And I'm curious, you would know better than I about this, but about 1987, I think, Robert Bork came up for nomination of the Supreme Court. He was so well written, that people who were against him used his opinions against him and so the kind of talking heads on television talked about how we were going to have a generation of Supreme Court Justices where they hadn't done anything worth noting because it would be brought up for use against them. I think that was about the time, and I think that was the person, but it resulted in people like David Souter, for instance, on the Supreme Court, where you didn't know much about them. Do you fear that at all? Because it seems to be, you know, if it happens to be somebody, again if they've made a statement or we have someone opinion against or protect a group by the Board of Trustees, and we know about it, you know, for some reason that would be because it's a person who's lived an active life, who would have been interviewed, where we would know those things. Aren't those the people we want here?

TANFORD: But don't give them the key to the city. I mean, yes, those are the people we want here and this does not address that or suggest we shouldn't bring them here, it simply says that we shouldn't give them some kind of special honor when it is going to be perceived that the honor interacts with their public views that are offensive to a minority.

HORNE: Alright. If I could just make one more comment, not to you sir, but just in general. I agree with Professor Bielasiak, and I'm sorry I can't see your name...

REILLY: Reilly.

HORNE: Thank you so much, that, you know, if it were against African Americans or against women or something like that, but I just disagree that a statement that a certain thing is immoral is the equivalent to hate speech or ginning up opinion that some violence should be done. I mean there are people who think that the obese, for instance, are taking too much healthcare, okay I'll leave it at that, and they would make statements against that. That isn't hate speech. That's just their opinion that something should be done and they should modify their behavior or whatever. It isn't ginning up any violence against them, or you know, I just

disagree that that particular statement runs in the same line that something that a Klu Klux Klan member would have said (inaudible). If it were hate speech against, you know, against homosexuals, absolutely, hate speech against anybody, but I just disagree to say that immorality just saying 'I think that is immoral,' is the same thing. There are people who think that, you know, not recycling is immoral.

TANFORD: Again, I don't disagree with that, and I think those are the reasons why we backed away from our initial instinct in drafts one and two, which was to use this as a vehicle for thinking about whether we could in fact articulate a policy, and I think you're right, the variety of situations that are going to present themselves, but people who aren't being honored in all sorts of ways by the university, are so infinite that no policy could possibly apply to all situations, other than one which says 'remember that we have a policy that guarantees equal opportunity and bans discrimination against a half a dozen traditionally discriminated against minority groups,' and to say to administrators, 'try to be sensitive to their concerns,' and I mean, I agree with all of that, but it addresses things that this resolution does not address rather than what it does. And to say something is immoral may or may not rise to the level of an important symbolic statement, and here it was the interaction of that with the reason and the nature of the discrimination against gays and lesbians, that elevated that statement to something symbolically more important in this case, than it might have been in any of the other scenarios that you mentioned, and that was the reason for this resolution.

BIELASIAK: And let me just say I agree with...

HORNE: I forgot my nametag, it's Horne.

BIELASIAK: I'm sorry, you know. (laughter) It's a slippery slope, but I believe that gays and lesbians have a right to be loved and be sexually desired, and to say that this act is immoral somehow prohibits that love and that sexual act is my interpretation. In Nazi Germany, it was immoral for Jews and Aryans to have sexual relations and to marry one another. It was immoral at one point and time in this country for blacks and whites to intermarry so immorality has a very, I think, powerful symbolic statement to many minorities, and for that reason we need to guard against it, and I think that is to me the essence of this resolution.

HANSON: Any additional discussion?

WHISTON: Yeah, I've been too busy to read the IDS so I do not know what was said or not said, but to me the issues here are; were gays and lesbians deeply offended by the honoring of the General? I think that's the first premise, and I would assume your committee has addressed that and that is accurate.

TANFORD: Yes.

WHISTON: Then it comes to the second issue then. If they were offended; should we ask administrators to be sensitive in determining the honors that are given within this university?

So, to me, I'm not exactly sure why we would vote against administrators being sensitive. In fact, some of us have really tried to have administrators be sensitive and have argued that to them.

HANSON: Any other...?

WATERMAN: Well, just very quickly, I agree with what you've said, but it seems like we've had a very complicated debate about this and we could go on for days, but it seems that one way to look at the essence of this is that a group of people were offended, and this is the way of apologizing by the university, which in itself, I see nothing wrong with. It doesn't seem to me to present particularly complicated precedents about future invitations, future chairs, and this kind of thing in itself. Whether the resolution is innocuous in that sense in not setting such precedents I can't be sure but that seems to be the essential feature of this thing, and the way that I interpreted it from the beginning.

HANSON: Any other discussion there? Dan?

SLOAT: Just a final statement to respond; why would we vote against something that encourages us to be more sensitive? Reading between the lines, it suggests that the Kelley School was wholly insensitive on the matter, which I think is a real slap in the face and again, I think, an effort in scapegoating. I really do believe that they made every effort to be sensitive to the GLBT community on campus, and did not want to forgo an opportunity for their students to learn about leadership. Lastly, I just want to say that there are concerns that members of the faculty may feel pressured to vote a certain way to avoid associations and assumptions about their own personal views. Certainly, if a professor was considered prejudiced against any minority group their continued employment by the university, let alone their prospects of making tenure, may be put in jeopardy. Please consider the consequences of this decision as it relates to the opportunities of students for years to come. There is potential for a very dangerous precedent to be set if this is to pass.

HANSON: Is there any other discussion? I am of the impression that the Academic Council had thought that the representatives from the business school might walk through their response. Is that not right? Did everybody read this? Is there any other discussion at this time?

MORRONE: Can I make one final comment at this point? Everybody is bringing up valid points about this resolution, and one of the big problems with the resolution is that there are so many possible interpretations of it, and as this reverberates away from the university, we have to be worried about how other people are going to look at it, not just what we believe it says. We have to worry about how religious people are going to look at it. We have to worry about how military are going to look at it. We have to worry about that, and it's very clear that this is subject to multiple interpretations, and that's a big problem.

TANFORD: I have to respond to that, which is that the appointment, the award to General Pace, has already reverberated throughout the community. If we do nothing, if we stand silent

in the face of that previous reverberation, then that silence itself will send a message. I mean, we can't put the cat back in the bag. The cat's out of the bag, that is, everybody knows that this resolution is being considered by the BFC, and whether we pass it or don't pass it will itself be symbolic message.

SLOAT: Again I feel like you are suggesting is that if we don't pass this, it might be perceived that, in some way, we agree with General Pace's personal views.

MORRONE: My last comment would be, why now? Kelley is willing to do so much to have the General's visits open dialogue. Wouldn't it be better to have a resolution later that says it looked like this was a situation where they were not sensitive, but look at what they did, and this is in fact sensitive? This in fact, presents the way people should be sensitive. Why do we have to do it right now? Why can't we look ahead in the future and actually put forth a positive statement about how to promote diversity?

HANSON: Laura, or Julie?

BOBAY: We'd like to call the question.

HANSON: I can't remember what "call the question" is supposed to mean.

TERRY: It means we should have an immediate vote to see if the majority wants to stop discussion now.

HANSON: Okay. All in favor of stopping discussion?

TERRY: So we can vote, say "aye." [Aye]

HANSON: That's clearly a majority, alright. You have the resolution before you, all in favor? All opposed? Abstention? [The count is by raised hands] Okay, the resolution passes. Take a break.

BRIEF RECESS

AGENDA ITEM #6: REPORTS FROM THE DISTRIBUTED EDUCATION AND FACULTY AFFAIRS COMMITTEE

HANSON: (some remarks lost) is a report from the Distributed Education and Faculty Affairs Committee.

LORENZEN-HUBER: Yes, thank you for inviting me today. I've been on the Distributed Education Committee for the BFC for a number of years, served many years with Bryan and I told Bryan I had a great relief if he'd been giving this report instead of me. And in past years

we've really wrestled with some challenging issues, like out of state tuition for distance education students, and intellectual property and the work of our committee, I believe, has been brought to the BFC in the past.

This year, in early fall, we were asked to review the Information Technology Strategic Plan and we spent most of our fall meetings looking at that, and I know that you've seen it as well. We're fortunate to have Dr. Boling on the committee with us, who certainly has extensive expertise in the area of information technology and I thought that some of her comments about the plan were particularly insightful. I'm really thinking about how people use the technologies. I know that sometimes we're presented with technology and we just use it because it's there without really thinking whether the technology is best designed for how people use it. But beyond the sort of high level comments about the plan, I hope that our committee provided some useful, specific details about things that we saw from our experience in teaching, using distance education technologies; things about, perhaps the need for more privacy education to help students, faculty and staff be more aware of their risk to privacy and security. So we spent some time really looking at that and I hope that our comments were helpful.

After we reviewed the plan, in January we took on the task of learning a little bit more about podcasting. I don't know about all of you, but as I get older, that learning curve for new technologies gets steeper and steeper and I look at some of them and think, 'I'm just not going to go there.' And well I took to teaching online fairly rapidly. I've kind of been not that eager to jump into learning podcasting, but we had the opportunity to go to the School of Education and see their podcasting studio and Mark Millard gave us just a really helpful presentation that I've actually attended through TLTC and so I think that that's so helpful for our committee to see that it's not that hard to do. There are some tremendous resources available and for us to be able to take that back to our units. I'm in the school of the HPER, so the HPER DE committee is going to have the same opportunities, so if you've been hesitant to jump into podcasting, I just want to encourage you to go ahead and take the leap, it's not so hard, and we really enjoyed the opportunity to learn a little bit more about that. For our remaining months on the committee, we're going to, I think have discussions about the state of DE in the school. As DE has evolved it started out being kind of centralized and then it was decentralized and the result of all of that is that it's a very fragmented approach for how students register for, and pay for DE classes. I have a certificate, an online certificate, and I've created a PowerPoint slide, and there's kind of four options sort of depending on where you live and whether you're in state and out of state and it's the most confusing thing that I can imagine. I can hardly understand it myself, much less try to explain to a student how to register for a DE course, so we're going to start on a rather ambitious project, which I suspect will carry over to next year, and that is preparing for you, kind of a state of DE here at the university, because each of the schools and units handle it somewhat differently. Our goal in that is not really to bore you to tears, but to hope that we can help the Bursar and the Registrar streamline their procedures a little bit for DE, just to make it easier for students that are interested in taking courses. For example, my certificate is between the School of Education and HPER and so it can be very challenging for

students to understand and approach those procedures, so that's where we're headed. I don't think we'll finish by this year, but we hope to have that to you by next year.

HANSON: Thanks. Well then, thank you. We'll have the report from Jonathan Plucker on the Faculty Affairs Committee.

PLUCKER: Thank you. I know everyone's time is very, very valuable so I put lots of detail into this thing because I assumed that you could just read it and I could just wave my hand at it and then go back and sit down in the back of the room, but I realized it's not in the materials you have in front of you, so I have really boxed myself into a corner. When I was asked to chair this committee which was over the summer, I believe, the quote from Herb Terry was, and I do quote, "It will be fun." Well played my friend, well played. (laughter) I actually used that joke in October and none of you laughed so I appreciate the sympathy laughs this time around. I really don't want to go through this in horrible detail. I'm assuming we can get this to people in the next week or so, so I don't have to go through it. Much of it are things that I've already come and talked to you about in the fall, so I don't want to beat the horse to death. Some interesting things that we've been working on; apparently there's a policy somewhere that says this campus is supposed to have an annual instructional effort report. We don't think that's actually ever happened though, so annual being interpreted very loosely and there were lots of questions about 'well, does the date really even exist to do that?' etc, etc... And we actually found it. Steve Keucher's office had it and I went in and talked to him about it just when I was passing by his office one day, and I had the data the next day. The question is who's going to analyze the data and actually write it up and that's really something that we're going to tackle soon. In fact, Vice President, John Applegate and I have had serious discussions about it, and by serious discussions I mean we were just talking about it during the break, so we will see if we can figure that out.

There are questions that occasionally come to the committee that are mostly clarification questions. I had a department chair contact me in the fall and question whether research faculty have fewer paid holidays than professional staff, and the question really was, do they? Is that really true? And so I spoke to various people in the Dean of the Faculties office and the answer is they do have fewer paid holidays than professional staff, and what the committee has been discussing; is that a good thing, is that a bad thing? We pretty much punted it until this semester so that we could more seriously look at that issue in the context of reexamining all of the different policies, practices and procedures on research faculty. We are in the process of going through the preliminary recommendations of the system wide Promotion and Tenure task force. We went through the preliminary, preliminary recommendations at the end of last semester. We're going through the preliminary recommendations now, then Herb and I were e-mailing yesterday that we'll get another set to officially look at before the end of the semester so we can provide you and UFC feedback. That's pretty much it.

The things that we plan to do moving forward; number one is to work with the new Vice Provost for Faculty and Academic Affairs, Tom Gieryn. Tom and I have met on February 6th to talk about some of the major issues. Tom probably doesn't know this yet, but he's scheduled to

come talk to the committee on March 9th, so that should be good. We aren't really beginning a serious review of those research faculty policy procedures and practices, hopefully in coordination with Tom's staff and with Tom himself with the goal of having some fairly comprehensive recommendations back to this group by the beginning of the fall 2009 semester. We'll go as fast as we can but this is obviously a very complex issue. We will review the official recommendations of the system wide Promotion and Tenure review task force. I've already mentioned the annual instructional effort report. A lot of people have been bringing up whether stopping at research faculty is really good enough, or are there non tenure track policies, practices and procedures in general that should really be examined carefully. I think the answer to that is probably yes, and I guess that would be the fun that Herb was talking about when he asked me to do this, and that is it, and I do not have a closing joke unfortunately so...

HANSON: Thanks Jon. Are there any questions for Jonathan right now?

PLUCKER: Thank you.

HANSON: Thank you. Last item of business today is the resolution on Intellectual Property Policy Revenue Distribution. Steve Burns.

AGENDA ITEM #7 RESOLUTION ON INTELLECTUAL PROPERTY POLICY REVENUE DISTRIBUTION

BURNS: This resolution for its first reading being brought to you from the Research Affairs and it deals with the distribution of intellectual property proceeds, the net profit if you will, from sales or distribution of intellectual property. Just as a reminder, 35% of the proceeds would go to the inventor, and 30% goes to the campus, and of that, 15% goes to sort of a general campus fund, 15% goes to the unit. That's what this distribution is about, that 15% for the unit. Finally, 35% goes to the university as a whole, to be shared between the university and IURTC. What the Trustees approved in the policy is that the campus faculty should develop a policy governing the distribution of such revenues among "campus units in a manner appropriate to the campus, adhering to the principle that the unit's degree of direct engagement in intellectual property development shall be reflected in its share of revenues." So what we're proposing basically is that resource centers represent those units and within the large resource centers, the goal really should be to put the money as close to the originating lab as is reasonable to meet the requirement that it helps deliver and develop future intellectual property. So it may for instance, in a very large unit like COAS, be expected that it would go back to the department, but it would potentially not go to the department if there is a very small department and there's very little intellectual property going there because the lab itself already got its 15%. But the principle is it should go as close as reasonable and defensible to the originating unit and that's it.

HANSON: Any discussion? Could I ask about the last line when you say "resource center," you mean 'responsibility center?'

BURNS: Responsibility center, I'm sorry, we missed that.

UNKNOWN MALE SPEAKER: Is this current practice or is it a change from current practice?

BURNS: I believe its close, but the actual percentage is now changed and the new IP policy that was adopted by the trustees, maybe in last spring or during the summer, and so this is in response to that change in policy, but I believe the intent carries through in principle. The exact numbers changed a little.

HANSON: Any other questions or comments?

TERRY: If I may make a comment. This policy did reflect the diversity of the campuses and each campus is supposed to develop a policy like this. IUPUI and the medical school are working on theirs. I'm going to try and confirm what they do. It is not at all a sense that we should do the same thing, but before it comes back for a second reading, we'll have some idea if they saw something that we didn't think of, and you know, we'll find out if they had any major differences and why they did so.

PERRY: The phrasing of this first sentence of the second paragraph says "at the time of creation or disclosure." What does that refer to?

BURNS: Generally in any agreement there is a time when you go to with the disclosure with the university lawyers or the IURTC and disclose your invention or device. It is that time. I believe the wording really is there to try to be careful about things that could have changed because sometimes, you know, the income might come in five to ten years later, and so the exact existing units could be changed.

HANSON: Other questions? Other comments?

GIERYN: Does the basic policy address the possibility that the IP could have emerged from a collaborative group that spans units?

BURNS: Within the main document that this isn't addressing, yes of course, there are co-inventors. All that's typically developed at the time of disclosure. There may be multiple people. There may be people at other universities, and so this is talking about purely the proceeds coming back to this university for its share.

HANSON: Any other questions or discussion? Well if things occur to you later, direct them to the committee.

BURNS: E-mail me if there are other changes you need to see or something.

HANSON: Any other new business people want to bring forward?

TERRY: If any of you did not sign the Myles Brand card and wish to do so, I've got it up here.

HANSON: Okay, then we're adjourned.

Meeting adjourned at 5:01PM