UNIVERSITY COUNCIL MINUTES
WEDNESDAY, MAY 1, 2002, 3:00 P.M.
HOLMES STUDENT CENTER SKYROOM


Parliamentarian Ferald Bryan was also present.

THOSE UNIVERSITY COUNCIL MEMBERS NOT PRESENT: Caldwell, Carson, Carter, Conde, Ganesan, Garcia, Griffiths, Harris, Hafer, Musial, Perez, Pernell, Schuth, Stalker, Wade

I. CALL TO ORDER

The meeting was called to order at 3:08 p.m.

II. ADOPTION OF THE AGENDA

President Peters: I am pleased to call the University Council meeting to order. The first item of business is adoption of the agenda. We have some adjustments to the agenda. You should have them in front of you. You have a letter from Mike Gotthardt concerning Article 17.41, which will go under the Consent Agenda and after consultation with Sue, that item will be referred to the Rules and Governance Committee. There will have to be a vote on that when we get to the Consent Agenda. All right. The second item is a walk-in to go with Pat Henry’s report to the IBHE and the third item VI. H. 4, regarding Article 3.63 is to replace what is in your packet and that is on page 29. So we have those three alterations to the agenda. Is there a motion to adopt the agenda? Second? All those in favor say aye. Opposed? We have an agenda.

The agenda was adopted.

III. APPROVAL OF THE MINUTES OF APRIL 10, 2002 UNIVERSITY COUNCIL MEETING (Pages 6-23).

President Peters: III is Approval of the Minutes of April 10, University Council following on pages 6-23. Additions or corrections? Yes?

P. Henry: I just have a “what I meant to say” correction and I can get it to you later.

President Peters: It’s editorial.

P. Henry: Yeah.
President Peters: All right. All those in favor of adopting the minutes say aye. Opposed?

The minutes were approved.

IV. PRESIDENT’S ANNOUNCEMENTS

A. Recognition of this year’s UC members whose terms have expired.

President Peters: First, let us recognize this year’s University Council members whose term has expired. Please stand if you’re here while I call your name. Dorothea Bilder from the School of Art, Judy Burgess from the Operating Staff Council, Ron Carter from the School of Music, Gary Coover from Psychology, Sengoda Ganesan, Mechanical Technology, Paul Ilsley, Ed Tech, Research and Assessment, Dorothy Jones from the University Libraries, Michael Martin from Family, Consumer and Nutrition Science, Lettie McSpadden from Political Science, Wilma Miranda from Ed Psych. and Foundations, and Rick Ridnour from Marketing. Now, re-elected – James King from Philosophy and Herb Rubin who is on sabbatical this year. All right, so let’s thank all of those people for their service.

B. Welcome to newly elected UC members.

President Peters: Let’s welcome newly elected UC members Corenna Cummings from Educational Technology, Research and Assessment, and the new people should stand so we can see you, John Engstrom from Accountancy, Patricia Fox from the School of Nursing, William Goldenberg from the School of Music, Jitka Hurych from University Libraries, Lynn Kamenitsa from Political Science – Lynn is not here – Carole Minor from Counseling, Adult and Health Education, Deborah Smith-Shank from the School of Art, Shin-Min Song from Mechanical Engineering and William Tolhurst from Philosophy. Welcome to all of these newly elected members. Now I would like to also welcome back to health and wish her good health, Sue Willis. We’re glad to have you back. Probably no one more than Malcolm.

Well, this has been a monumental year. To start our year with September 11 and to end our year with our budget still in a state of chaos and all in between, it’s been quite a challenging year and we’ve kept our good humor and our focus during the whole year and I want to thank you for that. But most of all, here is what we do is all about in good times and in bad times. Next week, May 11, we will graduate 2,166 undergraduates and 711 graduate students. For that we ought to give ourselves a good round of applause. All faculty, staff and those who have helped get these individuals to the next stage of their career; that is what we do. Two thousand, one hundred sixty-six bachelor-degree individuals and 711 graduate students. Well done!

Okay, let me talk about the budget and most of you know most of this and I’m not going to dwell on this, but I’m going to kind of put things in perspective and see where we are. The state budget continues to occupy almost completely all of my time. I’m even dreaming about the state budget and most of the dreams have been nightmares. The Legislature and the Governor continue to grapple with you know I said in my e-mail and in all of our communications, a 1.2 billion dollar minimum hole as we move into the 2003 fiscal year and there is some indication –
the Governor indicated yesterday – the tax receipts for April were not robust. You know March had bottomed out and now it looks like April returns will be off projection. That is not a good sign. He hinted at a weak report. The situation as I reported to you in the e-mail and then to various groups that I’ve talked to, is that, based upon the original Governor’s budget, that all of public higher education, and in particular NIU, because that’s what I speak for, has done some very, very tough things and solved the problem that was between 9 and 10 million dollars for next year. At least that was our plan to solve it – all the details certainly are far from in. My view is that higher education, public higher education, had taken its cut and further cuts would be difficult, unacceptable, and that was my message and that there were consequences if we had to cut our budget deeper. That’s been my bottom line in the past days. Since that time, a lot of things have happened. The Senate Republican caucus voted on a budget that had in it tax enhancements of various sorts – revenue enhancements rather – and cuts that were not as severe as the original budget scenario that came out of the budgeter group. The Senate Democrats produced a budget as well. We have the Governor’s budget, so there are three budgets and next week the House will be working on a budget and we’re still not sure whether the Governor will make another adjustment in his budget. So there are as many as five potential budgets out there. What is really happening is a coming together of all of these various groups as we move toward the middle of May and the end of session. Originally, the end of session is slated for May 17. It may go longer than that this year until maybe Labor Day – but they’re working and they are grappling with this gap. In all of this, my message has been the same. We have already made cuts, and further cuts – we have to make our case and it is rather interesting to read the various things that are going on about the budget. The other thing that I’d like to say about the budget and I’m not an economist and I sincerely believe this – it deals with the nature of the economic downturn particularly as it impacts Illinois. I do believe this is short-term but severe and if that’s the case that strikes me that strategies for dealing with this are different than if this were a long-term decline and I make the case that we have to be very careful that we don’t cut so deeply into our education infrastructure and the great programs that we’ve built that then when the economy does turn around, it’s very difficult to ramp that back up to a level of quality and access where we are now. So maybe there is a message in there, hopefully a message that maybe shorter-term strategies might work. I don’t know. Certainly it’s a long-term problem that we face but I think the point is that we, policy makers, should be very careful about drastic cuts and the implications of those cuts, particularly to institutions like ours which are built slowly, brick by brick, over a long period of time with heavy state investment. That’s what we’ve had for a hundred years. Now, since that time I want to tell you that I have met with many, many people carrying the message. I’ve met with the SA and they’re represented here today and that was a great meeting. I appreciate you taking the time last week. I’ve met with the leadership of the University Council and that was a good meeting. I’ve talked to the Faculty Senate. I’ve been to Deans Council. I’ve talked either in groups or by telephone to many local business, government and educational leaders in the area about the impact of the cuts to make sure they understood what we are going through. Obviously, I’ve been in communication with many state representatives and government leaders and state senators and especially our local people. I’ve talked to the alumni leadership to keep them apprised of where we stand, you know the graduates of this institution. I’ve talked to the media as time would permit to try to make sure the media had everything they needed in terms of basic information to take their positions and write their stories and get the word out. In all of this and it’s been very, very compressed and intense over the past few days and weeks, I’ve had the counsel and support and involvement of our Board of
Trustees. I just want to say that I am overwhelmed by the response from the community. I think people get it and they have acted according to their inclinations and they’ve done it in a way that makes me feel very, very proud. We don’t know what the impact will be but I know what the impact will be if we don’t do it. Also, I think it does rally us in a cause that is as fundamental as any I can think of. Now, another thing I want to mention is that we did put up a website; that is not a fancy website, but if you go to www.niu.edu.statebudget or if you go to our website and you just click on the clipart, state budget crisis, you get to several pages that have an incredible amount of basic information. This university does not take political positions on things. We provide information and people can make their own judgments about things and in that state budget crisis memo there is some background – every statement I’ve made about it. We have some material on the ramifications to NIU. If someone asks you, you can go to it and choose those which make the most sense to you. We have a digest of news articles that have appeared on the budget that are relative to it and higher education, and then I have something called “campus response” that I hope everybody will look at because in there we have put the work of the various groups that I mentioned. On their own they’ve gone off and done some of these wonderful things. There is, for instance, a letter to the editor from the student-body president, Kevin Miller, who is right here and who obviously did extremely well in composition and rhetoric. It was just well written. We have a Student Senate resolution that is extremely well crafted and I appreciate that. There were student leaders’ all-campus mail-out to students that carried the message forward, and there was a letter to all student organizations and presidents and I do know that because I’ve been getting telephone calls and e-mails from students who have said “what can I do” and I direct them to the website and they’re making telephone calls if they choose to do that. They’re talking to their parents and I think that’s all very good. Also, faculty and staff, the University Council, the University Advisory Committee under the leadership of, I guess, Dan – wouldn’t that be under your leadership or is that leaderless?

D. Griffiths: I was the first one to write the letter and then everyone else copied it.

President Peters: Under your tutorage a letter has been produced, and there are alumni writing letters and there is the Board of Trustees so, all in all at this point, we need to – I need to continue to carry the message. These are critical times because this week the Senate is in adjournment but the House is working on various things. Originally, the General Assembly was to adjourn May 17 and at some point, and next week is a critical week, the lawmakers will have to come together and put a budget and a solution together and it will happen very, very quickly. I will be in Springfield most of next week. After that, what happens is things sort of go behind closed doors. But next week is a critical week. We have NIU Law Day in Springfield on the 8th and I know NIU alums are going to be involved in making contacts but, make no mistake about it, our public officials right now are grappling with one of the most serious problems they’ve faced in many a year in terms of the budget and they have critical choices to make and there are no good choices. All we can do, all I can do, is make the case for higher education. Then they have to decide what is in the best interest of the people of this state and then we stand ready to do what we need to do. That is sort of all the news from Lake Woebegone this week and I do want to tell you how impressed I am with this community and their understanding of complex issues. You know, when it gets serious, they understand the complex issues and so I’m pleased to report that.
A couple of other things I want to do because we have a full agenda and, of course, there’s a celebration tonight at the residence that none of you want to miss. If you remember, at my request, Vice Presidents Ivan Legg, Eddie Williams and Anne Kaplan reviewed student concerns related to the University’s use of Social Security numbers and they discussed these concerns with our Director of Registration and Records, Mr. Larson, and our Associate Vice President for Information Services, Wally Czerniak, and an interim solution has been proposed and that solution was reviewed by the Deans a few weeks ago. This is sort of an interim kind of “what can we do right now” solution. It involves substituting students’ “Z” ID’s for Social Security numbers on paper class lists, grade rolls and on-line class lists and that should reduce the Social Security number exposure, by about 1200 people. Now we have to move on to the ultimate solution which is the expensive one. Most of that is internal to link things but, anyway, Kevin we’ve responded as best we can. We think that will be ready for the fall. We appreciate what you’ve done and continue to work on the problem and thank you for bringing it to our attention.

The other thing I promised to do, and I can’t remember who asked me to do this, but I have been to the Davis Hall Observatory. R.J – I’ve been there even though heights are not my favorite thing. Dr. Kaplan accompanied me. She’s been on campus for 28 years and how many times have you been to the Davis Observatory? Once, with me. I’ve been there, I’ve seen it, and it’s a treasure. Several people got together and there’s a beautiful new telescope up there. I can’t imagine being up there on a February day waiting for the eclipse when it was –25 up there, but it needs some sprucing up. It needs to be made functional and I think it’s a very good target for private fundraising and we’re going to be looking at it. I’ve asked the people in charge to give me a list of what they think they can do with it and so forth. It obviously is quite an attraction for school children and community people. Some classes use it and very little research. We really don’t do a lot of research up there but I did go up there and I’m gonna get ya for this.

All right, that’s my report and we can take comments at the end.

V. CONSENT AGENDA

A. Bylaws 17.41 – Expansion of representation for university staff and students on campus support service search committees – see memo from Mike Gotthardt – walk-in – refer to Rules and Governance Committee

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

The Consent Agenda was approved as amended.

VI. REPORTS FROM COUNCILS, BOARDS, AND STANDING COMMITTEES

President Peters: All right let’s move rapidly through Reports from Councils, Board and Standing Committees. We have the Faculty Advisory Committee report to the IBHE – Pat Henry, with the walk in addendum.

A. FAC to IBHE – Patricia Henry – report – walk-in
P. Henry: Yes, just to sort of follow-up on what President Peters was saying about the budget, the FAC met with Keith Saunders, the retiring Executive Director of the IBHE, who said that the IBHE in response to the budget crisis is trying to advocate for non-rich people who need higher education and that there are, indeed, lots of dramatics going on in terms of what budget is going to actually end up being. It seems like one source of revenue that people keep bringing up is the “sin tax” – as a language teacher I sometimes get confused with that as “syntax” -- depending heavily on smokers and gamblers as a source of revenue, but completely wiping out the MAP grants for students in private schools, which was mentioned earlier, does not seem to be something that is actually going to happen. The meeting was held at Eastern Illinois University. The Technology Committee had an extensive report dealing with the digital divide, academic freedom and privacy issues, tech support, problems of access, and problems of plagiarism made easier by the Internet. Maribeth Montgomery Kasik, who is the chair of that committee also advised us of several websites, including one by the National Telecommunications and Information Administration, that I have listed. They have concerns with academic freedom and privacy issues. There’s a lot of information on another couple of websites there and the ACLU website is also listed. In addition, there was a presentation by Katie Cox who is a student at EIU and a member of the SAC, the Student Advisory Committee, who discussed their role; and it’s basically parallel to that of the FAC in that it oversees the working of the IBHE and tries to present student perspective on various issues. Katie Cox is actually going to be the student voting member of the IBHE next year and she’s been active on the SAC up until now. NIU has a member, a representative on the SAC, Kevin Kelly, and actually the FAC is interested in working more closely with the SAC in matters that we have in common.

Finally, the business meeting – the Personnel Committee continues to work on a position statement concerning this report on “All Faculty Matter, the Study of Non-Tenure Track Faculty”. We have concerns about the methodology and the conclusion but have not as yet developed a position paper. The most pressing issue that I think we need to keep in mind over the next year is that there are recommendations in this report (and you can see the whole report on line via the IBHE website) and at the end of that report there’s a list of recommendations and the IBHE will be asking public universities and colleges to establish plans that identify short-term and long-term goals, objectives and strategies, and ultimately transmit these plans to the Board by December 31. The FAC urges, and I hope to facilitate it, that institutions involve faculty as directly as possible in developing these goals, objectives and strategies. This is, again, with regard to the non-tenure track faculty and part-time faculty issue.

The Budget Committee emphasized that the next ten days constitute a period of public comment concerning the state budget and various plans for cutting funds for higher education so a good time to be pro-active is right now. The FAC approved provisionally a policy drafted by the Technology Committee concerning the monitoring of electronic communications. Specifically, the FAC rejects routine – that is without cause – monitoring of faculty electronic communications on the grounds that it violates academic freedom.

The Quality Committee drafted a position paper which is attached to this – this is the third page of the walk-in – concerning the IBHE’s proposal to improve readiness for college of students while in high school. We basically endorse it. It was felt that a lot of the problems that students
have in college will be addressed by this and that high school is the best place, the most
economic place, to provide some of the kinds of education enhancements that are necessary for
students when they’re going to college.

Finally, there were resolutions honoring Keith Saunders, the retiring Executive Director and
Phillip Rock who is retiring Chair of the IBHE. We’ll meet next on May 31 at McKendree
college in Lebanon.

**President Peters:** Okay. Are there any questions for Professor Henry?

**D. Wagner:** Yeah. David Wagner, History. The business meeting says that the IBHE will ask
for public colleges to consider the questions of non-tenure-track faculty and wants a report by
December 31, 2002. That means if this university waits until the meeting of the University
Council in the fall, the committee won’t be established until about November, I suppose, and it
seems to me rather difficult to have a report by December 31, 2002. I’m just asking, is there any
way to begin work on this at this time?

**P. Henry:** I don’t think that’s necessarily a question I would answer.

**S. Willis:** I think that during the summer we can use the Steering Committee, for example, and
whoever is available to be working on that. I’ll certainly be around during the summer.

**D. Wagner:** I didn’t understand your last remark.

**S. Willis:** I would be around during the summer; I could spearhead such an effort.

**D. Wagner:** Does that require a formal suggestion or – I mean I’d like to recognize that the
Board is doing this and that we back it and recommend that action be taken over the summer.

**S. Willis:** Certainly a motion wouldn’t hurt.

**D. Wagner:** I so move then.

**President Peters:** There’s a motion that the required response to the IBHE call for comment
and plans on the recommendations of the part-time faculty report be referred this summer to the
Steering Committee for action. Is that close enough? Is there a second? Anyone want to debate
that? All those in favor say aye. Opposed? So we will refer that to the Steering committee.

**S. Willis:** I’ll be calling you.

The motion was passed.

**President Peters:** Okay, any other questions for Pat?

**K. Miller:** Thank you for the report. I do just want to say quickly for the record I think it’s
great that the Faculty Advisory Committee and the Student Advisory Committee want to try to
work together, as I am a former rep from NIU. Also, just as a point of clarification, not to be nitpicky or critical, just to perhaps help with communication in the future, our rep is actually Kevin O’Kelly.

P. Henry: Well, you know, I looked for Kevin O’Kelly.

K. Miller: He’s right here actually; right next to me.

P. Henry: Hello Kevin, glad to meet you and I couldn’t find you in the phone book so I thought I had miscopied the notes but I’m glad to have that correction.

President Peters: Kevin O’Kelly lives. He is here. All right, good. Any other questions for Pat? All right. There are no reports from the Board of Trustees Academic Affairs, Finance, Facilities, Legislative and Audit Committees or the BOT because they haven’t met. Those are scheduled – I think the BOT meeting is scheduled for June 20 – and the Board committee meetings will be a couple of weeks before that. There’s no report from the Academic Policy Committee but we do have a report from Gary Coover from the Resources, Space and Budgets Committee.

B. BOT Academic Affairs, Student Affairs and Personnel Committee – Dorothy Jones and Dan Griffiths – No report

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

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

E. BOT – Sue Willis – No report

F. Academic Policy Committee – Mary Larson, Chair – No report

G. Resources, Space and Budgets Committee – Gary Coover, Chair – report (Page 24)

G. Coover: I’ll be very brief. If you turn to page 24, what I’ve provided is just a summary of the meetings that we’ve had in the last year and also a list of the committee membership. On behalf of the committee I want to thank several individuals, who have given a lot of their time and concern for the committee: Executive Secretary Sue Willis attended almost all of the meetings, and Provost Legg over half of the meetings and that facilitated our discussions a great deal. Also, I want to thank the committee members for all the time that they put in this past year. Thank you.

President Peters: On behalf of the University Council, Professor Coover, we want to thank you for your leadership on that committee. Good job. Questions? All right, now Susan, Rules and Governance Committee.
H. Rules and Governance Committee – Susan Mini, Chair

S. Mini: First off I’d like to recognize my committee which has just been astounding in their actions. It’s been an honor to serve with them this year. I’m actually losing six members of that committee. I’d like to thank Ferald Bryan, Ron Carter, Dolly Jones, Jim King, Michael Martin, Kevin Miller, Wilma Miranda, Malcolm Morris, LeRoy Pernell, Rick Ridnour, Arthur Young and Jerry Zar who will be leaving many committees this summer. Thank you all of you.

1. University Bylaws 13.65 Honors Committee (Pages 25-26) ACTION ITEM

S. Mini: I’d like to move on first to a change in the Honors Committee and if you’re looking at page 25 it explains Professor Wheeler’s logic in asking for these changes to the Honors Committee. Essentially part of the problem is getting enough people to want to serve as student representatives so if you look on page 26, you’ll see where we’re suggesting as a change, as an amendment to the University Bylaws, 13.651, Section B, and we’re taking out language and adding language. I move that we adopt this.

President Peters: All right, we have a motion to change the Bylaws with regard to the Honors Committee student representation. This is an action item. Is there a second? Any discussion? Yes, Pat?

P. Henry: I understand the rationale of this change but I worry somewhat that if there’s this sort of continuing thing where students who are already on the committee are the ones who name the next committee members that it sort of cuts down new input; and, I wonder, did the committee consider any different ways that new points of view could be brought in that would involve more of the student body of the Honors Program.

S. Mini: My committee didn’t consider it and unfortunately Professor Wheeler doesn’t seem to be here today.

President Peters: All right.

M. Martin: There is within the Honors Program a new group forming. It was called the Honors Club for a while, some of you guys may be on it, and now it’s called With Honors. It’s more of a student group so there could be a way to filter comments in through that process.

President Peters: All right, Kevin Miller?

K. Miller: If I could just say that until two days ago I was the president of that organization; however, I stepped down because of the SA thing. I did think of that. My only concern with running some sort of nomination process through the organization – since it is a SA organization – is that down the road the organization either could fail to exist any longer. I don’t think it will, but there’s always that possibility. I thought of that as possibly a very good alternative to have the committee reps go through that organization somehow or be appointed, but that was my only concern with the issue. I don’t know if that outweighs potential benefits.
President Peters: I take it Professor Wheeler isn’t here and I don’t know if anyone from the Honors Program is here. When we discussed this on first reading the issue here is getting people to serve and this was an attempt to get at that. As I understand the debate that’s going on, there’s a feeling that maybe this would create a situation of a self-fulfilling prophecy and a regeneration of the same individuals and so I think those are the issues that are before us. Any other comments? Dean Zar?

J. Zar: The Bylaws line which is on page 26, in the very, very last sentence “Associate Provost” should be changed to “Vice Provost”. Simply a title change.

President Peters: So Susan, will you accept that as an editorial change?

S. Mini: I certainly will.

President Peters: All right. Any other discussion before we vote? Yes?

L. Jennings: In paragraph B where it says “will be approved by the full committee,” does that imply that there has to be a quorum present to do that? What if the full committee isn’t there? Are there any issues about that or is that all right?

M. Martin: Getting a quorum for the last meeting has never been really a problem. The faculty representatives to that committee for the most part always show up, so we usually pretty much have a full house. So I don’t anticipate that would be a tremendous problem.

W. Goldenberg: I think it’s meant to differentiate between whether just the students will chose the students or whether the full faculty plus student committee will chose the students, so that’s why the language is there. If you want to clarify it, I’m sure it would be acceptable.

President Peters: Is that all right? You understand that?

S. Mini: Yeah, that’s fine.

President Peters: Any other comments or questions? Yeah, Lettie?

L. McSpadden: I guess looking at the wording a question occurs to me: “student members who wish to remain on the committee will be approved by the full committee” sounds as if it will be automatically approved because they want to stay there, whereas I presume that the meaning is that they will be confirmed by or somehow. I realize the problem is finding students to serve but it sounds as if it’s a rubber stamp.

President Peters: Does anyone who’s on this committee have any explanation? I would like to think that what it says is if they want to serve again, they can put their name back in and be approved by the full committee versus oh, yeah, automatically they are appointed. I would like to think that but I didn’t write this.

D. Wagner: I just think it’s poorly written and undemocratic and I’m going to vote against it.
President Peters: All right. Are we ready to vote? All those in favor of this change say aye. Opposed? The ayes have it? Show of hands. All right, all those in favor raise your hands. All right, how many?

S. Willis: She says eighteen.

President Peters: Eighteen. All those opposed. Nineteen. The motion fails. What? We need two-third anyway so the motion fails.

The motion failed.

President Peters: All right Susan, next item.

2. University Bylaws 12.23 and 12.642 regarding the start dates of the Executive Committee and Faculty Senate. (Page 27) ACTION ITEM

S. Mini: This is page 27. Our next item has to do with the continuity of start dates for the Faculty Senate and the Executive Committee. The Faculty Senate Bylaws have already been altered to reflect a July 1 start date, and for continuity we would like to also alter ours. So if you look at 12.23 you’ll see a start date of July 1. We’re also adding a statement, if you’ll look at 12.642, “The Executive Committee appointed during the previous academic year shall serve in this capacity until a new Executive Committee is approved”. I would like to move that we accept this.

President Peters: All right, so we have a motion and a second to change our Bylaws with regard to the start date. Are there any comments or questions? All right – going once, twice – all those in favor say aye. Opposed? Abstained. It passes. Susan?

The motion passed.

3. University Bylaws 1.8, Additional Ex Officio Members of University Council (Page 28) ACTION ITEM

S. Mini: All right. Our next item is on page 28 and this is an addition to University Bylaw 1.8. I’ll just read it “If not otherwise members of the University Council, the Vice-President and Secretary of the Faculty Senate shall sit as ex-officio, nonvoting members of the University Council during their terms of office”. This is so they can be an alternate to the Executive Secretary and if you look at the next issue, right next to it, which should be a walk-in, you’ll see changes to Bylaw 3.63 and that’s the reason we’re asking for the change to 1.8.

President Peters: All right, so does everyone understand that changing 1.8 and adding ex-officio members makes it possible for the succession language to be adopted in 3.63.

S. Mini: That’s correct.
President Peters: We’re going to vote for them separately. All right? That’s a motion?

S. Mini: Yes, I moved it.

President Peters: All right, it’s moved and seconded. Discussion?

S. Willis: I’d just like to comment on that. If you recall, the motivation for this is that the Faculty Senate already has what we might call a line of succession established which is the Vice-President and then the Secretary of the Faculty Senate, and there’s considerable sentiment to have the same for the University Council, since the Executive Secretary of the University Council is the President of the Faculty Senate. If the Executive Secretary is unable to serve, then the same person would take over both functions and that’s the purpose of this. Personally, I think it makes a lot of sense.

President Peters: Yes, one who has experienced it. All right, discussion? All those in favor of change in 1.8 say aye.

S. Mini: Is it too late to have a friendly amendment? We wanted to add a word in here.

J. Zar: It depends on the word.

S. Mini: The word is “the”. It’s an article.

President Peters: Who’s asking for this friendly amendment? Dean Zar is? Well, let’s hear what it is, Dean Zar.

J. Zar: I was going to suggest that prior to the words “Faculty Senate” we insert “the”.

President Peters: All right. Will you accept that as a friendly amendment?

S. Mini: I certainly would.

J. Zar: That will be my legacy.

President Peters: No martinis for you tonight, I can see that. All right. Now with the editorial change, all those in favor say aye. Opposed? Abstained? All right, so now we have the ex-officio member.

The motion passed.

4. Article 3.63 and Constitution Article 3.23 regarding an alternate for the Executive Secretary. (Pages 29-30) ACTION ITEM

S. Mini: Now we move to the walk-in, which is the amendment to Article 3.63. I’ve already had a friendly amendment on this. Take out your pen and in the sentence that starts as “The Vice President,” if you cross out “to be acting Executive Secretary”. This is the walk-in. It’s
“changes to proposed amendment to Bylaw 3.63.” Dean Zar says it’s line 7, so it starts “succession to be acting Executive Secretary”; please cross out “to be acting Executive Secretary”. As President Willis pointed out, we’re asking this so we could have continuity with the Faculty Senate as far as having an alternate to the Executive Secretary.

**President Peters:** So the editing after “succession” is to strike the “to be acting Executive Secretary”?

**S. Mini:** Correct.

**President Peters:** All right, so did everyone get that? That comes from the committee.

**S. Mini:** Yes.

**President Peters:** All right? So now what we are debating is the walk-in 3.63 change as amended?

**S. Mini:** That’s correct.

**President Peters:** Okay.

**S. Mini:** According to Ferald I have to make a motion, so I make a motion that we accept this.

**President Peters:** There’s a motion and a second that we accept the changes in 3.63. Any discussion? All those in favor of this change say aye. Opposed? Abstained? This is a good solution, a very good solution.

The motion passes.

**S. Mini:** All right, now we’re withdrawing – with the consultation of my committee – we’re withdrawing the proposal to the change of the Constitution. We’re withdrawing what you see on page 30. The committee decided that it’s not necessary.

**President Peters:** All right, for the record, they’re withdrawing the proposed amendment to Article 3, it’s superfluous.

**S. Mini:** That’s correct.

**President Peters:** Does everybody understand that?

5. University Bylaws Article 9, [Faculty Personnel Advisor](Pages 31-32) ACTION ITEM

*Proposed Amendment #5, addition of article 9.26*
S. Mini: Now I’d like to move on to the moment we’ve all been waiting for, which are the changes to Article 9, Faculty Personnel Advisor. My committee has broken this down into no fewer than seven changes. I’d like to start with the easiest one first; this is what I tell my students, the easiest first. So I would like you all to look at page 32 and the one I’d like to start with is called “Proposed Amendment #5, addition of article 9.26” and these are the files that are generated by the Faculty Personnel Advisor and how we would like them stored and how long we would like them kept. I believe this issue has come up for almost two years running. The Faculty Senate was looking at this for quite a long time and consulted with other universities and this is in keeping with how they feel it should be handled.

President Peters: All right, does everyone understand what we’re doing? The committee chair is dividing the issues and then we’ll choose which order to go through them. Does everyone understand what we’re doing?

S. Mini: Wait a minute. I have a friendly amendment. We would like to delete in this proposal, where it says “Alternate Faculty Personnel Advisor”. The reasons for that is because we’re going to ask to withdraw the amendment right above it. The Steering Committee has asked that this be sent back to Rules and Governance. So, since we’re not voting on an alternate to the Faculty Personnel Advisor today, we would like to take it out of the proposal that we are voting on.

President Peters: All right, so you are editing your Amendment #5 and you’re striking “Alternate Faculty Personnel Advisor”?

S. Mini: “Alternate Faculty Personnel Advisor.” Or the “Alternate Personnel Advisor, if necessary.” Thank you David.

President Peters: All right, so does everybody understand what we’re doing? On line three of the proposed changes to 9.26, we’re striking, after Personnel Advisor, we’re striking the comma and then the phrase “or the Alternate Faculty Personnel Advisor, if necessary,”

S. Mini: That’s correct.

President Peters: The reason is they’re going to send back that proposal for more work. All right. Do we need a motion?

S. Mini: Yes, I have to move that.

President Peters: It’s moved. Do I hear a second? Discussion?

L. Jennings: In that paragraph where it says only the Personnel Advisor will have access to them, does that apply to the secretarial staff that’s mentioned on the previous page? Is it assumed that they also have access?

S. Mini: They do not. That’s my understanding.
President Peters: So we’re literally interpreting this; what it says, that’s what it means. All right.

W. Baker: Clarification. If 9.25 is going back to the committee for discussion, then could you clarify why we have to make a decision on 9.26 because if, after discussion in your committee, you decide there is a need for an Alternate Faculty Personnel Advisor, then a decision will have to be made again on 9.26?

S. Mini: I completely agree. However, it’s taken us three or four meetings now to get a quorum to vote on this at all, so I would suggest that we take this as is and vote on it and if it has to go back, it will go back next year; then we will again try to come forward with it.

S. Willis: If I could comment on that. Also, the problem of files belonging to the Faculty Personnel Advisor is an active problem. He needs to know what to do with his files, so that’s something that would have immediate ramifications so if we decide to have an Alternate Faculty Personnel Advisor as well, I think to make that editorial change in an existing bylaw would be relatively minor. So I think that giving the Personnel Advisor some direction as to what to do with his files, is worth doing.

President Peters: Okay, all right. Dean Kitterle?

F. Kitterle: I think I agree with Bill. I think if we want to move ahead and the issue is to store files for the Faculty Personnel Advisor, who as of this moment, is a mediator between parties, then I think we strike the alternate; and if we need to put it in, we put it in at an appropriate time. It presupposes something that hasn’t happened.

President Peters: So you’re speaking in favor of the new 9.26 with the Alternate Faculty Advisor clause struck.

D. Wagner: I don’t know how this works, but if there were a previous Faculty Personnel Advisor, would he still have access to the files?

President Peters: No.

D. Wagner: No, all right.

President Peters: No, as I understand, Sue is correcting a previous lack of direction about files to any current and future Personnel Advisor.

S. Mini: Yes, that’s my understanding.

President Peters: All right, now more debate, more discussion? Yes?

W. Tolhurst: Just what is meant by files? If the Faculty Personnel Advisor generates work paper, takes notes and things like that, those don’t become part of the files unless the Faculty Personnel Advisor makes them part of the files?
M. Morris: I would think that would be accurate.

W. Tolhurst: So we distinguish between, I don’t know what you call it, work product or something like that and official papers that are part of the files?

M. Morris: Yeah. I have not looked at all the other files that have come to me because I didn’t think I had authority to so I haven’t. I can only tell you what are in my files and the files that I keep tend to be documents submitted to me by people who come to me; and if I have notes or correspondence I will include those in the file if I think it’s relevant. If I’m just doing scribblings, I may just destroy them.

W. Tolhurst: So it’s really up to the Personnel Advisor at the time what becomes part of the file and stays in the files.

M. Morris: And with consultation with the person.

W. Tolhurst: Exactly.

W. Baker: Surely we have to call the question, don’t we?

F. Kitterle: The question that Bill is raising is the same one that I raised and that was the striking of the Alternate Faculty Personnel Advisor, and whether 9.26 is a sort of sub-motion, before we get to voting on the main one on 9.26.

S. Mini: I believe it was a friendly amendment.

President Peters: It was a friendly amendment.

F. Kitterle: So it’s okay?

S. Willis: Yeah, it’s already in there.

President Peters: All right, so we are still trying to clarify what is a file and I think we’ve bushwhacked that. Other questions? All right. All those in favor of the friendly amended addition of 9.26, #5, please say aye. Opposed? Abstained? All right.

The motion passed.

Proposed Amendment #6, addition of article 9.27

S. Mini: All right. The next one I would like to address has to do with the Faculty Personnel Advisor submitting a summary each year of what he or she has done. So you’re looking at the one right below it. It’s the addition of Article 9.27, and we’re asking him or her to make an annual report. I believe they’ve been doing this for a while now and we are formalizing that, so I’d like to make that motion that we accept this amendment.
President Peters: All right, there’s a motion and a second to add a new 9.27 for annual report. Discussion? Dean Kitterle?

F. Kitterle: Sue, if you would like to ride a winning streak on friendly amendments, what you have are a number of people who are directly involved at a particular point in the review process of the Faculty Personnel Advisor and people who are in the process of personnel deliberation, and I would just like to suggest an amendment which is that the annual report of the Faculty Personnel Advisor also is made available to the Deans as well.

S. Mini: Does the committee have any comments on this? I’ve also had the suggestion of it going to the University Council Personnel Committee also.

President Peters: The Council of Deans and the Personnel Committee are added as targets of this report?

S. Mini: The Council of Deans. And the University Council Personnel Committee.

President Peters: All right, will you accept this as a friendly amendment?

S. Mini: Yes.

President Peters: It has been accepted. All right.

R. Miller: Should the FPA be any different from the Ombudsman report in where it is filed?

President Peters: I don’t have a comment on that. Maybe Anne Kaplan? Thanks for bailing me out. I really blanked on that one.

A. Kaplan: I don’t have a comment on that, exactly, but haven’t these reports recently or annually gone to the University Council and aren’t they then available to all of us? So is this an exclusive list? Are we not going to send them out to everybody? Are we just being real sure that they get to these people?

S. Willis: Certainly if they came to me, I would put them in as information items as I have done in the past.

A. Kaplan: So anybody who’s not on this list will still get it.

President Peters: Yes.

A. Kaplan: Okay.

President Peters: If they request it. Professor King?

A. Kaplan: Which is also the case with the Ombudsman’s report, right?
President Peters: Correct.

A. Kaplan: Okay.

J. King: So what you’re saying is that the Faculty Personnel Advisor’s report will go to the University Council and then as an attachment to our agendas, as an attachment to the minutes?

S. Willis: It would be an information item, similar to the other reports that we received.

J. King: Then it certainly does go to most of the UCPC and all the deans, right? Cool. You don’t need the amendment.

President Peters: All right? Any more questions?

D. Wagner: I don’t understand why you’re making it so complicated. Why not just make the report to the University Council, period. In fact, I’ll move that we amend in those terms.

President Peters: So if I understand, we have a motion that would say something like “the Faculty Personnel Advisor’s annual report shall be submitted to the committee for review of the FPA” – so, you just want it submitted to the Council. So it would say “the Faculty Personnel Advisor’s annual report shall be submitted to the University Council” and then the University Council can distribute it or do with it what it wants. Is that it? Would you accept that as a friendly amendment?

S. Mini: Okay, we’ll accept that as a friendly amendment. I’ve asked Carol DeMoranville to be here today because this actually came out of her committee in the Faculty Senate and she would like to make a comment.

C. DeMoranville: Carol DeMoranville of the Marketing Department. I’m from the Faculty Senate. As far as the friendly amendment, the only comment I would have is that the committee to review the Faculty Personnel Advisor I believe, is a Faculty Senate committee and they may not be members of the University Council. So I think that our committee in the Faculty Senate would definitely want that review committee to be included in the distribution list for that annual report. If it could read “the committee for review of the Faculty Personnel Advisor and the University Council”, I’d have no problem with that.

S. Mini: I have no problem with that.

J. King: How about it goes to the Faculty Senate and the University Council? Some people are nodding here, I don’t know.

President Peters: All right now, Susan, this is in your lap. What are you going to accept as a friendly amendment?

S. Mini: I’ll accept that it goes to the Faculty Senate and the University Council.
President Peters: All right. Now it reads as amended in a friendly way many times, “The Faculty Personnel Advisor’s annual report shall be submitted to the University Council and the Faculty Senate”. All right, it’s been accepted. More discussion? Are we ready? Dean Zar?

J. Zar: For next year, somebody should make a note in 9.27, the second line, “activities of the Advisor” if there turns out to be an Alternate Advisor, his or her activities should also be in that report, I would think. Somebody might want to make a note of that.

S. Mini: I will.

President Peters: Good point. All right, now, all those in favor of 9.27 as amended say aye. Opposed? Abstained? All right.

The motion passed.

Proposed Amendment #7, addition of article 9.28

S. Mini: I don’t think there are any more easy ones. I believe the next one we’re going to choose here with crossed fingers is the one right below it, the addition of Article 9.28 and this is the “The Faculty Personnel Advisor can not be precluded from any hearing, meeting, or discussion if his or her presence is requested by the grievant or the party being assisted.” Before I move, is there a friendly amendment?

President Peters: It’s moved?

S. Mini: Moved please.

President Peters: Second? All right, discussion now. Yes?

P. Henry: Patricia Henry, Foreign Languages. My only problem with this is that to some extent, it seems tied up with the proposed amendment #2, not the first one but #2, where the word “advocate” is brought in and it’s hard for me to separate those two inasmuch as once we get into the business of the Faculty Personnel Advisor as an advocate, it seems to me, that’s where the question of being precluded from any hearing or meeting or discussion becomes a matter of concern.

President Peters: All right, Malcolm?

M. Morris: Pat, I have to disagree. The concept of advocacy, I think, is one of what does the Personnel Advisor actually do when he or she is at the meeting or not at the meeting? The purpose of this, I think, and I wholeheartedly support this, is that many people who come to this office are afraid to meet with supervisors or department chairs because they feel they will be cowed or not, you know – they don’t want to be alone and I think it’s very important that the advisor be there. This does not mean that the advisor is now being given active duties; it just
means the advisor is there. The active duties will come from some other section. That’s how I interpret this.

**President Peters:** All right. Let me see, let’s take Dean Zar and then Pat we’ll get back to you.

**J. Zar:** I will agree with both Professor Henry and Professor Morris but I think the problem is the word “discussion”. That implies that this person can speak whenever he or she wants to and that would be contrary to the current rules for the University Council Personnel Committee and the current bylaws on the Grievance Hearing Committee. If you just remove the word “discussion” and say this person can be at any meeting or hearing, I think that would alleviate that problem.

**President Peters:** All right, so is that a friendly amendment?

**J. Zar:** I didn’t move it.

**S. Mini:** Pat, would that do it for you?

**P. Henry:** Yeah, I think that would. I actually support the amendment as well in that I think that it’s a very good thing for the Personnel Advisor to be at these meetings but I just worry that there may be some unforeseen consequences if the matter of advocacy comes up.

**S. Mini:** So if we amend it to read “from any hearing or meeting if his or her presence is requested” that would be fine.

**President Peters:** All right, so it reads now “precluded from any hearing or meeting” ---

**S. Mini:** If his or her presence is requested.

**President Peters:** Right. Dean Kitterle?

**F. Kitterle:** I agree with Jerry about the fact that this still, even without discussion, is, in fact, an advocacy role. Perhaps, dressed a little differently, but the fact of the wording is that this opens the door – this is not just discussions with the supervisor. Let me give you a couple of examples. I feel that there are people out to get me in the department; therefore, I want the Faculty Personnel Advisor to be present at personnel discussions. Do we change the bylaws of College Council. I mean, what discussions is one present at? With the appellant or without the appellant?

**M. Morris:** Fred, it was my understanding when we preceded on this that it would be that the Personnel Advisor could accompany the individual. It was not intended to shoehorn the Personnel Advisor into every meeting, hearing or discussion. The goal was that if the individual was going to meet with his or her supervisor, that the Personnel Advisor could be there. Again, not saying they had any active duties, he could just be a passive observer, but he could be there. That is my understanding. That it is not giving the Personnel Advisor all of a sudden new rights to attend meetings that the individual, grievant or person he's assisting couldn’t attend.
F. Kitterle: But the way it’s stated here, Malcolm, it doesn’t say that they are in concert does it? It says “can not be precluded from any hearing, meeting, or discussion if his or her presence is requested by the grievant or the party being assisted”. The way it’s written – it’s ambiguous.

M. Morris: I agree with you, the wording is ambiguous. It could be stated more clearly but I think the legislative history, at least in the record now, is quite clear that it’s designed only to be that the Personnel Advisor accompany and if you wanted to change it from “not be precluded from any hearing” to “accompany the grievant or party being assisted”, I have no problem with that.

S. Mini: “The Faculty Personnel Advisor can not be precluded from any hearing or meeting”, excuse me, “can not be precluded from accompanying”…

F. Kitterle: Yeah, it should be “The Faculty Personnel Advisor can not be precluded from accompanying the grievant to any hearing, meeting or discussion if his or her presence is requested by the grievant or the party being assisted”.

President Peters: And did you want to leave “discussion” in there?

F. Kitterle: No, “discussion” is out.

President Peters: All right. Did you get that Susan? You’ll have to read it back to us.

S. Mini: “The Faculty Personnel Advisor can not be precluded from accompanying the grievant or party being assisted to any hearing or meeting if his or her presence is requested by the grievant or the party being assisted.”

D. Wagner: With the approval of Dean Zar, I’d like to suggest that it be simplified just to say “The Faculty Personnel Advisor may accompany the grievant to any hearing or meeting at his request”. Get rid of that “can not be precluded from, etc.”

President Peters: Okay, now – friendly amendments have their place but at some point we can’t do important business. So, where are we right now, Susan?

S. Mini: Where are we David?

D. Wagner: I would say “shall accompany if requested”.

President Peters: Read it again, Susan, what you have now. What’s your understanding of what you have accepted as we of now?

S. Mini: Well, I’m still worried about what Dave has here.

D. Wagner: I just ---
President Peters: Let’s not have private discussions. Let’s have ---

D. Wagner: The question we’re debating here is, what if the advisor does not want to attend that meeting?

President Peters: That’s what the may is all about. Unless you change it to shall.

S. Mini: Okay, I lost track of what the friendly amendment was.

President Peters: All right, go ahead.

S. Mini: “The Faculty Personnel Advisor can not be precluded from attending any hearing or meeting if his or her presence is requested by the grievant or the party being assisted”. Is that what you have Dave? Okay. “Accompanying”, we’re back to “accompanying”. Sorry.

President Peters: When you get “accompanying”, then read it all over again so everybody can hear.

S. Mini: Okay. “The Faculty Personnel Advisor can not be precluded from accompanying the grievant or party being assisted from any hearing or meeting if his or her presence is requested by the grievant or the party being assisted.”

President Peters: All right. Now more comments or questions.

J. Kowalski: Well, I like the way that’s worded. I like the “precluded”.

President Peters: Okay, all right. Go ahead.

J. Wolfskill: I have question that I’d like to ask for clarification. Is it correct with this proposed amendment as written that the Faculty Personnel Advisor may choose to decline to attend a meeting based on his or her best professional judgment?

President Peters: Yes, yes. Right. All right.

S. Speer: Is it correct that if this was a grade appeal meeting the faculty member could be accompanied?

M. Morris: I can’t answer that because I’m not sure what the rules and regulations are for grade appeals, so it would be an unusual situation it would seem to me where a faculty member would have a grievance with respect to the student’s appeal. It may be – there may be a gripe with the Board’s determination.

President Peters: Then you’re in a grievance procedure.

M. Morris: So, I would not see it – speaking for myself in this role, I could not envision myself attending a grade appeal procedure brought by a student against a faculty member, although if
there were charges of illegal action, that may be something, it’s not just a arbitrary grading, there are other charges that will be resolved at that meeting; that could be different.

**S. Speer:** I’m just trying to understand the implications of the way it’s written.

**W. Tolhurst:** As I understand it, this would permit the Faculty Personnel Advisor to attend any meeting that the grievant or person being assisted could attend, if he wished. So, it does not preclude that and we have to trust to the good judgment of our Faculty Personnel Advisor. Judgment which is being demonstrated by our current Faculty Personnel Advisor. With regard to the question, it looks as though, given the way the language is being written, if, in the opinion of the current Faculty Personnel Advisor, that attendance was appropriate, it could not be prevented.

**President Peters:** Dean Kitterle?

**F. Kitterle:** I want to understand the wording here. In a situation in which a chair may wish to talk to a faculty member about an issue and believes that progress could be made in understanding, for example, merit evaluation by the department, by the elected faculty on a personnel committee transmitted through the chair, on any issue like this, do I understand that if the faculty member says, and the chair says “in my wisdom for the harmony of the department on the basis of the senior faculty making this evaluation, I really would like to meet with you first and talk about this”, that if a faculty member says “I want the Personnel Advisor there”, then that’s it?

**President Peters:** Yeah.

**S. Mini:** If the Faculty Personnel Advisor agrees.

**President Peters:** Yeah, that’s what it says. Yeah, Bev?

**B. Espe:** Bev Espe from the Supportive Professional Staff Council. Is my recollection correct that part of the impetus for this amendment is related to whether the Faculty Personnel Advisor is an attorney and how the language was written in the grievance procedures?

**M. Morris:** I think that was part of the impetus, but I think when the committee got it, it went beyond that.

**B. Espe:** Okay, all right, so we’re talking over and above that at this point?

**M. Morris:** I think so.

**S. Mini:** Yes.

**B. Espe:** Okay.
M. Morris: If I could just respond to Fred’s concern. I would think if it was really thought by the department chair to be in the best interest that the meeting be private, that would be conveyed to the Faculty Personnel Advisor who would then exercise his or her best judgment to say, “I will bypass this meeting and attend the next one if the first one didn’t work.” I think that’s a judgment that could very well be made.

F. Kitterle: If, in fact, the Personnel Advisor saw that role as a mediating role. But if the Personnel Advisor decided to expand that unofficially into an advocacy role, then we’re in a very different situation and this is a door to that very different situation.

M. Morris: I’m not sure if this opens a door which isn’t already open.

President Peters: Dr. Williams:

E. Williams: I’m very concerned with this item because it really is far-reaching and it opens up all of the meetings and personnel discussions that could occur; and what is troubling is what is identified as proposed in amendment #1, which seems to make the Faculty Personnel Advisor a resource to the entire campus and this then extends to Civil Service employees. It extends to supportive professional staff and then I don’t understand how it can be an advocate or provide services to a personnel body. Does that mean that it can be supporting both the grievant and the person or committee that’s bringing forth the decision?

S. Mini: No.

M. Morris: I can respond to that, Eddie. The Personnel Advisor does not work with Civil Service. It’s strictly faculty which would include rank and non-rank faculty which would be SPS people. The current version of the rules haven’t been changed with respect to who has access to the Personnel Advisor and so those personnel bodies currently do have access to the Personnel Advisor’s office and have availed themselves of that opportunity because I’ve had calls from them. We have discussed in the committee and in another Faculty Senate special committee what happens if a chair calls first about a faculty member. The position I’ve taken is I will gladly talk to a chair and when it’s clear that there’s a faculty member involved, I say whoa. Now, that person may be coming to me so don’t disclose anything. Yeah, there’s a line to walk there and I have interpreted my role as being primarily for the faculty member.

S. Mini: But the motion on the floor is about whether the Faculty Personnel Advisor could attend a meeting. I don’t mean to cut you off regarding these important issues. I think we’re going to get to them.

E. Williams: But the point here is if, in fact, we allow this item which provides for participation in meetings and so forth, that then has implications to the other areas such as supportive professional staff and administrators the way this is shaping up. Now if you want to take the amendments in the order in which they appear, one, two, three, four, then I think that would make my discussion out of order. But, in fact, with this other item still pending which could, in fact, make this all-inclusive, I think it’s very important to consider the effects of this particular provision on personnel matters and procedures outside of faculty.
President Peters: So the point, Dr. Williams, is that if amendment 1 passes, then the sweep and the breadth of this is much greater than if #1 were something else.

S. Willis: Can I just point out the only change proposed in #1 is the addition of the word “may”. The rest of it is the existing language. This is not an expansion.

E. Williams: But you’re adding this new provision which is what we’re discussing now, and everything that is under amendment 1, and the only thing you’re changing is the “may”; all of that now becomes pursuant to this new provision that you’re adding. So, in fact, it does broaden the whole scope.

President Peters: All right. I think Ivan Legg would like to say something.

I. Legg: Another question using the example of a chair and a faculty member. Could the chair bring an advisor in the conversation?

F. Kitterle: Yeah, why not?

M. Morris: Why not?

I. Legg: I mean, there’s nothing against it, right?

President Peters: Could the chair bring the Faculty Advisor in?

M. Morris: No. The chair could bring his own advisor.

President Peters: I just wanted to be sure of that. I thought that’s what you meant. Dean Kitterle?

F. Kitterle: I think that Eddie and Ivan both have raised important issues. Therefore, I’d like to move that this item be tabled until we deal with the first one on what exactly is the role of the Faculty Personnel Advisor.

President Peters: All right, there’s a motion to table and a second. That’s not debatable and so all those in favor of tabling say aye. Opposed? Let’s have a show of hands just to be sure. All those in favor hold your hands up. All right, you got a number?

D. Mathesius: I’ve got nineteen.

President Peters: All those opposed?

D. Mathesius: Eighteen.

President Peters: So it’s tabled.
The motion to table passed.

**President Peters:** All right, Susan?

*Proposed amendment #1, addition of language to first paragraph*

**S. Mini:** All right, here we are, #1. “The advisor’s role *may* include such activities as the following;” I see here I have a typo. Take the “s” off “includes” here. This is Amendment 1 to the currently existing Faculty Personnel Advisor.

**President Peters:** All right, so we have the motion and a second? All right, so the substance of this is we’ve added “may”.

**S. Mini:** Correct. We’ve gone from “the advisor’s role includes such activities as ---- to the advisor’s role *may* include such activities as the following”.

**President Peters:** All right, is there any discussion? Dean Zar?

**J. Zar:** I’d like to know the purpose of adding that word. If you say may, then it implies may not. Who decides and under what circumstances whether these duties will or will not executed? I don’t recall the reason.

**S. Mini:** Perhaps Carol could enlighten us?

**C. DeMoranville:** If I may just talk about the proposed amendment 1 and subsequently proposed amendment 2, because they did come out of my committee in the Faculty Senate. They were both passed unanimously by the Faculty Senate. Both had very strong support within the Faculty Senate. I’ll try to be brief because I have to leave in ten minutes because I have another obligation. The word “may” was added because we changed some wording which you are now seeing in amendment #2 and we felt that – the existing wording was to advise and assist faculty. We changed that to advise, assist, facilitate mediation, because we felt that was an important role of the Faculty Personnel Advisor, and also act as an advocate. I recognize that that word has perhaps has polarized this body to some extent. This word as it came out at our committee was used in the sense of a champion for the faculty. It has absolutely no reference to being an attorney or to providing legal advice but to just be on the side of the faculty person whether rank or no rank. In actuality, it is my understanding that the Faculty Personnel Advisor has done that in the past and has been a champion for whomever they have been advising and assisting, and I will say that the faculty felt very, very strongly about having that word in there. Not as a legal advisor and the fact that the current Faculty Personnel Advisor and the previous Faculty Personnel Advisor were attorneys is completely incidental. My guess is the next one probably won’t be. Unless, of course, Malcolm wants to do this and runs again and gets re-elected. The office of the Faculty Personnel Advisor, as we saw it, was one to prevent legal action. To take part in an informal process to assist faculty members, and sometimes that may be just advising them about what the procedures are. Sometimes it may be mediating between the two parties so they can come to an agreement without any legal proceedings, and other times it may be to be a champion for the faculty and that’s the wording, that we added there. We did not want to require
that Faculty Personnel Advisors have to mediate or have to advocate or have to assist the faculty person. We would want them to advise them that perhaps you have no case here. We don’t want to require Faculty Personnel Advisors to advance a case or an issue when they, in essence, feel there isn’t anything there that could be gained and that’s why the word “may” was added for the first amendment.

**President Peters:** All right. Let’s let Dean Zar speak because he asked the question about the “may”.

**J. Zar:** I’m not sure that that’s necessary, then, because proposal #2 has an “or” in it and you certainly want this person to give advice in every case even if the advice is you don’t have anything to go on. If you say “may” to any of these things, it means he doesn’t have to do any of them if he doesn’t want to and that’s weakening the Faculty Personnel Advisor’s role in assisting faculty it seems to me.

**President Peters:** All right. Yes?

**W. Tolhurst:** It seems to me then since the whole rationale for changing the first one is the presumption that the second one would be in place; it’s premature to vote on it before you vote on the second item.

**President Peters:** Well, we have a motion and a second. We have a motion on the floor. Go ahead.

**J. Kowalski:** Jeff Kowalski from the School of Art. Having a suspicion that this would be a good term in the debate, I went for the dictionary and brought a definition from one of the Webster’s dictionaries about “advocate” and in one sense it does refer to a person who pleads another’s cause, specifically a lawyer. The second definition is a person who speaks or writes in support of something or as a verb, to speak or write in support of. One possibility of sort of cutting this Gordian knot would be to substitute for the words “or advocate for,” to put after “facilitate mediation for” to “provide support for” or “to support faculty members who are experiencing difficulties with the personnel process”. It’s a possibility to consider.

**President Peters:** But it’s not a motion?

**J. Kowalski:** I’ll let people discuss it and then perhaps it could become a motion.

**President Peters:** Fred Kitterle.

**F. Kitterle:** I think when Malcolm spoke about the Faculty Personnel Advisor when we were considering the last amendment, he talked about faculty being nervous, afraid. However, he described it in regard to interacting with administration. I really respect the position of the Faculty Senate. Saying that, we really do need a champion for the faculty and I support that as Dean of the largest college at the university. But that’s also supported by the elected representatives of the College Council, who ensure that personnel processes are carried out. It is also the personnel committees elected by the faculty within the academic departments and
certainly in our college, seventeen academic departments and two other units, so that when I say I am proud to be the Dean as champion of the faculty, I’m proud that the elected representatives of the college are the people who stepped up to the plate and defined fairness by ensuring that each and every case got a full hearing. That each and every case was supported by adherence to university and college bylaws and I think that that is a true definition of a champion. It is those very people who have interacted with faculty personnel advisors in the past and have seen the nature of those interaction that spoke unambiguously and unanimously with one voice. The answer was that they were opposed to any change in the role of the Faculty Personnel Advisor that includes advocacy as part of their duty. Their comment was very clear. They said, does emphasizing advocacy as a responsibility for the Faculty Personnel Advisor force people to choose up sides far sooner than desirable? They asked, does it undermine mediation? Does it undermine the personnel process? And the Council spoke without exception that it does, in fact, force the choosing up of sides, undermines medication and undermines the personnel process. So I represent the voice of the champions of the faculty, the College Council and the Council Senate of the College of Liberal Arts and Sciences.

S. Mini: My committee is suggesting we take a straw vote on this. We cannot? Okay.

President Peters: All right, we are you ready for the question on #1? All right, all those in favor of the additional language, the “may” in #1, say aye. Opposed? A show of hands. All those in favor, hold up your hand.

D. Mathesius: Fourteen.

President Peters: All those opposed?

D. Mathesius: It requires two-thirds.

President Peters: It fails for lack of two-thirds.

The motion fails.

President Peters: All right. Now, Susan?

Proposed Amendment #3, addition and deletion of language to article 9.24

S. Mini: Yes. Well, in my excitement I skipped proposed amended #3. I’d like everybody to take a look at it. It has to do with the appointment of a Faculty Personnel Advisor. Instead of being an eleven-month appointment, go to twelve months. My understanding is that the Faculty Personnel Advisor gets calls all year long, so I would like to move that we accept this amendment. This is at the bottom of the page, page 31, proposed amendment #3, addition and deletion of language to article 9.24.

President Peters: There’s a motion and a second. Is there any discussion on this? Yes?

R. Miller: Who has the responsibility to obligate the additional funds for such an appointment?
President Peters: That’s a question I’m glad someone asked. I’m just – stepping out of the chair – I just can’t see how we can – we have to be very careful of every dime we add and I’m certainly looking at that so that’s an issue. I don’t know. Dr. Williams, do you know how we fund this?

E. Williams: No, sir.

J. Wolfskill: May I ask Malcolm to confirm for the record that the normal volume of your business justifies it.

M. Morris: I have to say I was not part of this process at all because I have never been the Personnel Advisor in the summer. The impetus for this was from Natalie’s report to the Faculty Senate last year. I have no opinion on this and I will not vote either way. I will say, if it passes and it helps the university, I will serve gratis this summer.

President Peters: All right, are we ready for the question? Dean Zar?

J. Zar: I’d like clarification from the personnel side. A person on a twelve-month appointment gets one month of vacation so the person would only be available eleven months anyway. Is this a significant difference, then?

S. Mini: I believe this is a half-time appointment. It’s a half-time appointment, not a full appointment.

J. Zar: Oh, I see. So you don’t get the vacation. Okay.

S. Mini: So Malcolm doesn’t get a vacation.

A. Kaplan: I think it is two appointments. It is not an eleven-month or twelve-month appointment. It is a nine-month appointment with an additional summer appointment of currently two half-months so the issue of accumulating administrative vacation shouldn’t come up.

President Peters: So, at least in terms of the transition to a twelve-month appointment and all the things that accrue, that’s not an issue.

J. Zar: I’m wondering whether over the past several years, the increase in caseload for the Faculty Personnel Advisor has been largely because of supportive professional staff making a use of that office. If so, perhaps there ought to be a separate individual for supportive professional staff advice and assistance, especially because the Faculty Personnel Advisor is not necessarily is going to be knowledgeable about the SPS personnel procedures. Would it serve the SPS better and is there enough demand? Has that been looked into?

President Peters: I do not know.
A. Kaplan: I think just judging from Natalie’s report and a few conversations I’ve had with past Faculty Personnel Advisors, the changes are very good that the work in the summer does result from issues that arise within the supportive professional staff. There isn’t that kind of faculty activity going on in an official way in the summer. What happens, I think, is the bulk of the sort of more routine summer kinds of grievances have to do with salary issues and increment issues which for the supportive professional staff tend to become clear at the end of the fiscal year, and that’s not the case with faculty.

President Peters: All right, does that answer your question? I don’t know if we can do that within the context of this amendment.

R. Miller: I’d still like to know if the University Council can obligate funds for the university because if the Council cannot, then passing this would be invalid anyway.

President Peters: Well, if the Council passes something, we have an obligation to try to fund it and, of course, you have x number of dollars and it may be that something else doesn’t get funded but. Yes you are obligating, at least morally. I’m not going to say “no” to something like that. I don’t know how much money is involved here.

A. Kaplan: The amount of money varies depending on the salary of the person in question. Yes, the principle would be the same. I think in the past the Provost has, in effect, negotiated with the department or the college in question to figure out what could be done. In other words, there is no Faculty Personnel Advisor budget somewhere that we can go and increase if this happens. There is only, dealing with the dean or dealing with the chair on how we’re going to release this person for a period of time and who’s going to pay for it.

S. Willis: Presumably there’s some precedent in that the role of the Executive Secretary, Dean Zar informs me, used to be a nine-month, half-time position and is now an eleven-month full time position.

A. Kaplan: But there is a budget.

President Peters: There is a budget.

S. Willis: But still, it’s reflected in the Bylaws, so in the sense of can the University Council obligate the University to spend more money on anything, it seems that, at least in that case, the answer would be it has done so in the past.

President Peters: R.J.?

R. J Gravel: Point of information. Call for quorum.

President Peters: All right.

R. J Gravel: This involves the hand count to make sure we still maintain a quorum where discussions are relevant.
President Peters: What is our quorum, 38? We have a quorum call and that’s not debatable.

D. Mathesius: We have a quorum.

R. J Gravel: The call for a quorum was a request for a hand count by standard parliamentary procedure. Everyone who is a voting member needs to raise his or her hand to make sure we still maintain a quorum. I know that numerous voting members have left throughout this meeting.

President Peters: Who’s a voting member? Thirty-nine.

R. J Gravel: Thank you. I knew that concern was being brought up around me so I thought it was time.

J. King: And how many does it take to pass a bylaw?

D. Mathesius: Thirty-nine.

President Peters: All right, here – folks, here’s where we are right now.

J. King: I move that we table this motion.

President Peters: All right, there is a motion to table and a second. All those in favor say aye. Opposed? It’s tabled.

The motion was tabled.

President Peters: All right? Yes?

J. Kowalski: Jeff Kowalski again. I would like to propose a friendly amendment to amendment 2 if we are planning to take an action on it. I would like to suggest the substitution of “or advocate for by” – or let me put it this way. I would suggest that it read as follows: “to advise, assist, facilitate mediation for or support faculty members who are experiencing difficulties with the personnel process”. The rationale being that one of the definitions of “advocate” in the dictionary is to speak or write in support of. People who wish to give some leeway to provide some sort of supportive role for the Personnel Advisor can so interpret these words; it removes the hackles-raising overtones of “advocate” or an “advocate”.

President Peters: Will you accept that as a friendly amendment?

S. Mini: If I were bringing this forward, I would accept that as a friendly amendment, but I’m not bringing this forward today. My committee’s been waving at me and saying that they’d like to see it again.

President Peters: All right. So you’re withdrawing the motion?
S. Mini: That’s correct. I never made a motion on #2.

President Peters: So there’s no motion coming forward on #2.

J. Wolfskill: Do we return now to amendment #7 as it was tabled until the resolution of amendment #1?

S. Mini: I believe it was also tabled, but what they were really talking about was the resolution of amendment #2; and since I’m not bringing that forward today, I would probably leave 1 on the table.

President Peters: All right. So where are we, Susan?

S. Mini: As far as I’m concerned, we’re done.

President Peters: All right, now let’s go back to the agenda.

I. University Affairs Committee – Richard Orem, Chair – no report

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

President Peters: All right, what are we doing now with Elections and Legislative Oversight Committee? Okay, Dorothea?

D. Bilder: I would like to say that Winifred had to leave early and I’ve been asked to say pursuant to Article 3.2 of our Constitution and Article 2.1 of the Faculty Senate Bylaws, I am pleased to offer for election to the office of Executive Secretary of the University Council, Professor Sue Willis. I ask that we have a motion to accept her nomination, close the nominations and unanimously approve her election to the position.


K. University Council Personnel Committee – Ivan Legg, Chair

I. Clarifying Sabbatical-Leave Policies, change to Bylaw 8.48 (Pages 33-35) ACTION ITEM

President Peters: University Council Personnel Committee, Ivan Legg.

I. Legg: It’s certainly been one of the most friendly days I’ve experienced since I’ve been here. The following item has the mark of Zorro on it also. In fact Jerry, I don’t know what’s going to happen after you leave. I think there’s entropy in large quantities waiting behind the door which
will collapse after you leave. This particular item was brought up last time for first reading and it was simply to clarify the time between two sabbatical leaves by defining it precisely as a 72-month period. There have been two, I guess we could call them friendly, adjustments made to it since then. One of them involved not specifying the words “full-time employment” but recognizing that sabbatical leaves are based on an analysis of outcomes that have occurred during a six-year period, 72 months, and so that was taken out. The second item was that we use the word “faculty” and we do recognize that SPS are also eligible for sabbaticals and so we took the word “faculty” and changed it to “people”. Other than that, the motion stays as it is on page 33.

President Peters: So we have a motion. Is there a second? Debate? All those in favor say aye. Opposed? We have the changes.

The motion passed.

President Peters: Anything else?

I. Legg: I also would like to take this opportunity to announce, subject to approval by the Board of Trustees, that Chris Sorenson is the new Dean of the College of Education.

President Peters: All right.

I. Legg: Chris would you stand up? I would just add to that that this is the first search that I’ve been involved in since I’ve been here. I have never seen such a thorough search. Faculty governance is very strong here. I had over seventy responses, including responses from various groups outside the university community, as well as inside the university community and the support for Chris was overwhelmingly strong. I’m confident that we did a good job and that we’ve come up with a person who will provide us with really strong leadership in one of our most critical colleges.

President Peters: Congratulations. We’ll get the holy water out tonight.

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

President Peters: I have a resolution I’d like to read for which I seek approval: “Whereas Dean Jerrold Zar has distinguished himself as a faculty member and Chairman of the Biological Sciences Department and as Dean of the Graduate School and Vice Provost for Graduate Studies and Research; and whereas he has completed thirty-four glorious years as a member of the faculty at Northern Illinois University; and whereas he most ably served as Chairman of the Department of Biological Sciences from 1978 to 1984, and whereas much of the time was spent in an ultimately successful quest for a Biological Sciences Ph.D. program; and whereas he has tirelessly served as Vice Provost for Graduate Studies and Research and as Dean of the Graduate School since 1984, working with understated efficiency to develop new graduate programs and with precision in assisting departments and faculty in pursuing research and artistry and in
recruiting minority graduate students; and whereas he has maintained thoughtful and consultive leadership in the collegiate framework in his roles as a faculty member and administrator by selflessly dedicating himself to committee work; now, therefore, be it resolved that the members of the University Council on behalf of the University community recognize Dr. Jerrold Zar for his outstanding and generous service to this institution; and be it further resolved that the friends and colleagues of Dr. Zar wish him every happiness and good health as he retires from his duties at Northern Illinois University.” I call for acclamation.

Acclamation was received.

Is there any other new business before the house?

IX. COMMENTS OR QUESTIONS FROM THE FLOOR

President Peters: Kevin Miller?

K. Miller: I will make this very quick. I’d just like to publicly thank you, Dr. Peters, and Dr. Legg, Dr. Williams and Dr. Kaplan, for the quick response on the Social Security number issue. I know the students and the Student Association do appreciate it. Also, Dr. Peters, I’d like to personally thank you for being so forthcoming with the entire university community in regards to the budget crisis. I actually spoke with one of my counterparts at another state university who knew absolutely nothing about the current budget situation.

President Peters: Maybe we’ll get their budget.

K. Miller: Maybe, but we have nothing to fear because the student government at U of I is confident that there will be no more budget cuts. So I was told not to fear so I hope that puts everyone’s mind at ease.

President Peters: Thank you Kevin. Yes, R.J.?

R. J. Gravel: Just an announcement that there is, tentatively, a special session of the Student Association Senate called for on Sunday at 6:00 p.m.

President Peters: Yes, Lettie.

L. McSpadden: I don’t want to keep us from food and drink any longer than we have to be, but just let me say that since this is my last hurrah, I would like to bring back a subject that the old Council has discussed several times and I’d like to bring it up as a new subject for the new members, that we have discussed before the waste of paper in this institution. Speaking as not only, a rabid environmentalist, but also as an advocate of efficiency in government of reduction in paperwork, I would suggest that we review all such documents as this and take the model of the Sponsored Research Office which has gone to e-mailing all of us and telling about the availability of such reports and allowing us to choose whether or not to go on the Web and look at them, rather than continuing flooding our mailbox with things like reports from the Athletic Committee or reports from the Graduate School or reports on all sorts of things. I think those of
us who want to examine the grammar of all these reports should have an opportunity to do so. It would also make the process in this university more transparent, because anyone could look at it and I think everything ought to be open anyway.

President Peters: Hear, hear and we’ll take that under advisement for – of course, when we all have our wireless personal assistants with everything downloaded… All right, any other comments? Motion? We’re adjourned.

X. INFORMATION ITEMS

A. Minutes from March 4, 2002 Academic Planning Council meeting (Pages 36-39)

B. Minutes from March 4, 2002 Graduate Council meeting (Pages 40-47)

C. Minutes from March 7, 2002 Undergraduate Coordinating Council meeting (Pages 48-51)

D. 2002-2003 Meeting Schedule (Page 52)

XI. ADJOURNMENT

The meeting adjourned at 5:10 p.m.