

Indiana University
UNIVERSITY FACULTY COUNCIL
University Place Conference Center
Indianapolis
February 24, 2009
1:30 P.M. - 4:30 P.M. (EST)

Attendance

Members Present: Simon Atkinson, Carol Baird, Karl Besel, Christian Bjornson, Jacqueline Blackwell, Elizabeth Boling, Donald Coffin, Janice Cox, Diane Dallis, Erika Dowell, Mary Fisher, Cathy Foos, Charles Gallmeier, Steven Gerencser, Kathleen Gilbert, Mary Gray, Stuart Green, Jerry Hinnefeld, Anna McDaniel, Michael McRobbie, Nasser Paydar, Jonathan Plucker, Markus Pomper, William Potter, John Minor Ross, Herb Terry, David Vollrath, Joe Wert, L. Jack Windsor, Marianne Wokeck, Michael Wolf.

Members Absent with Alternatives Present:

Members Absent: Alan Bender, Dane Blue, Grason Bolinger, Terri Bourus, Bruce Burgun, Stephen Burns, James Capshew, Nick Clark, Donald Coffin, Harold Evans, Lucas Fields, Greg Garrett, J.B. Hill, Padraic Kenney, David Lindquist, Lesa Lorenzen-Huber, Joyce MacKinnon, Bryan McCormick, Eduardo Nieto, Michael Nusbaumer, William Orme, Alan Schmetzer, William Schneider, Karen West, Kim White-Mills.

Guests: John Applegate (IU Planning & Policy), Lorraine Blackman (IUPUI School of Social Work), Craig Dethloff (Faculty Council Office), Garland Elmore (Informatics), Hsing-Hui Lin (IUB School of Education), Nuria Morral (IUPUI School of Medicine)

Agenda

1. Approval of Minutes
<http://www.indiana.edu/~ufc/docs/agendas/AY09/11.25.08.pdf>
<http://www.indiana.edu/~ufc/docs/agendas/AY09/01.27.09.pdf>
2. Presiding Officer's Business. (10 minutes)
(President Michael McRobbie)
3. Agenda Committee Business. (10 minutes)
(Professors Herb Terry and Simon Atkinson)
4. Question/Comment Period. (20 minutes)
(President McRobbie and Profs. Terry and Atkinson)

5. Reaffirmation of the UFC Resolution on Constitutional Amendment on Marriage [DISCUSSION] (20 minutes) (Profs. Terry and Atkinson)
<http://www.indiana.edu/~ufc/docs/circulars/AY07/U14-2007.pdf>
6. Proposed Changes to the Indiana University *Code of Student Rights, Responsibilities, and Conduct*. [FIRST READING] (30 minutes) (Diane Dallis, Head, Information Commons/Undergraduate Library Services, Wells Library and Prof. Nuria Morral, Medical and Molecular Genetics)
<http://www.indiana.edu/~ufc/docs/circulars/AY09/U5-2009.pdf>
7. Referral of Core Schools Administrator Review Policy Drafting to Committee (20 minutes) [DISCUSSION] (Profs. Terry and Atkinson)
<http://www.indiana.edu/~ufc/docs/policies/ReviewAdmin.pdf>

*Faculty who are not members of the Faculty Council and who wish to address questions to President McRobbie, Professor Terry, and Professor Atkinson should submit their questions to the Faculty Council Office at ufcoff@indiana.edu. Meetings are open to the public. Our documents are available at: <http://www.indiana.edu/~ufc>.

Minutes

AGENDA ITEM #1: APPROVAL OF MINUTES

MCROBBIE: Ladies and gentleman, why don't we get started? I thought this was amplified, so I'm going to have to yell, but I'm getting over a cold so please tell me to speak up if you can't hear me in the back at any stage. Welcome to the February 24th meeting of the University Faculty Council. First item of business is the approval of the minutes from the last meeting from last month which was done by a teleconference. Can I have a motion for the approval from those minutes, please?

UNKNOWN FEMALE SPEAKER: So moved.

MCROBBIE: And a seconder? Any discussion on the minutes? There being no discussion, let me put the motion. All those in favor, say aye, [Aye] against, nay. That's carried.

AGENDA ITEM #2: PRESIDING OFFICER'S BUSINESS

MCROBBIE: Agenda item two; presiding officer's business. I've got one main item I just want to tell you about briefly, and some of you I think are pretty familiar with this, other may not be. That's the situation with our state budget request. This as you know is a matter that comes up at the legislature every two years. We are in that process at the moment. The state legislative budget session starts in January and then goes through to

the night, or midnight on April the 30th. At that point, by law, a budget has to be produced with the exception of a situation where a special session is held, which has been held infrequently in the past. Again how the process works, I think as some of you know, is that the state budget committee, which is a hybrid committee between the two houses, initially looks at the budget, all the budget requests that we put, which in turn has already been to the higher education commission. Then we start the legislative process proper, where we have to make a presentation to the House Ways and Means Committee, and then later to the Senate Appropriations Committee, and sometimes parts of those submissions require additional hearings. In this case the Indiana Innovation Alliance, which is the joint proposal between IU and Purdue for \$35 million dollars to support a joint life sciences based research program, was presented separately by myself and President Cordova from Purdue. We've done that a number of times between us. But needless to say, in the whole of the months of January, February, March and April, a lot of our time is taken up with the efforts to, not just the formal presentations before the committees, but making our case in other situations and other venues with members of the legislature throughout the state.

You'll remember that back in December when the revenue forecasts came out that soon after that the governor put his budget proposal which included a 4% cut in our budget. That would be on top of the 1% already that our budget had been cut. No R&R, no capital, no Innovation Alliance, not much at all. The House Ways and Means committee just last week came out with its recommendations. Now remember that the Democrats are the majority in the House and the Republicans are the majority in the Senate. But the House came out with a proposed budget for higher education. For us in particular that gave us a 1% increase in our operating budget. They gave us every one of capital projects including some funded at levels that we hadn't asked for or higher than what we asked for. They gave us half of R&R and they funded all of the Innovation Alliance. This was remarkable outcome in many ways and we owe a great deal of gratitude to the leadership in the House for their support for this, I think indicating the strong view that higher education is obviously very important to the state, but particularly important in these difficult economic times and particularly in recessionary times, when higher education tends to be countercyclical. That is, our applications as you all know are going up, the demand for our services is going up in that regard, and I think people see capital projects in universities as providing good stimulatory initiatives in that you get both the initial stimulation of building a building and then depending on what area you choose, the building will produce new research and maybe new intellectual property at the other end that in turn can be turned into other valuable things.

So we as I said, we had considerable support from the Democrats, from the House, but now we move to the Senate Appropriations Committee where I will be presenting the university's budget in I think it's about two weeks time. Clearly though they will probably take a different view. They may adopt the governor's budget, they may adopt something different. That will be affected by the revenue forecasts for April. They will be coming out I think about two weeks before the budget has to be finalized. If these

are very bad then clearly this will, I think, take things back to the drawing board as it were. But, at the moment, things are fairly well positioned in that the House recommendation is sort of a high water mark, the Senate will make its decision and then of course some time around late April, the Conference Committee with members from both the House and the Senate gets together and then bangs out a sort of compromise budget bill. That's how the process works, and then of course it goes to the governor for final approval. And he can veto it, but in this state it's a simple majority that can overrule the veto.

A couple of interesting points that the House recommendation is for one year, for a one year budget, to review the situation after one year and then there is active talk about there in fact being a special session that would elongate the budget session for the legislature as well. That's about as much as I can tell you as to where we are. I think we have come out of things so far about as well as we could have possibly expected. I'm very pleased with the process and our staff who work the state house, the legislature, on a daily basis and they get to be congratulated on having gotten us this far, but there's a long way to go. I just want to say also in this context that I think it's very, very important that we be seen to be doing all that we can to help ourselves so that all the supporters and alumni and so on of the university be doing all they can to support the University. So to this end I announce at the board meeting of the IU Foundation a couple weeks ago that the Bloomington Matching the Promise Campaign which had actually already reached 95% of its goal of a billion dollars, so it was at \$950 million dollars, that well now it has about 16 months to go, that we've extended the goal, or increased the goal for that by another 100 million dollars to 1.1 billion. That's a little bit of a stretch, it's a little bit of a counter cyclical mode but I think it's a way of trying to rally the supporters and alumni of the university, in particular the Bloomington campus at this point, behind the university in these difficult times to demonstrate within the state that we are doing all that we can to help ourselves as well.

At the same time that that campaign is now getting into its final stages, we made some other changes too, in terms of the new leadership for that campaign, but at the same time that that campaign is now nearly in its final stages of planning has commenced on a campaign for IUPUI that will also inform a number of the regional campuses. I think in the future the regional campuses will be involved in the major campaigns and contribute to their own needs on their campuses as well, so that's in the early planning stages. And I think our goal in the future is to be really constantly in campaign mode, so that when one campaign is in a solid phase, another campaign will be in its final stages and so on. Obviously they'll just leap frog each other like that. I think that's a way of trying to maximize our resources and each one of those campaigns on the major campuses will have a number of partner campaigns with the regional campuses as well. So rather than take questions now I think that maybe the most efficient way to deal with things is by simply to jump to three, ask Herb and Simon to comment as they wish, and then I'll take any questions on what I just said under four, if that's acceptable. So why don't we move forward to agenda item three, Herb?

AGENDA ITEM #3: AGENDA COMMITTEE BUSINESS

TERRY: You want to start?

ATKINSON: No.

TERRY: Okay, I'm going to add to comments that I planned with the Agenda Committee to also note something else that's (inaudible) Mary Fisher down there. Part of the getting in control of the budget is getting a handle on healthcare costs. The President has created a blue ribbon task force of people who are expert in human resources and health and that sort of thing. And I can tell you that the former leadership of the UFC is well represented in the sense that Mary is one member, and David Daleke from Bloomington, who was my predecessor a couple terms back is also on the committee so they will be taking a knowledgeable look at how to be more efficient in healthcare delivery.

What I didn't discuss with the Agenda Committee, and we actually did discuss at some length with the President is that Simon and I and John Applegate are making progress on getting together a revised version of the tenure and promotion system wide policies that's gone through the UFC before. We're still working on it. I can tell you that the discussion with the Agenda Committee meant that we're taking into account what we now know about the campus policies on this. We know a little more about it now than we did before, but anyway we are continuing to meet on it and then our goal is to get something out to you by the end of the month so that your campuses can discuss it in whatever way you see fit. We expect to have it back before this body at the March 31st meeting, and that will be the time for campuses to chime in with their reactions. I hope it can be passed at the March 31st meeting but if not, it will come up for April 28th meeting, and we'll get it done this year.

I also want to announce that the Agenda Committee has decided not to proceed with Item 5. We put it on the agenda because at the time there was a possibility that the constitutional amendment defining marriage as only between a man and a woman had some life in the General Assembly. All sides, pro and con, on this amendment now seem to concede that it is dead for this session. So we will not take it up today.

Finally, I have a couple procedural announcements. I don't know which to read first; I'll read this. First of all please if you're on one of the remote sites, push the mute button when you are not speaking, we're getting background noise from your sites, but on the other hand when you want to speak, remember to push the mute button so that you can be heard. And along that line, we need a role call of campuses that may be on site so that we can record your attendance at the meeting. I don't think we have that many people, so if somebody would just chime in and tell which campus you're from and your

name. We'll do that quickly. [Call] Is that it? Okay, now you can all push your mute buttons. Okay, and I think that concludes the Agenda Committee business.

AGENDA ITEM #4: QUESTION/COMMENT PERIOD.

MCRORBIE: Questions for myself or for Herb or for Simon? Questions?

GRAY: This is Mary Gray from Bloomington. I had a question for Professor Terry regarding the (inaudible) blue ribbon committee regarding healthcare. I just wanted to know if we could get a clarification on the relationship of our communication between the blue ribbon committee and existing Fringe Benefits Committees that are on campuses?

TERRY: I can't speak for other campuses. I can speak for Bloomington. In Bloomington, our Fringe Benefits Committee has already been in touch with some of the members of the task force that we know of, David and others. I assume that there will be an active interplay. At the beginning of the year I charge our Fringe Benefits Committee with beginning to get up to speed with healthcare costs and that sort of thing. They've been doing that, and I expect them to be heard in this group. On the other hand, I think that the Fringe Benefits Committee is a kind of a general committee and the President has created a group of people who are expert and there are a number of faculty on it, in healthcare costs...

MCRORBIE: It's mostly faculty.

TERRY: ...it's mostly faculty, that's correct, and so I think that with an active interplay between the committees that will go on on our campus, and I trust that that's probably what will happen at IUPUI and I hope it will happen at the other campuses. If you are experiencing any difficulty, because of your remoteness or anything in connecting your Fringe Benefits Committee to this committee, write to me and I'll contact the President and we'll make sure this works.

MCRORBIE: What Herb says is exactly right, there's a lot of organizations, individuals, who have expert knowledge of certain aspects of healthcare right from delivery of services through to general issues about wellness, and so on. I've been contacted by half a dozen people already and what I've said uniformly is contact either the chair Tom Inui or Dan Rives whose office is providing the support to the committee and who's also a member of the community with respect to either meeting with them individually, together, or maybe, if appropriate, meeting with the whole committee. There's bound to be some kind of call for information submissions or something like that in some form. Expect that from the committee. I set a deadline of the end of August, but asked if there are any matters that are particularly relevant to the budget, bearing in mind that in spite of my optimistic tone, what I said before we should prepare ourselves for the possibility of a very, very difficult budget, too in which case we need to look at a whole

range of ways to reduce costs. So, I've asked the committee to give me any responses on ways we can reduce costs and decrease the increase in costs that we've been dealing with in recent years in the May framework when the university's budget will be put together. But again, I just encourage all of the groups to contact Tom or contact Dan and feed information in as appropriate, meet with them or the committee as appropriate.

TERRY: Since the question came from Bloomington, I'll add one other thing. Dan is an *ex officio* member of our Fringe Benefits Committee anyway and always participates very actively in this deliberation so I think we already have a good pipeline between faculty governance and him in the sense that he's on the task force. I think our insight and our input will be accepted be accepted and received.

MCROBBIE: Other questions?

TERRY: I have a question. Did the House really pass a one year budget?

MCROBBIE: That was what the House Ways and Means recommended, that it be a one year budget. I assume the House, I haven't seen the result of the House vote while I've been away, I think they were voting yesterday, so I assume that's what they voted because that was a past Ways and Means recommendation. But that doesn't mean it will be, because as you know we still have the Senate has to weigh in and then we have to do the conference committee but there are those who think there's some sense in doing that and that may get a lot of support. I think it's too early to tell. Any other questions? Yes?

WINDSOR: Any other dates on (inaudible)

MCROBBIE: How do I put this? I would expect to make an announcement pretty soon about that. It's just a matter of hours in the day, getting to, sorting some matters out.

WINDSOR: Thank you.

MCROBBIE: Questions? Alright, let's move on. I think we jump straight to agenda item 6. Are you carrying this, Herb?

TERRY: No, I think it's Diane.

MCROBBIE: Oh sorry! My apologies, yes Diane?

AGENDA ITEM #6: PROPOSED CHANGES TO THE INDIANA UNIVERISTY CODE OF STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT.

TERRY: These are not amplified, so just speak up. That mike will pick you up.

DALLIS: I'm bringing forward two proposed changes to the *Code of Student Rights, Responsibilities and Conduct*. The first set of changes is adding the words, "gender identity" to the non-discrimination sections. You'll find this language on page 3, lines 75 and 76, as well as 106. The intent of this change is to insure that the language of the code accurately represents the diversity of the IU student population as well as to make the language consistent with government organizations and business documentation. There are actually examples within our own state government; there's recruiting documents, for example, from Mitch Daniels that includes this kind of language just to give an example of how we are bringing it up to speed here with other documents. I'm happy to share information about the different language that's presented; gender identity vs. gender, sex, those types of things are included in there, but I won't go into that unless we need to talk about that further. So that's one of the changes that is being proposed, and the other is adding the words, if you go to page 14, line 495 and 500, a change in the language regarding when an advisor participates in a hearing is being proposed. The word "formal" has been added to the level of hearing where an advisor may speak on a student's behalf, so that's the other change that we're proposing. This simply allows, actually IU Bloomington to accommodate and write procedures that really accommodate the needs of their residential campus, and it's not in any way mandating that anyone else does that level of advisor (inaudible/cough). Those are the changes that we're proposing.

TERRY: Are there questions?

ATKINSON: Can I ask you to clarify the difference between sex and gender?

DALLIS: Sure! We've had a lot of conversations about this, so sex is simply one of the two categories that categorizes living things based on reproductive organs, but sexual orientations actually is, well gender is what you asked about, gender is intended to emphasize the social and cultural framework of your sex that's imposed by the larger society.

ATKINSON: And that's distinct from gender identity?

DALLIS: It is distinct, yes.

MCRROBBIE: Other comments or questions?

TERRY: I have a question. What do you mean by "the formal?" The reason I pose this is that I've served on many hearing commissions on the Bloomington campus and it might be that the hearing commission in this system is the formal hearing, but the students who come to the hearing commission have previously often had a formal hearing at a lower level and that's what they're appealing, so what is the meaning of this benefit of adding "the formal" or final appeal hearing and is it intended that in this language there could be formal hearings prior to the final appeal, or is formal simply another term of

art for the final hearing? I'm kind of perplexed by the language that's in there and how it would actually be applied.

DALLIS: I apologize; I don't really understand the question. It's to enable, at either level, at any of the levels of the hearing process.

TERRY: At any level? So wouldn't better language be to say "a student's behalf at formal or final appeal hearings?"

DALLIS: We discussed that, but I think that the reason we did not include that language, that was actually one of our drafts, is that it's too free and open and could cause other campuses problems and that was a recommendation made my Dean McKaig, who frequently works with the students of Bloomington campus and he works with the other Deans of students on other campuses and felt that might just open in it up in a way that would be difficult for those campuses to manage, and that this fairly precise and would get the effect requested by Bloomington campus.

TERRY: It hasn't yet been requested by the Bloomington campus. This will have to go through the BFC.

DALLIS: This came from the BFC. I'm sorry. This is the code though...

TERRY: Right, but each campus has its own ability to implement procedures...

DALLIS: Yes and that has not gone through.

TERRY: ...and that hasn't gone through.

MCRROBBIE: Markus?

POMPER: It appears to me that this amendment here refers to a code, which is not true, because in this document, there is no mention of a formal hearing or a final hearing at all, because that's left up to the campuses decide in their procedures.

DALLIS: This is the code...

POMPER: Yes, this is the code.

DALLIS: ...and you're saying that's not here?

POMPER: The codes don't specify what the procedures are. That's at the campus level.

DALLIS: That's correct.

POMPER: So, if you say here “at the formal hearing” what formal hearing is being referred to down here because that is not mentioned in this document? So I think in that case it would be better to call it a formal hearing and let the campuses specify what the formal hearings are.

DALLIS: Okay.

POMPER: Would you accept that as a friendly amendment?

DALLIS: This is just the first hearing so what I’d like to do is accept it, and if not, we don’t vote on it today.

MCROBBIE: It seems fine. Other questions or comments?

GREEN: May I ask a question? In the term, “to have an advisor or a support person to speak on the student’s behalf,” my assumption is that that language excludes all the other issues in the paragraph above, to question witnesses, etc... Is that correct? Is that how it’s intended, not only to speak or make a statement, but they may make any statement or question witnesses, is that correct?

DALLIS: No, I’m sorry. It says “may not participate...”

GREEN: I understand, but the change that’s here is the campus may choose to have an advisor or support person speak on the student’s behalf, it doesn’t restrict what they can say. If you’re talking about speech, you might infer from that, I could speak and ask a question or question a witness or bring a witness and question them or question somebody. I just don’t think that’s all that clear, because this sentence below seems to change and flip the problem on its head.

FISHER: Yeah.

ATKINSON: But ultimately this just commits campuses to put in place procedures in there that allow for this and the campus procedures can specify in what role the person could speak.

GREEN: Oh, I understand, I understand. I just think it’s a question of how wide do you want to open that door.

DALLIS: Well it’s already been opened by the way. This change that I proposed or that this committee proposed is only adding the word “formal.” It’s not actually changing it from the fact that the advisor can speak on the student’s behalf at these different levels regardless. That’s already there. I mean it says that you can - the line that’s stricken - says that campuses may however, “create procedures to allow a students to have an

advisor or support group to speak on the student's behalf at the final appeal hearing." So that's already there.

GREEN: That's already in the Code.

DALLIS: We're asking to broaden that idea at the final appeal hearing, which is the reason that that was requested.

MCROBBIE: Mary?

FISHER: I guess my question goes right back to the one before. It seems that this opens the door to actually go against what the policy on advisors is which is in the sentence above what has been stricken, so it says in that sentence above, "advisors may not participate" and then you say the campuses however, can let them participate. Why do we have a rule that then we're abdicating it in the next sentence. It doesn't make sense to me. Why have a rule if in fact you're letting campuses do whatever they want to do. Why would we write the policy in that way?

DALLIS: Well it does say that they may not participate in the proceedings at---I'm not sure I can really answer that question. I think that there is a reasoning, that this has already been approved by the Faculty Council. I may not have enough history with this particular document to answer that question effectively, but that's an entirely different issue that I can't speak to because this is what's already been approved by the UFC.

MCROBBIE: Carol?

BAIRD: I speak relatively new now to Indiana University. I don't know exactly how the structure works, but I assume there has been no legal challenges by having different rules of appeal for students in different campuses. This, well...

DALLIS: Not that I'm aware of.

MCROBBIE: Yes, please?

POMPER: The original document ended at proceedings, on line 496. That's the way it was passed by the UFC. It then went to the Board of Trustees and the Board of Trustees, working with the Agenda Committee at that time, added that extra sentence.

DALLIS: Thank you.

TERRY: Yeah.

MCROBBIE: Bearing in mind this is the first reading, yes?

FOOS: It seems to me, and you pointed out that you've already got the sentence that says, "they may speak," campuses may allow them to speak, but I wonder if adding "formal" does open it up much more widely, because what we have here is it's very limited, and they don't say "campuses may allow someone to speak at the final hearing," and so we backed off a little, but then this would turn that other language on its head far more than just allowing the one exception, the final hearing.

DALLIS: If a campus chose to do that.

FOOS: If the campus chose that, yes but that's the point; that they are going to be allowed to do that, and so you would in effect be negating rather than just making the exception in one case in one hearing. That seems to be a rather (inaudible).

TERRY: To put that in another term; I mean, are you saying that the campuses could decide to override the two complete sentences in line 494 and 495, and 496? In other words...

DALLIS: Yes.

TERRY: You are saying that?

DALLIS: Yes.

POMPER: Is that what you are saying? It doesn't read to me like that. I thought it was fairly uncontroversial; speaking on behalf of the person means I could ask a question and if I'm a student, I'm going to ask my advisor to speak on behalf of me and answer the question, but otherwise that advisor may not participate in the proceedings, in particular, may not question the witnesses and so on. So, in my opinion this (inaudible) the previous one only insofar as that person may ask a question, and if I don't want to answer that or I'm so shook up that I can't speak for myself, then my advisor might speak on behalf of me. That seems to be the only thing modified, that says something different.

WINDSOR: I think you make a good point, "to speak." What does that mean to this campus vs. the next campus? I think if you go back to the only time they're allowed to is that final appeal, you have the one exception they can talk or participate. But I'd be opposed to having the 'formal' included just based on that, but the interpretation of "speak on behalf," is going to be range widely, and come back to haunt the process in my opinion. Thank you.

MCRROBBIE: Other questions or comments?

TERRY: For those who, you know, are new to this process, I mean, part of the dilemma here is that we've always used this judicial process for students as educational rather

here is that we have always view this judicial process for students as educational rather than adversarial, and the sense was that the student representing themselves would get educated in part, in the process; but if lawyers or parents came in and represented the student, or spoke on behalf of the student, then it would switch from being an educational to an adversarial relationship, and that's the dilemma that will be confronted I think by this group when it finally adopts whatever final language it adopts.

DALLIS: Well, you're making an assumption that the advisor is a parent or a lawyer, and I think the general idea and discussions with at least the Bloomington Student Affairs Committee was that an advisor is somebody who is familiar with the process so you being familiar with the process would be able to work with a student and advise them and if that student chose, could ask for your help and to speak on their behalf. It's difficult for me to have a conversation about the other parts of this section under advisor because all of the request that I am making today is to add the word formal and if that's not acceptable and that needs to be changed I'm glad to take that back, but...

WINDSOR: I was going to say, would it be better to add to that sentence "at the request of the committee?" Having served on several of these, you know, the committee had at times to ask 'do you have anything to add?' or something like that, at the request of the presiding committee or field committee. I have seen that happen but that was at the request of the committee versus their right.

UNIDENTIFIED FEMALE SPEAKER: I'd be interested in knowing what prompted the Trustees to add that sentence when it seems to be in contradiction to the preceding sentences so if we understood that better; You know I'm more of a mind to take that whole sentence out rather than add one more way. So I'd like to know more about that.

POMPER: I can answer the question.

MCROBBIE: I'm very impressed actually that you could answer that question. (laughter) That goes back a long time.

POMPER: Yeah, the meeting was (inaudible) and at that meeting the student organizations argued that they would want just to have the students to have the ability to have an advisor there and to speak on behalf of the students. They were voted down when they offered that amendment and so we passed this set of documents about this attempting to straighten it out and told the Board of Trustees about (inaudible) and over the summer, the Board of Trustees looked at it and the students talked to the Board of Trustees as well, and argued in favor of the changes.

FISHER: But here's the problem; the faculty, this council, voted against it and then it never came back to us.

POMPER: No, it never did.

FISHER: So [Electronic noise in room, comments lost]

TERRY: Somebody please push your mute button. There we go.

POMPER: The Agenda Committee accepted this as a friendly amendment on behalf of the Faculty Council.

FISHER: Well, how could it be a friendly amendment when the faculty voted against it!

POMPER: I wasn't there! (laughter)

FISHER: I mean if I was the President at that time, I would think I was overstepping my bounds to make a friendly amendment that the faculty voted against.

MCROBBIE: Well, it's ancient history in one sense, but I guess one can still make decisions about what to do with it. I doubt there's a Trustee on the Board at the moment who was there then, though. You said '94, '95?

POMPER: (comments inaudible)

UNKNOWN FEMALE SPEAKER FROM PHONE: [Electronic noise in room, comments lost] Hello? The phone keeps cutting in and out, it's ----

MCROBBIE: Well, other comments?

POMPER: Okay, 2005. April 12, 2005 was the UFC action and the Board of Trustees was June 24, 2005.

MCROBBIE: Okay. Well, in fact, most of those Trustees are still around. I wasn't involved and I don't know anything about it but I don't know whether there's any merit in talking to the Trustees about it; some of them might remember, Trustee Talbot might remember, she may well have been involved

TERRY: I think I remember the same procedure. I don't think there was that much Trustee discussion that took place in the subcommittee of the Trustees and you know, basically the students lobbied on behalf of their change, and they got it through the Trustees meeting.

FISHER: Do the Trustees know that the Council voted against it?

TERRY: I don't think there was really much of an opportunity for anybody from the faculty to speak at that meeting and I don't remember whoever was in my position addressing it in the subsequent business meeting which probably ratified what the subcommittee had done. So Mary, I think it may have happened without people

watching. What this raises in my mind is; if we tinker with this sentence, do we have to go back and get the Trustees to approve the whole thing again? I don't know.

WOKECK: We already knew that because we don't have faculty approval for what is in here, so either way we have to clean it up.

MCROBBIE: Yes?

DOWELL: It's still possible for campuses not to allow this, right?

DALLIS: Yes.

DOWELL: So is it so bad to make this a possibility for other campuses to write it into the policy to allow other campuses to allow students to have someone speak on the student's behalf? I mean is that such a bad thing to let it be possible?

FISHER: Well, one problem is that it's fairly poorly written because you don't know what speak means. May they, other than making a statement, may they question witnesses? And then if you have a lawyer and that lawyer is allowed to question witnesses, you have an adversarial situation, then you have intimidation of faculty who are trying to bear witness in the case, and that was specifically what the Council did not want to have happen, and that's why they voted that language out. They specifically did not want that.

UNKNOWN FEMALE SPEAKER: But the campuses are not required to have this. I'm at my desk and I googled the Code of Student Rights and Responsibilities and here on the Bloomington campus at least, they are allowed to be a witness but they are not allowed to speak on behalf of the student, so the Bloomington Code of Student Rights and Responsibilities and Conduct is not...

DALLIS: But the procedures probably say something different than what I think.

UNKNOWN FEMALE SPEAKER: My point though is that this is written as though it's optional. What you have in front of you says it's optional to do or not do, and unless there's something newer than this, this is an old file that I pulled up, it's not something that's an option on the Bloomington campus.

MCROBBIE: I was going to say, Diane, would it be possible, for the sake of people's time, to take this one off line and try to get a clarification on it, maybe including talking to the Trustees about if there's a question of you know whose rights or whose authority trumps whose here or something; I mean, you could consult Robin Gress, the secretary to the Trustees here. I mean it seems a relatively minor thing that you might could deal with, maybe along the lines of allowing it to be a campus by campus matter or

something like that, whether that's possible I don't know, but digging into it, maybe we'll take it off line and we can move on with the agenda.

DALLIS: Thank you, President.

MCROBBIE: Are there other – sorry, yes Cathy?

FOOS: I guess just one thing I would be concerned for is it's not clear that the Trustees were aware of the faculty concerns against this. I would like for that to be a part of the conversations, because the Trustees have the authority, but I'd like for them to understand what the concerns were before asking them whether they really want to stick by that or consider revising.

MCROBBIE: Do you feel you could represent that if you went to speak to someone there or what?

DALLIS: Yeah, I can try to find out what the context was and how it....

MCROBBIE: Yeah, Herb and Simon, one of the two of them could do it with you or something and...

DALLIS: Yes.

ATKINSON: I, too, think it's important to resolve the difficulty in these two sentences with the language. It's not good.

MCROBBIE: Right, other comments or questions?

TERRY: One comment. I hope we can conclude our business on this by April, you know, so I hope we can have this come back and regard it as a second reading the next time around so that we can do this; there's some ambiguity about it now and the process will work better if we can settle on language and get it done.

MCROBBIE: Alright, nothing else on this topic? Thank you, Diane. Let's move on to agenda item seven. (End of tape 1)

AGENDA ITEM #7: REFERRAL OF CORE SCHOOLS ADMINISTRATOR REVIEW POLICY DRAFTING TO COMMITTEE

TERRY: (Beginning of tape 2, some comments lost) ...because we are now engaged in a process for reviewing the Dean of a core school for the first time since we have had core schools. As you know the core school concept was enacted under President Herbert in the latter part of his administration. Before that, we had schools on campuses and we had system wide schools. We have a not very well crafted policy from 1993 that has

been in the past, applied to the review of system wide school Deans, and that's I think at everybody's place, a white sheet headed "Review Procedures for Administrators UFC April 13th, 1993." What has happened between Bloomington and IUPUI really is we've tried to move forward with the review of the Dean of the School of Education, and it's become clear it would probably be a very good idea if we actually adopted a policy designed to specify how Deans of core schools are to be reviewed. There are several options. You could simply apply the policies of the campus on which the resident Dean resides, but that would kind of leave the other campus out. Somehow or other I think we have to come up with some kind of a policy that guides these reviews better than what we have now. I think the feeling of the Agenda Committee is that the best way to proceed on this would be to form a task force to address this. It's an issue only with Bloomington and IUPUI. It's not a UFC wide issue so constituting the Faculty Affairs Committee and putting representatives of all the regional or most of the regional campuses on it would create an odd group to deal with this issue. So what the Agenda Committee is proposing is that we be authorized to create a faculty task force, or a faculty administrative task force, I think there would be some, you know, merit in having administrators on the task force as well to give insight to this, and that mainly what we might get from you is a general nodding of heads that it would be okay if we create such a task force, and then some guidance from you as to the types of institutions or groups or constituencies or something like that, that it would be important to consider for inclusion in the task force. I have a list of the issues that the task force might have to address. It's my own creation -- I can read it to you later if you're interested in what I think it might have to deal with but that's only preliminary list and from that I can derive certain institutions that might be represented but you may have other ideas. Simon, have you got anything to add?

ATKINSON: No, except to say that I think it's important that we do this. The procedure for constituting a review committee for the Dean of Education; Provost Hanson operated initially under the Bloomington procedures for review of Deans and these procedures don't contemplate the involvement of another campus in the Dean's responsibilities, so those procedures are clearly not adequate, nor are these system wide procedures, so we need to carve out something that addresses the particular situation in the core schools.

WINDSOR: Would you like that in the form of a motion?

TERRY: To create a task force?

WINDSOR: That the UFC Agenda Committee establish a task force to establish procedures for new administrators in core schools?

FOOS: Second.

MCROBBIE: Any discussion? We have a motion in front of us, any discussion? Any discussion? Okay, let me put the motion, all those in favor [aye], and against? Against? That's carried I think unanimously. Alright, that's expeditiously dealt with. With that, we are, I believe, adjourned. So thank you very much.

Meeting adjourned 2:24PM