I. CALL TO ORDER

President Peters: Let me call the February 13, 2002 University Council to order.

Meeting was called to order at 3:08 p.m.

II. ADOPTION OF THE AGENDA

President Peters: Let’s move to II, Adoption of the Agenda. Before we adopt the agenda, we have two walk-in items that should be at your table. These would go on the Consent Agenda and then be referred to Rules and Governance Committee. The first item comes from Bob Wheeler and it concerns a bylaw change in the way student members are selected to the Honors Committee and the second issue concerns the deletion of the Executive Director of the Division of Continuing Education as a member of the Deans Council. Are there any other changes before we adopt the agenda? All right, is there a motion to adopt the agenda? Second? All those in favor say aye. Opposed? We have an agenda.

The agenda was approved as amended.

III. APPROVAL OF THE MINUTES OF THE JANUARY 23, 2002 UNIVERSITY COUNCIL MEETING (Pages 5-28)

President Peters: On pages 5-28, with an Executive Summary up front, are the minutes of January 23 of the University Council. Are there any additions or corrections? Is there a motion to approve? Second? All those in favor of approval of the minutes say aye. Opposed? The
minutes are approved. That didn’t take very long.

The minutes were approved.

IV. PRESIDENT’S ANNOUNCEMENTS

President Peters: I’m pleased to be with you again. I recently came back from American Council on Education meetings, which were very informative. You know, the ACE is the only group that represents all of higher education, and community colleges are represented. It’s a very large group. Stan Ickenberry, former president of U of I headed that group so well for many years and, I must admit, that the mood was not the best. I’ve been going to these meetings now for thirty years and always come back with ideas and new initiatives. It’s a good time to take the temper of what’s happening out there. I have to say that I’m very fortunate to be the president of Northern Illinois University because even though we have our issues which we struggle through, such as the budget situation, believe me folks, it’s nothing compared to what many universities in other states are facing. I feel very fortunate to have the kind of faculty and staff and student body that we have and the support, historically, of the state although we’re challenged now with that. If you’re interested, the kind of issue that concerns people, of course, is the aftermath of 9/11. As I said last week, we had the research professors and then the teaching professors over at the residence for conversation and a little dinner and it was interesting. There were a lot of conversations, and some of you were there, about the need for us to fulfill our role as an educational institution and begin to spread the understanding of different cultures even more than we have in the past. I heard a lot of that. I heard a lot of concern about the changing priorities in the federal budget. Pell Grants are level. The funding for bio-terrorism has tripled. Support for the basic science programs appears to be increased a little bit but everyone is concerned about what the future of funding will be. But then, as you talk to presidents state by state, you hear some horror stories about significant cuts of a double-digit nature and then you also hear stories of incredible tuition increases that range up to 37%. It made me get off the plane and rush over here with my remarks edited and feel a little bit better that I could get back into my office in DeKalb and feel secure and buffeted from all of that. Then, of course I got a million requests from people for funding for things.

Let me talk about the budget. We have what we hope is – let me put quotes around this – “the final number for this year’s midyear rescission will be set at a little bit more than $4.8 million”. That is our rescission this year that is based upon the appropriated budget of FY02 which was 118 million dollars or thereabout. That’s the state appropriated GF (general fund). That is, for those of you who have your calculators, or those of you who can do it in your head, that’s 4% thereabout. A little more than 4% of that base budget. You’ll remember I was estimating a range of $3.5 to 6 million as the possible impact that we would have. I put quotes around the final because there’s still a gap in the budget and we’re not sure exactly what the governor and/or the legislature may do, but we think, and reliable sources indicate, that that’s the final number. I see no reason to delay any more. The other universities are following suit in announcing their numbers as well. So $4.8 million or 4% of our appropriated budget – that’s not our total budget, which includes income fund and grants and contracts – but that is the appropriate base. What that means is that by July 1, given that we had authorization to spend $118 million, – what this means is now we have authorization to spend $118 minus 4.8 million. It’s not like some long
arm coming in and pulling back money, although the effect is the same.

Now I’m pleased that the plan that we adopted in November reflects our commitment to the priorities I set out in November and that was how we’ve been able to take this rescission – or it’s really called a reserve in technical language – with minimal disruption to student academic programs. I’m not trying to sugar-coat this; there is always disruption when you cut $4.8 million in something. But I’m saying minimal disruption. That’s number one. Strong efforts to avoid reductions in faculty/staff salaries. To my knowledge that has not happened in any instance. I could be wrong about that but I’ve been assured that that’s true. Strong efforts to avoid current layoffs or furloughs. That has not happened. Now obviously there are things we had to do, and I’ll discuss that, but those principles were followed by each vice president in coming up with the budget cut.

Now, as I said before, and this is so true now as I watch others in the state, we went into this in a very strong position fiscally because we manage well. All of us. Down to the department and the small unit, we manage well. Because of that, we’ve been able to absorb a good deal out of that $4.8 million centrally out of one-time cost savings. My goal in all of this, working closely with the vice presidents and particularly Eddie Williams, we immediately went to work and saved every dime we could centrally so that we wouldn’t have to pass a rescission down to the administrative units or the academic units, the vice presidential units. I’m pleased to say that we were able to do that. Now, someone was smiling on us because we had a mild winter and I can’t underestimate what that has meant. Consider, for instance, it results in having to pay less of an energy bill. Also, snow removal and overtime that’s associated with snow removal and preparation was virtually nonexistent. Consider last year – I don’t know if there’s ever a normal weather year in northern Illinois – but consider that for a moment, and we were quite lucky. Another aspect of this is utility savings. You know, if you look at your own home bill for fuel, you’ll see that natural gas has gone down. Well, last year we paid $.53 a therm, whatever a therm is, and this year we paid $.29 a therm. Of course, we have this wonderful way of buying on contract at the wellhead that reduced it even further, and these savings are significant centrally, even what I’d call dramatic – those are dramatic savings. In addition to that centrally, we delayed some purchases, major purchases, of the basic kinds of things you need to run a university. That delays things, but it helped us out this year. We have a deferred-maintenance fund and we kicked in from that – deferred maintenance on some non-critical projects and then the other element of the central savings was slightly higher than anticipated enrollment that resulted in a tuition income above that which we budget because when we budget we have to budget tuition as a factor and then that’s not available for anything else but what we budget for. Last year, a good part of it was salary increases. Normally, we take that difference and then that pays for all the extras that we have, you know to pay for emergency equipment or requests that are out there in the academic or the administrative world, we kick that in. Luckily, we had increased enrollment above and beyond that which we budgeted. So we worked hard since November to do that and I’m pleased to say that more than half of the rescission target was taken centrally. Now I don’t know what other universities have done but I’d be willing to bet that ours has the most significant portion that was taken centrally.

So, as the result of that we didn’t have to pass down the cut or the rescission as greatly to academic units as we normally would. In fact, then what we did was we asked each vice
president, according to our principles – remember what the principles were – to hold back, reserve about 1.5% of their base appropriated budgets, again, according to the criteria. So each vice president then did that, gave me the number and a report on what they did and what the impact was. Now, on the non-academic side, that is, anything other than Ivan Legg and his empire, which is large and important, how did we do it? Well, it’s pretty basic. We didn’t fill positions. You know we’ve had a hiring freeze pretty much going on for non-critical positions, so those lapsed salaries went into the budget cut for the non-academic side. Non-essential travel was pretty much curtailed. We didn’t stop all travel, non-essential travel and a lot of equipment purchases were delayed. That pretty much explains 95% of the way we took our cuts and that’s pretty well true in the academic area as well. Again, the non-academic side applied the principles and tried not to hurt student academic programs or student services. That drives us – you’re always going to have some hurt there, but I feel pretty good about that.

Now, on the academic side, Professor - Provost – Legg, is professor all right? Provost Legg and the deans and his staff and the directors and the department chairs, I’m not sure exactly what the process was in every unit, and the faculty leadership have worked hard to avoid disruption in academic programs. The reports I’ve received from the provost have been that budgets were able to be reduced with as little disruption as possible. There’s always disruption, and I know what we’ve been able to try and preserve, which is important to us, is the delivery of core general education and upper level courses in the major, so that students can graduate on time. That’s taken a little bit of movement here and there but, in general, I’d say it’s an excellent effort. So, we have done it. It’s booked. Now, if someone says, the revenues are up and you can have the money back, we’re prepared to spend it but we are over that, all right?

Now, we have to turn our attention to next year because one-time cuts this year, if not put back, have significant impact on our base budget for next year. You all know that if you’ve been through this. Now, what are the conditions we’re waiting on? What we’re waiting on right now is next week on the 20th the governor’s budget message will be delivered. Then after that, of course that’s not the whole story, because the legislature has something to say about budgets, but we expect to have a very good feel for what we’re going to be facing in terms of an ’03 budget and, you know, as I mentioned to you in the last meeting, what do you have to prepare for? Well I think most in higher education are preparing for an ’03 budget that is based upon the ’02 budget, and then the thing we’re not sure about is whether or not these one-time cuts or more will reduce that. I think we have to prepare for that. As a matter of fact, I think we should probably expect something like that. So our FY03 base will be set at FY02 minus the $4.8 million and maybe more. So that’s 4%. There are a lot of variables but I want to talk a little bit about the parameters. I haven’t set out guidelines yet because we’re waiting for the governor’s budget but we’ve been planning and we’ve been talking. As I said, we did an extraordinary thing and took so much centrally this year. That represents one-time savings. I don’t believe that we should anticipate that those one-time savings are going to be available to us next year. If you have to take permanent reductions in a budget you don’t do it with one-time money anyway. So, change is the nature of how we have to approach this problem. Energy, utility costs, you know, a normal winter. Enrollment that you can’t anticipate. You really can’t build a budget on that. You have to build it on something more solid than that and then wait to see how the rest happens. But those things will not be available; I think we should plan that they’re not going to be available but we’ll continue to work hard and look at those things.
Then there are a couple of other variables that concern me and, as I said to you before, the big thing here is the revenue picture; and I think national reports now are a bit more optimistic about recovery at the end of the year, but I don’t think that’s going to help us in time to set an ’03 budget request. I think we have one year of this. Famous last words. I think we have one year of a bad budget. The second thing we have to accommodate is the specter of sharp increases in health insurance premiums. We’re beginning to hear reports that this may dominate our budgeting for the next two or three years and a solution has to be found to these escalating health insurance premiums, and we need to pay attention to that plus the fact that there are other uncontrollables like that that we have to deal with. The increased cost of utilities. There is some indication that our liability insurance that protects us all from injuries and law suits is going to significantly increase so that goes into your budget planning. So we need to begin planning.

Now in addition, how are we going to do this? Well, we’ll send out a budget message, but I see no reason to change our priority list that we used in November. It worked well for us. I think there’s general agreement on that. We may not be able to do as well as we did in maximizing each priority but I think it’s a good guide and let me read them again to you. Minimal disruption to student academic programs which means making sure students graduate and get the courses that they need. Strong efforts to avoid reductions in faculty and staff salaries. Strong efforts to avoid layoffs and furloughs. The other thing that ought to guide us is that we want to continue to move toward doing what we do best, and what is at the core of what we do, and that is to provide an education and educational opportunities of value at an affordable price. Those are the things that should guide us. We may add some other things to clarify that but I think there’s consensus on that.

Now, in addition to all of this I want to say something that I believe deeply. I believe this budget situation is temporary and it happens in public higher education on a cyclical basis. This is an institution that’s on the move, that’s made great progress, that has on the drawing boards and in action many ambitious plans. Some of those plans may slow a little bit but I see no reason to let this temporary, but possibly significant, budget situation deter us from where we’re headed. We need to focus on that and there are so many good things that are happening. We have to remember our long-term goals. That’s what I’ve been doing every day. We’re an institution on the move. We must continue to pursue academic excellence, diversity, salary competitiveness. I’m committed to that as my top issue, improved facilities, and a commitment to our students and our commitment to our capital campaign that we need to keep moving. I think all of those things will keep our focus. We must work hard to attract major state and federal grants. I mean, I remember as a professor in tight budget times, if you had your own grant that was some protection and immunity from budget downturns, so I encourage you if that’s an option in your academic area, we’ll do all we can to help you. And, of course, I said we have to continue the capital campaign. I have to continue to help raise private money for the things that are the margin of excellence for us. Not to replace basic operations. That’s the state responsibility and the responsibility of tuition. But professorships, scholarships, the next Barsema Hall. I will double my efforts in trying to bring in external private money and you have to get involved in that, too, when we get into the capital campaign and it’s not easy right now but I think that’s something we all can rally behind.
So as we prepare for the news on the FY03 budget, I want to reiterate our commitment as an institution to providing high-quality and affordable education to our students. That’s what NIU needs to do for this state and region and I pledge to keep the campus community informed about our budgetary status and to continue to work within the framework of our priority list. That’s what I wanted to say about the budget. It’s taken up most of my time. Now lastly, in terms of things emptying, something is filling. The East Lagoon is filling with water! That’s my report.

V. CONSENT AGENDA

A. Resolution recommended by the Faculty Senate to amend Bylaws, Article 9 – see memo from Faculty Rights and Responsibilities Committee – refer to Rules and Governance Committee. (Page 29)

B. Resolution recommended by the Faculty Senate to amend Bylaw, Article 9 – see memo from Faculty Rights and Responsibilities Committee – refer to Rules and Governance Committee. (Page 30)

C. Resolution recommended by the Faculty Senate to adopt the Statement of Professional Ethics as part of the NIU Bylaws – see memo from Faculty Rights and Responsibilities Committee – refer to Rules and Governance Committee. (Pages 31-32)

D. Executive Secretary substitute – see memo from Chris Hubbard, Chair, Faculty Senate Rules and Governance – refer to Rules and Governance Committee. (Page 33)

E. Proposed Bylaw change regarding how students are selected to serve on the Honors Committee – see memo from Bob Wheeler – refer to Rules and Governance – walk-in

F. Deletion of Executive Director of Division of Continuing Education from Deans Council – refer to Rules and Governance – walk-in

President Peters: Is there a motion to adopt the Consent Agenda. Second? All those in favor say aye. Opposed.

The Consent Agenda was approved.

VI. REPORTS FROM COUNCILS, BOARDS, AND STANDING COMMITTEES

President Peters: We have several no reports.

A. FAC to IBHE – Patricia Henry – no report

President Peters: We have no report from the Faculty Advisory Committee to IBHE. Correct?

P. Henry: They didn’t meet.

S. Willis: They got snowed out.
B. BOT Academic Affairs, Student Affairs and Personnel Committee – Dorothy Jones and Dan Griffiths – no report

President Peters: We have no report on the Board of Trustees Academic Affairs, Student Affairs and Personnel Committee. Correct?

C. BOT Finance, Facilities and Operations Committee – Sue Willis and Jim Lockard – no report

President Peters: We have no report from the Finance, Facilities and Operations Committee of the BOT, correct?

D. BOT Legislation, Audit and External Affairs Committee – Judy Burgess and Bev Espe – no report

President Peters: We have no report from Legislation, Audit and External Affairs correct?

E. BOT – Sue Willis – no report

President Peters: Sue, you have no report from BOT?

S. Willis: That’s correct.

F. Academic Policy Committee – Mary Larson, Chair

President Peters: Mary Larson has a report.

M. Larson: We have a report, yes. We met on February 1 to consider the possibility of a fall break. I had solicited, from the National Communication Association Listserve, input from campuses and got replies from 37 faculty members. Jerry Zar passed on input from 10 graduate deans and we sorted through all of the options, and our recommendation is that we have a two day, Monday-Tuesday holiday following the eighth week of classes and that we also declare the Wednesday before Thanksgiving a holiday, since it is a de facto holiday, and that we begin classes three days earlier in August to accommodate the three days. This is preferable to going longer in December because Bob Wheeler and his friends need to get the reports about academic probation out in time for them to find other places to go for the spring. So I understand from Gary Gresholdt that the dorms could open earlier, have their welcome days on Monday and Tuesday. Dorms could be ready to occupy on the weekend then before classes start and the dorms can stay open for students who don’t want to leave campus for that break or can’t leave campus. You assured us that there was no point in trying to wait for the football schedules to figure out when this break should occur, and we assumed that people would not schedule homecoming for whenever that weekend is. As I understand, it the University Council has the power to simply declare that we do this if the Council so desires. We would recommend implementing this in the fall of 2003. I’d be happy to answer any questions.
President Peters: Is this by way of putting it on as an action item? What do we do here?

M. Larson: I was going to ask you that question. Where’s the parliamentarian?

President Peters: First of all, I think what we would need – I don’t how we do this, but I think we would need a write-up of that proposal.

M. Larson: Okay.

President Peters: Then we would need to circulate it and we need to vet it because, in all of your wisdom, it may be that you didn’t check with somebody who has a fundamental problem – I don’t know who that would be.

M. Larson: I’ve gone to people besides reporting back to my committee about my notes. I did forward this to Gary and to Ivan and to Sue Willis hoping that somebody would find a glitch if there was one but that’s as far as I’ve gotten.

President Peters: Okay, Dean Zar?

J. Zar: I think the committee’s report gives a real advance in the discussion of this topic. I agree with the President that it ought to be looked at by various groups. We’ve had a statement from the Student Senate in support of a fall break but they probably ought to look at this again now that there’s a specific proposal, and the Faculty Senate and the SPS Council and the Operating Staff Council as employee groups need to look at it and see if they perceive any problems. As to the implementation date, I suppose each of those groups ought to address that also, but there may already be some university publications that are already are announcing the fall 2003 schedule so it may not be possible that soon.

President Peters: Yeah, as a practical matter, even if we acted today I don’t think we could do it in 2003.

M. Larson: I understand.

J. Zar: The principle can still be discussed and considered.

President Peters: It strikes me then that we might do what we did with the ethics statements as a resolution from the Council referring it to x number of groups to come back to us and then we could put it on as an action item for next month. But you’d have to write something up.

M. Larson: Well, I think I’ve got this all written up pretty much in my memo to Sue. Do you still have that somewhere?

S. Willis: I did not bring a copy with me.

M. Larson: No, but do you have it like in your trash or something?
S. Willis: You e-mailed it to me so it’s in my e-mail.

M. Larson: Can you then get that circulated to these appropriate ---

S. Willis: Sure.

M. Larson: Thank you.

S. Willis: Assuming that the Council votes to do that.

M. Larson: Assuming the Council votes to do that, exactly.

President Peters: Right.

S. Willis: Then I can go ahead and do that.

M. Larson: Okay.

President Peters: So it seems like what we’re moving toward, and then we can take some comment on, is acting on a resolution today without your seeing anything and based on that oral report and sending it to x numbers of constituents to come back with a report to us, and then we would put this on as an action item for a future meeting.

M. Larson: Wonderful.

J Zar: I just wanted to follow up. I think it was very important to check with Dr. Gresholt to check with the housing people. There may be other student services offices that would like to see it in writing also and comment on it. The advising deans would be another group that might have some insight into the effect on students. So we can probably come up with a nice list of people who ought to look at it.

President Peters: So, Gary, what you’re saying is that all of these various summer activities and training and will be out of the residence halls in time to get them cleaned and painted and ready?

G. Gresholt: We checked with housing in response to Mary’s request to see whether or not housing could accommodate an earlier move-in date, and housing felt that they could accommodate an earlier move-in date. I also did speak with other directors within student affairs, many of whom would welcome a mid-semester break, feeling that it is needed by students, but I think that there are various groups outside of student affairs who also need to be consulted such as Jerry suggested; the advising deans is certainly one group that should be spoken with. And summer conference programs.

President Peters: It’s my understanding there’s a very narrow window to get everything done as the camps move out. If the Bears had come this would not be possible because they were going to stay in Stevenson. So, all I’m saying this is not just straightforward.
**P. Henry:** Actually, perhaps Bob Wheeler could explain again. I know you said it was very difficult to finish getting the grade reports done and that’s why we couldn’t go into the December break but is that absolutely out of the question, because it would seem like that would solve some of those problems, the problems with starting early.

**B. Wheeler:** Well, I think that what happened this fall is probably illustrative of the difficulties. This fall the last day the university was open before the Christmas break was Friday, December 21 and that is in fact the day on which a number of significant letters were issued to students, probation letters and dismissal letters; and that only happened by virtue of a number of staff staying up all night to make sure that they did get out. We simply could not accommodate additional days tacked on at the end of the semester if we want to get these letters out before Christmas, which most people feel is absolutely essential. These are students’ lives; they have to know so that they can be prepared to make an appeal when they return in January.

**P. Henry:** My only sort of quizzical feeling about that is, does it make that much difference if gets done just before Christmas or just after Christmas?

**B. Wheeler:** Well, I don’t want to speak for the students, but if I were a student I think I might appreciate having ten days additional time to consider how I might formulate an appeal in such a very important and critical matter.

**President Peters:** Okay, so this is something we have to throw into the mix because in my experience, this issue that Dr. Wheeler discussed happens no matter when you end the semester. I mean, that is just a problem with the transition and those institutions which end later than us, and many do, they figured a way to accommodate it, so I don’t think we should take it off the table because someone else will have a problem at the front end. The other thing is, I presume, and this will sound like heresy, is that we have to make those days up.

**M. Larson:** We assume so.

**President Peters:** Well, let’s not assume that. Find out from accreditation. As I just recently learned, many, many classes do not take place on Friday afternoon so maybe there’s a way of accommodating within that. All I’m saying is that if we’re going to look at it, let’s look at everything.

**M. Larson:** Who can tell us if we have to have so many days in a semester?

**President Peters:** That’s North Central Accreditation. That we can check out right away and there are several of us who’ve been through that. We can find that out. Okay? Professor Lockard has had his hand up three times now. Jim King, rather.

**J. King:** Well, I really want to commend the committee. It’s a very stimulating report and, of course, there’s institutional inertia, every institution has it – it’s not a defect of Northern to be overcome. I really appreciate the suggestion that we should be meticulous in collecting information, but while we’re doing this, let’s not forget there’s bound to be somebody out there
who doesn’t like the idea. A simple veto from whatever quarter cannot be tolerated. We’ve got
to do a balancing act once we get the information about what are the inconveniences, because
somebody’s toes are going to be stepped on for sure – what kind of balancing act and what are
our values and how important are academic values to us. At any rate, we certainly all ought to
take our hat off to this committee. We come to our meetings and we expect a lot of interesting
things to happen. This is an interesting thing that’s happened. Thank you.

M. Larson: You’re very welcome. Thanks.

President Peters: After all of that, I’m shocked.

J. Burgess: The only thing I wanted to say was I noted when she was mentioning this that the
word holiday appeared and that could be a touchy situation because if it’s a holiday, you close
the whole university and lots of people get paid.

President Peters: Yes, that didn’t pass my attention. I caught that.

J. Burgess: Okay, that’s something you wouldn’t want to deal with.

President Peters: No. Thank you for protecting me. All right, so I am supportive of the idea in
general because I think there’s a sound academic reason for it. Now, how can we accommodate
it because Professor King is correct. Someone will always find a reason not to do something and
someone will have to accommodate the programs to this.

D. Wagner: You said it would be perhaps an action item at the next meeting. That seems sort
of unrealistic, but there should be a specific time for a response from all these people that the
report is being sent to.

President Peters: Yes, I would like the responses within a month or two weeks.

G. Coover: I originally thought it was a good idea because of my son’s experience down at U of
I, or rather his family’s experience. They have the week off of Thanksgiving. That’s very late in
the semester and it doesn’t meet the concept of a mid-semester break. But I wonder if in
thinking about this we might consider a kind of different compromise and that is instead of
having three days off mid-way through we just have two days off and we make Thanksgiving
into a Wednesday, Thursday, and Friday.

M. Larson: That’s what the proposal is.

G. Coover: Oh, is that what the proposal is?

M. Larson: Yes.

G. Coover: Just two days off and then Wednesday off with Thanksgiving. Thank you.

President Peters: Okay, let’s take a few more questions because it seems to me there’s got to
be a lot more discussion and some information gathering.

**J. Kowalski:** This is Jeff Kowalski from the School of Art. We were just looking at a calendar and for 2003. I’m sure you’ve already thought of this, but the faculty week meetings and preparations that need to be made prior to the first few days of classes need to be looked at very carefully. There’s probably one date that all people who are on a nine-month contract would be very aware of and that is August 16, particularly if they’re planning to do research or undertake other activities prior to returning to campus. So, we do have those constraints, too, and I’m sure you’ll take them into consideration. Thanks.

**J. Zar:** If there are no more comments, I’d like to make a motion. I move that this proposal from the committee be distributed in writing to appropriate bodies, and we’ve named some and the provost can perhaps come up with some more, and that responses come back in a month. A month from now is spring break so I would say maybe March 18, right after spring break, and perhaps they could go to the Executive Secretary who could include them in the University Council packet; and then it would come back then to the University Council for a first reading.

**President Peters:** That’s a motion.

**S. Willis:** Let me just say the Council meets on the 20th. So if we get responses on the 18th they’re not going to be in the packet, but we could bring them as well.

**J. Zar:** Well, we could say responses a week earlier. It would be nice to see them ahead of time.

**S. Willis:** We’ll come up with a suitable date.

**J. Zar:** Okay.

**President Peters:** All right. Is there a second for that motion? Any discussion? All those in favor say aye. Opposed? It will be sent to the appropriate bodies, then to the Executive Secretary, back here at some point for a first reading.

**F. Bryan:** I think parliamentarily that is the appropriate action.

The motion passed.

**M. Morris:** Can I just ask Sue if there’s some way she could disseminate this idea to all the faculty to guarantee that all the faculty on campus at least get wind of this and have an opportunity to express their view before we vote on it in the Council meeting.

**President Peters:** College Councils.

**S. Willis:** Or the Senate. Yeah, we could ---

**M. Morris:** Whether it be on Tompaine or however it be done.
S. Willis: No, I don’t think Tompaine, but I would think either through the Faculty Senate, which has representatives from each department, or through the College Councils.

President Peters: College Councils.

S. Willis: Probably the College Councils. The president is whispering in my ear here.

President Peters: Yeah, I think we’ll send it to the College Councils. I think we all want to thank Mary and her good work, excellent work.

G. Resources, Space and Budgets Committee – Gary Coover, Chair

President Peters: Gary, Resources, Space and Budgets Committee.

G. Coover: Thank you. Last week the Faculty Senate/University Council Committee on Resources, Space and Budgets, remember I’d like to call this Joint Committee for the rest of the report please, met with Provost Ivan Legg, Executive Secretary Sue Willis and representatives of the Academic Planning Council. The Academic Planning Council, or APC, was represented by Associate Provost Robert Wheeler, Assistant Provost Virginia Cassidy, William Goldenberg, Jan Rintala, and Susan Deskis. Several of these people then have had a lot of experience not only with Faculty Senate/University Council but actually with the Joint Committee as well. The context of our discussion was defining the future roles of the Academic Planning Council and the Joint Committee on Resources, Space and Budgets. This is a rather vague and complicated discussion we had, so I’m going to try to get some of the highlights as best I can using some of the words that people did use but, basically, I guess in a way it’s my creation and hopefully it’s as sensible as possible.

The APC and the Joint Committee have duties that include advising the Executive Vice President and Provost on the establishment of priorities in budgeting. Both committees are expected to submit reports and recommendations to the University Council. We discussed what each committee has been doing, not just recently, but over the past several years. Again, there are similarities between the committees. Both committees have received reports from administrators. Both committees have discussed the reports with some involvement of administration in the discussions. Particularly, the APC discusses the reports with representatives of the Provost’s Office and of the colleges and departments, whichever programs they are reviewing. The Joint Committee has had excellent opportunities to discuss issues with the Provost and also with President Peters. Executive Vice President Williams is a member of the Joint Committee and has attended nearly every meeting for several years now.

In our meeting last week we discussed how the work of our committees might evolve in the future. First the APC. The Academic Planning Council will be changing its procedures of program review to a more efficient schedule. This is made possible by some changes in what the Board of Higher Education will require. This may free it up to develop more substantive recommendations. Perhaps the APC could each spring put together a list of priorities and recommendations. The APC could make some proposals to the Joint Committee and University
Council. As for the Joint Committee, it continues to move towards being a channel, we hope, for recommendations that arise from various committees and individuals and other campus units both academic and non-academic. Proposals then would move up through our committee, perhaps to the University Council. The APC could greatly help this evolution by bringing recommendations to the Joint Committee. The Joint Committee is quite representative of the campus community and it is charged with making recommendations regarding all resources, space and budgets, so it ought to provide a broad perspective to discussions of the recommendations forwarded to it by the APC and maybe by other bodies as well. The Joint Committee would not be making budget decisions but rather exercising a kind of oversight in bringing different input to the administration. This channel would supplement the main budget channel that now exists, of departments to colleges to the higher administration.

Perhaps other committees of the university could also evolve to contribute to this model. There are a number of freestanding committees on campus. The ones that always occur to me are not really good examples maybe, but certainly there’s the Parking Committee and there’s the Athletic Board and so forth. There are many other committees as well. Our discussion with the APC and the Provost was one of searching and identifying some of the realities of allocating and planning. There weren’t any real disagreements even when the realities were rather harsh realities. At least I felt some of them were. The reality is that we don’t really have time as faculty to thoroughly study budgets and really understand the details of very complicated issues. I hope that everyone will remember that the meeting was a worthwhile expenditure of their time, that is all those who attended. I certainly thank them for their time and for their concern.

We will meet again on March 7 when Dean Zar will present an overview of the Graduate School resources and how well they have met NIU’s needs for supporting graduate studies and research. We will be joined by Jim Erman, the Chair of the Search Committee for Vice Provost for Research and Dean of the Graduate School. Please e-mail me or call other members of the committee or myself if you have questions or concerns that you would like addressed at that meeting. Thank you.

**President Peters:** Good statement. Do we have questions you want to direct to Professor Coover? Okay, do you have other business?

**G. Coover:** No.

H. Rules and Governance Committee – Susan Mini, Chair

**President Peters:** Now our favorite, Rules and Governance Committee, Susan.

1. Changes to the *Committees of the University* (Page 34)

   a. International Programs Advisory Council as recommended by Manfred Thullen (Pages 35-36) **ACTION ITEM**

**S. Mini:** I’m glad I’m your favorite. At this meeting I hope that we’re not going to have anything controversial. We have two changes to Committees Book and one first reading so if I
could go quickly to Committees Book changes. Our first is from Manfred Thullen and we’re looking at pages 35 and 36. This is a change to the International Programs Advisory Council. You may remember earlier this year we changed the Continuing Education Advisory Committee

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S. Mini: Rules and Governance is recommending that we go ahead and make this change and I’d like to make that motion.

President Peters: All right we have a motion to make the Committees Book changes in the International Advisory Council as indicated which is the deletion of the representative from Continuing Education, who is ex officio at any rate.

S. Mini: I believe she steps down at the end of this year.

President Peters: End of this year and then would not be re-appointed.

S. Mini: Is that correct?

President Peters: All right. Is there a second for that motion? Any discussion? All those in favor say aye. Opposed? Okay, good work.

The motion was passed.

b. Intellectual Property Committee as recommended by Jerrold Zar (Pages 37-38) ACTION ITEM

S. Mini: We have another Committees Book change. This is the Intellectual Property Committee, on pages 37 and 38. It’s a little lengthier and it is from Dean Zar. He believes that with the advent of the Internet and the World Wide Web we have more intellectual property issues and more people who are affected by this, and so he would like to increase the size of this committee, and he’s making recommendations as to who he would like to be represented on this committee. Rules and Governance looked at this. We recommend that you approve this so I’ll be making a motion that we do that.

President Peters: All right we have a motion for these changes. Is there a second and then we can move to discussion? Second, all right. Dean Zar do you want to speak to these rather substantial changes?

J. Zar: Yes. It’s a change in the composition of this university-level committee. Currently it has representation from relatively few colleges and the idea is to recompose it so there’s representation from all the colleges, faculty representation, because the intellectual property issues of the day affect so many different disciplines. I’d like to point out a couple of updates; no they’re not errors, they’re updates. On page 38, the last paragraph begins “The Associate Provost”; as you know that title has been changed to Vice Provost, and two paragraphs above that, again, “Associate Provost” appears and that should be Vice Provost. In the paragraph
immediately above that I neglected to retain the three-year term that currently exists so it should say, “The terms of the faculty Committee members shall be three years and be staggered.”

President Peters: Where does that go?

J. Zar: Fourth paragraph from the end, “The terms of”. They are three-year terms currently and I just neglected to put that in.

President Peters: Susan, do you accept those as editorial corrections?

S. Mini: Yes.

President Peters: Does everyone understand those corrections? All right, so the thrust of this, Dean Zar, is to give more faculty representation given the changing intellectual property environment that we find ourselves in. Any discussion, further discussion?

L. McSpadden: I just have one question. What was the intent of the committee when you say LAS shall have two with at least one from a science department?

J. Zar: The committee, as it always has done, will still deal with issues of patents. Patents are concentrated largely in the sciences so we felt that it is important to be sure that at least one member of the committee is from the science area.

L. McSpadden: My question is, do you mean this to be natural sciences or social sciences or both?

J. Zar: We could say natural sciences as opposed to supernatural sciences. Ordinarily when we say sciences we understand it to be that, but if it would clarify it.

L. McSpadden: There are social sciences also.

J. Zar: That’s fine.

L. McSpadden: If you would insert the word natural.

J. Zar: Sure.

President Peters: Oh, you make me feel good.

J. Zar: The others are unnatural, obviously.

President Peters: Is that a friendly amendment? Natural sciences? Do you accept that?

S. Mini: Yes.

President Peters: All right, more discussion or comments. Are we ready to move to vote? All
those in favor of the proposal as we’ve edited please say aye. Opposed? It passes.

The motion passed as edited.

2. Proposed amendment of titles Associate Provost, Assistant Provost and Director of University Libraries. (Page 39) FIRST READING

S. Mini: Last but not least is the first reading of proposed Constitution and Bylaws amendments. If you look at page 39 you’ll see many different articles, and what we’re doing is substituting vice provost for associate provost, associate vice provost for assistant provost and, near the bottom, last but not least, Dean of University Libraries instead of Director of University Libraries.

President Peters: All right, this is first reading. Anybody want to comment?

S. Willis: I just wanted to say that I came up with this list. Jerry seems to be able to see better than I can and has come up with a slightly amended list, putting in some things that I either missed or miswrote, but the intention is to put in the correct titles wherever they appear, so we’ll get the right list.

President Peters: Why don’t we say that then, that we should do a search and destroy and replace wherever we find? All right, that’s a first reading. Thank you. Anything else?

S. Mini: That’s it.

I. University Affairs Committee – Richard Orem, Chair


President Peters: Richard Orem, University Affairs.

S. Willis: Let me just horn in here briefly and apologize to the Steering Committee. When I was putting together the materials for the Steering Committee meeting, Donna was on vacation and so I had to dig these things out myself and I inadvertently brought the wrong item for Rick’s committee so the correct one is now in the packet. I apologize about that.

R. Orem: Just a point of clarification, Sue; are you simply asking that we refer this to the Academic Policies and Procedures Manual Advisory Committee?

S. Willis: That would be the natural thing to happen because that’s where intellectual property policy is and that’s the committee that makes changes to that manual.

R. Orem: So the material in question is on pages 40 and 41 and deals with on-line instructional and informational materials, and I’ll move then that we refer that to that committee.
President Peters: All right. There’s a discussion.

J. Zar: I could suggest, not just because I chair that committee, but I could suggest this may not have to go to that committee. The Academic Policies and Procedures Manual Advisory Committee serves as a gatekeeper to the Academic Policies and Procedures Manual to determine if particular topics ought to go in there. This topic, intellectual property, is already in the manual. This is just an amendment to that, so we can go either way, but I don’t personally feel it’s mandatory to have the gatekeeper look at it.

President Peters: In other words, you’re saying we can go directly to action.

J. Zar: Yeah.

President Peters: Put it up for first reading next time.

J. Zar: Well, it’s had a first reading hasn’t it? This is the second time it’s come here and it now has a committee recommendation. This body should approve the policy regardless of whether it goes to that other committee or not. The other committee doesn’t approve policy, it just says it’s okay to put it in the manual.

President Peters: What’s on the floor now is to refer it to the gatekeeper as you say. If we vote that down or if it’s withdrawn, then do we act on it here today?

J. Zar: Well actually it needs to be approved here before it can go to that other committee. It has to be an approved policy before the gatekeeper can consider publishing it.

X. Song: I support the idea of get this policy approved first before we decide where we should include it. We shouldn’t have policy that has not been approved and then we ask could you put it in your book. It wouldn’t be considered that way. I think it’s out of order. I support Dean Zar’s idea about getting it approved first.

R. Orem: Well then I’ll withdraw my motion. If the seconder will withdraw his second.

President Peters: All right, so we’ve withdrawn the motion. We’re back to square one. What’s your pleasure?

R. Orem: Then I’ll move that we approve this additional policy.

President Peters: There’s a second. I heard a second that we approve the intellectual property policy, the proposed intellectual property policy. Now is there any discussion. Yeah?

J. Kowalski: Not so much discussion but more a point of clarification for someone who hasn’t been involved in this actively. Under F it mentions “income ‘directly attained’ includes financial gain from sales, rents, licenses, course delivery fees, not tuition” and these are I believe subject to royalties for the person who has been involved in, you know, formulating the sort of intellectual content of the on-line instruction. What is a course delivery fee? Just inform me and
I’ll admit my ignorance if someone could do that. How would the royalties apply if the person who originally developed this set of materials were not to be actively teaching the course but the university and/or the corporation who is making them available elsewhere does so?

**President Peters:** The question is, if you produce an instructional CD and another department or another colleague uses that material, you would have negotiated up front, depending on the deal, whether or not you would get a piece of the course delivery fee? Is that what I’m understanding here?

**J. Kowalski:** Yeah, but then how are those collected ordinarily? Can anybody explain that to me?

**President Peters:** I don’t think we’ve ever done it before.

**J. Kowalski:** Okay.

**A. Kaplan:** Well, we do have course delivery fees. We just never have had a course delivery fee associated with this kind of a course.

**President Peters:** Go ahead. I think Anne has at least a partial answer, what we mean by course delivery fee and how this might be a bit different.

**A. Kaplan:** Right now we have course delivery fees associated with regional courses. We have a general course delivery fee on a per credit hour basis that helps us cover the costs of actually getting the program out there. It also covers things like travel for the faculty member, line charges, rental if there is any, marketing and then, in addition, that course delivery fee goes into an account which ultimately goes into Continuing Ed and then they use it to pay for those expenses. There are, in addition to that, some discipline-specific course delivery fees in a number of areas, business, computer science, nursing, allied health and a few other things. Those course delivery fees, which are varying rates, are now collected and go to designated fee accounts that are managed by the colleges in which those courses reside and the colleges or the departments then spend that money, one would hope, on the things that justified the fee in the first place.

**J. Kowalski:** Are we basically talking about what we would call class fees?

**A. Kaplan:** No.

**J. Kowalski:** Different, okay. But you’ve helped clarify it for me. That’s fine.

**President Peters:** It seems to me, and I don’t know if we’ve done any of this, but I’ve been involved in it in other places, you negotiate on the front end what your share of any directly attained fee would be from these various sources and usually it’s not from a course delivery fee but the gain of the rental or the license or something like that.

**W. Baker:** May I ask the President, I was developing what you just said, how this compares or
perhaps differs or is similar to policies operating in other institutions similar to ours.

**President Peters:** Very generous to faculty. I’m fine with that.

**M. Morris:** If implemented, I guess I’m curious where a faculty member would go to arrange this contractual agreement with the university. Would it be to his chair and say now lead me to George Shur or, you know, this isn’t specific on point?

**President Peters:** Dean Zar has an answer that’s probably better than mine.

**M. Morris:** Well, he has an answer.

**President Peters:** And I’ll be the judge.

**J. Zar:** To respond to Professor Baker’s question, we did look at policies at other universities. In general, NIU’s intellectual property policy, all of it including this, is much more liberal with regard to faculty rewards and compensation than many universities which simply claim everything to be their own. That’s true with our patent policy and copyright and so on. Who would negotiate this contract? We raised that question during our committee deliberation and one of the university attorneys told us it doesn’t have to go in here. We have policies, for example, on external grants and external contracts. The policy doesn’t say who signs for the university. That’s worked out later on. It’s not part of the policy, that’s part of the implementation. So, yes, that is an important question which I brought up with Mr. Gilbert and that will be determined if this policy goes into effect.

**President Peters:** It’s important from my experience that there be one place with the legal and other expertise to get all of the strings together that you need in a negotiation and that usually is out of sponsored research, sometimes it’s outreach, but legal counsel is always involved because of the complexity of the patent law and all of that. The university has to put itself in the position of protecting the intellectual property of the faculty and the university but you have to find a way for the faculty members to know that they have an advocate in these negotiations, so we’re working on that. You know that’s one of those issues that I just hope we have the opportunity to make work. Not that there is a lot of money involved in this. What’s very important, I’ve always said, for faculty is not to give away your intellectual property to third parties. Publishers who will take your entire text and put it on a server and then you lose – we’re trying to avoid that with an enlightened policy here. We had a couple of questions, yeah?

**S. Spear:** Does this say that if a faculty member is delivering a course he or she then has a right to the course delivery fee?

**J. Zar:** A portion of it.

**President Peters:** If there is an electronic product.

**S. Spear:** If there’s an electronic product. What does that mean?
President Peters: Well, that has to be defined within the context of this.

S. Spear: Following Anne’s comment on the off-campus, it would be a nightmare if the faculty in addition to their pay could claim, by showing up and delivering the course, they got some of the course delivery fee. In addition, as we know having gone round and round, those bills don’t get billed as tuition.

President Peters: No. Now, that’s a road you don’t want to go down.

S. Spear: That’s right.

President Peters: That’s not what we’re talking about here.

S. Spear: Okay. That’s a lovely answer.

D. Graf: I don’t know if this is accurate, and I wasn’t on the committee, but it seems to me that a course delivery fee in the context of a curricular program is different form a course delivery fee where you’re using some of that same material and you’re selling it for a non-credit purpose and I think that’s probably what this is getting at.

J. Zar: That’s a good point and we do use the term course delivery fee in a couple of different ways. Would it help in that sentence to say “some course delivery fees” so it wouldn’t imply all kinds of course delivery fees? These are just to be examples.

President Peters: Does it need to be in there at all? Well, let’s see where we are right now. Right now, Dean Zar has suggested to amend F by, in the parentheses, the last sentence of paragraph F saying “some course delivery fees”; insert “some”. Does that get you where you want to go?

J. Zar: Well that would be determined up front.

R. Miller: Would you accept some types of course delivery fees?

J. Zar: There you go.

President Peters: All right “some types of course delivery fees” and then, of course, this is going to probably have to be defined within practice of what we mean. I’ve been through this before when you try to develop an intellectual property policy that fits where the technology is going you’re not quite sure but I know this, without at least some more inclusive intellectual property policy, the faculty member is exposed here.

S. Willis: Accept that as a friendly amendment.

President Peters: Shall we accept that as a friendly amendment – some types of? All right? Will you accept that Dean Zar?
J. Zar: Another friendly word change. Professor Morris suggests we insert the “but” before the word “not.”

President Peters: Where?

J. Zar: At the very end of that sentence.


The policy change was approved.

President Peters: Now we send it to the gatekeeper?

J. Zar: If you insist. I don’t know that it has to go there.

President Peters: All right. We’re done with that. Thank you. By the way that’s very good work. I appreciate that on behalf of the university. Richard you’re done, aren’t you?

J. Elections and Legislative Oversight Committee – Winifred Creamer, Chair

President Peters: Anything on Elections and Legislative Oversight Committee. Winifred? I don’t think Winifred is here.

VII. UNFINISHED BUSINESS

President Peters: Any Unfinished Business? We used to call that Old Business.

VIII. NEW BUSINESS

A. SPS Workplace Issues – see resolution from Faculty Senate. (Page 42)

President Peters: There is an item, SPS Workplace Issues – see resolution from Faculty Senate (Page 42). It’s the last page. It appears that the Faculty Senate wants the University Council to carefully examine the SPS Grievance Process and Outcomes and is recommending in-depth investigation of SPS workplace issues. So, Sue do you have a suggestion on how to handle this?

S. Willis: I would suggest maybe referring this to the Steering Committee. The Steering Committee could craft a detailed recommendation and bring it back to the Council. This came from the Faculty Senate meeting last week and so the Steering Committee has not had a chance to discuss it yet.

President Peters: That seems reasonable.

S. Willis: That would be my suggestion.
President Peters: Can you put that in form of a motion?

S. Willis: I would move that this be referred to the Steering Committee.

President Peters: Is there a second? Any discussion?

P. Henry: What happens with any ongoing grievance procedure that may be going on right now. If policy is going to be changed, does that have an effect?

S. Willis: Well, this isn’t talking about changing any policies. This is just talking about looking into the process and making sure that it’s working the way it’s intended to. There is also a committee that’s looking into revising policies but presumably revisions would not be retroactive.

F. Kitterle: I’m really glad the University Council is taking the opportunity to look at this policy as it relates to fairness and equity with regard to an important segment of the university community. However, in reading the document on the back page, I felt that I was back in Texas where they say “let’s hang ’em” and then have a trial and I thought that that permeated that document, so that when I read about a dispassionate investigation of this I was rather amazed and I think it’s a fair comment on that piece of material.

S. Willis: One of the things that I would urge the Steering Committee to do – if it does recommend some action and the establishment of some kind of committee to look into this – would be to craft a charge to that committee which does not presuppose the outcome. I will write something suitable.

President Peters: All right. We have a motion to refer to Steering Committee. Any other discussion? Yes?

P. Ilsley: I’m curious whether the SPS Council has reviewed this and whether they ought not to have the chance to look it over too.

B. Espe: The Council is aware that this has been presented as a report. We don’t as a Council know anything more than what is in this report itself so we, too, are waiting to hear a little bit more as far as more specific examples perhaps of cause. I guess we’re looking at it from the standpoint that Faculty Rights and Responsibilities, trusting that there must have been some cause that was found here, came up with this report and made this recommendation, but we’re not aware of what all that is. We’re just kind of sitting for right now and, of course, something would be going back to Council at some point as appropriate.

President Peters: All right I think that position is pretty clear.

F. Kitterle: As we’re looking at this, I think in all fairness we need to recognize that this deals with personnel issues and anybody looking into this gets one side of the story. This is like the race where you take people and put them back ten yards from the start line, glue their feet in
cement and then say, you know, let’s run a race and get what the other side is doing when they can’t move because in personnel issues, the other side, the administrative side on a case, cannot say anything. So I would just caution that, as we look at this, we need to recognize that sometimes bad cases make bad law and so we need in some way to make sure that if this is going to go forward, that all of the data are looked at and this might, in fact, include getting releases from those people who are concerned about this to make sure that all of that information is available so that all sides of this issue can be clearly aired.

**President Peters:** All right. Go ahead.

**B. Espe:** I appreciate that comment because I, too, feel that we as a council have not had an opportunity to discuss anything along this line, but as President, I think whatever does come out of this does need to include as much information as possible to be fair, to get a true picture if there are issues there that need to be dealt with.

**President Peters:** So the motion is to refer this to the Steering Committee. Any other comment? I’m at a loss here because I’m not sure exactly what’s at play here. There’s obviously something deeper – I’d better find out about it.

**D. Wagner:** It raises the whole question of the relation of the Senate to this body, that obviously the Senate was shocked and appalled by several things that they heard but none of this information is included in the report that’s sent to the University Council. I don’t know if that means the University Council is supposed to investigate and just replicate what the Senate did or whether the University Council should ask for the report information from the Senate Committee. But the relation between the Senate and Council is just absolutely unclear to me.

**S. Willis:** I would suggest having the chair of the Faculty Rights and Responsibilities Committee meet with the Steering Committee when we discuss this issue.

**President Peters:** Let’s just include that as part of the motion.

**P. Henry:** Yeah, because the Senate itself just received this memo. The Senate didn’t have any more information than this.

**President Peters:** Well, it’s kind of interesting – it’s one of those documents that you’re sure of where it came from but you’re not quite sure who. All right, so are we ready to vote.

**J. King:** Call the question.

**President Peters:** Call the question. All those in favor of referring this to the Steering Committee say aye. Opposed? That’s probably the best place for it.

The motion passed.

**IX. COMMENTS AND QUESTIONS FROM THE FLOOR**
President Peters: Anything for the good of the order? Comments and Questions from the floor?

X. INFORMATION ITEMS

President Peters: We didn’t have money in the Xerox budget so you have no information items.

S. Willis: I had no information.

XI. ADJOURNMENT

President Peters: Is there a motion to adjourn? Second? All those in favor? See you next month if not before.

The meeting adjourned at 4:30.