
Parliamentarium Ferald Bryan was present.


THOSE UNIVERSITY COUNCIL MEMBERS NOT PRESENT: Cabasa-Hess, Clayton, Creamer, Cummings, Fox, Kafer, Kolb, Loubere, Musial, Orem, Peters, Richmond, Rodgers, Rusin, Smith-Shank, X. Song, Tolhurst, Wiese

I. CALL TO ORDER

II. ADOPTION OF THE AGENDA

III. APPROVAL OF THE MINUTES OF THE NOVEMBER 6, 2002 MEETING

(Pages 3-5)

Provost Legg: I’d also like to have a motion to approve the minutes of the November 6, 2002 meeting, pages 3-5. Are there any corrections? Okay? Motion? Second? All those in favor. All right, thank you.

The minutes were approved.

IV. PRESIDENT’S ANNOUNCEMENTS

Provost Legg: President Peters is out raising money for the University and I think that’s a very important issue nowadays and as a result I, by definition of the Constitution, will substitute for John at this meeting. I would like to take the opportunity to just mention a few things about my first year and a half here. It will take me just a few minutes. It’s been, to say the least, a very interesting year and a half. As many of you know, I have been living – and I want to make this very correct – I have been living in the student residence halls. However, the students and I always call them dorms and in fact, I was talking to one of them this morning and we were using that word quite liberally. Gary, I heard the other day, we can document, that Mickey Emmett used the word dorm. Boy, I’ll tell you, no longer is she going to be able to come after me for using that word.
I must admit when I arrived here I thought I had come to heaven. Higher education compared with Tennessee, here is a first world country and Tennessee is a third world country. However, that was a very short-lived experience and I’m back to practicing some of the things that I was challenged with when I was in Memphis. Overall, I’ve been very impressed with what I have found out about our University and I’m very delighted to be here. I, as many of you know, have been visiting all the departments. There are some forty departments on our campus. I just finished Foreign Languages and Literature and Psychology and I have a few left. I’ve done most of them last year and will be finishing this year. I spend an hour to two hours with the faculty talking about the programs and talking about their departments and what they’re doing and it’s always impressive to see how good the faculty are and how committed they are. One of the issues that I’ve become very aware of, that is unique in my experience in four different universities, is the amount of commitment to support for the faculty and students. Indeed, I have visited with students informally. I’ve had dinner with students; many of the students, when I asked them why they chose to come here, have listed the fact that the support systems at this University are unusually good. Indeed, we have received national recognition for that and it is impressive that we do such a good job. Always room for improvement, but we start from a good base. The same is true for the faculty. We have support systems for the faculty and for the staff that are also very good. I’ve never seen anything like that before, so my way to characterize this is that we are a comprehensive university with a personal commitment. I strongly believe that really describes the University very well. I also have been very impressed with the faculty/staff governance process that we have here. Again, I’ve never seen anything quite as good as what we have. I do understand at times it’s a little cumbersome and it takes a little time to get things done but I feel more confident that, when we’ve completed our assignment, whether it’s selecting a new person for a role or some decision on how we operate the University, that there has been considerable involvement of students and faculty in the process. Certainly the search that I was involved in when I was interviewed for the job, compared to any searches, and I’ve been in many searches in the past – both ends of them – was the most impressive search process and the most comprehensive search process that I have ever been in. I felt that the University in its searches really had a good exposure to all the aspects of the University.

I recognize that we do have a lot of challenges in the future. It’s going to be some pretty rough sledding coming up but I’m more convinced than ever that we can meet those challenges and get through the tough time that we are experiencing and will continue to experience for awhile.

Again, I want to thank all of you for accepting me as your Provost. I hope I can live up to your expectations.

V. CONSENT AGENDA

1. Constitution Article 2.82 – change in starting dates for all University Council members – refer to Rules and Governance (Page 6)

Provost Legg: At this point I would like to turn to the Consent Agenda. I would welcome a motion for approval of the Consent Agenda.
S. Mini: I have a question first about the Consent Agenda. I’m looking at this. It’s scheduled to be referred to my Committee, Rules and Governance, and I’ll note that I have a copy of the Constitution as of June, 2001 and the page that we’re asking to go to Consent Agenda is exactly what’s on page 8 of my Constitution, word-for-word, so what are we trying to do with it?

S. Willis: Let me address that. The issue here is that in the Faculty Senate we have moved the start date for members up to the first of July so that it coincides with the start date of the President of the Faculty Senate. The thinking was to look into whether we wanted to do the same thing in the University Council. So move the start date to July 1 for the University Council members also.

S. Mini: Okay, so what we want to do is put a line through August 16 here and --

S. Willis: And make it July 1.

S. Mini: Okay, very good. Then I have no more objections.

Provost Legg: Is there now a motion for adopting the Consent Agenda? Second? All in favor? So approved.

The Consent Agenda was approved.

VI. REPORTS FROM COUNCILS, BOARDS AND STANDING COMMITTEES

Provost Legg: We will now move to Item VI, Reports from Councils, Board and Standing Committees.

A. FAC to IBHE – Patricia Henry – report – walk-in

Provost Legg: Pat, Faculty Advisor Committee to IBHE. There is a handout at your position on this issue, on this report.

P. Henry: There’s a walk in which is of December 6, last Friday, in Springfield. Since it was in Springfield, the Committee that I’m a member of, the Public Policy Committee, took time to talk with a lobbyist who is actually a lobbyist for The Federation of Independent Illinois Colleges and Universities, private universities in other words but we felt it would be useful for all of us to get his perspective. I’ve summarized some of the points that we discussed there. One suggestion he had was that we could make the case that higher ed took a big hit last year and we could ask the legislature to pick on somebody else next year. The question of the fifth year MAP funds was also discussed. We all felt, and he agreed, that this was a really bad thing, to lose the fifth year MAP. It really did penalize the poorest of the poor, is what he said. Reinstating it, however, is going to be a hard sell. This also brought up the question of MAP funds going to private universities as well as to public universities, and this has been an ongoing discussion. That point that was relatively new to me is that although there is a good chunk of MAP funds that goes to the private, which have higher tuition, because of that the public universities are still a better deal as far as having the MAP cover a larger percentage of the tuition. There are still some issues to
be raised there, however. The next point is one that comes up again and again - and this is not necessarily new – of the legislature not really understanding what’s going on in higher education regarding faculty work loads. He and others felt that it was very important to get legislators on campus as much as possible, interacting with faculty and especially with students; one further suggestion he had would be to map the zip codes of our students against legislative district maps so we’re not just talking to the legislators from our own district but also from the districts of our students. He mentioned that, although the Republicans are in the minority this year, that means they have more time on their hands and will be easy to contact and it might be very useful to cultivate them for matters of this sort even though they aren’t presently in the majority.

The morning session of the FAC meeting was hosted by the IBHE. The staff of the IBHE comes and tells us stuff which, as you can imagine, is not terribly cheerful at this stage concerning matters of the budget in particular. Other matters that Executive Director Dan LaVista brought up are listed there. One little expression that has come to have more prominence lately is that we no longer speak about K-12 plus higher education. We now speak of P-16 which means preschool, K-12, plus four years of higher education; the tendency has been to look at this as an overall situation with integration of curriculum especially between two year and four year institutions. One matter that was brought up also as a matter of concern, was that this is all very well and good and it’s good to coordinate things, especially if it would avoid needing that fifth year for remediation in higher education. However, I think it’s valid to point out that we risk being seen as another grade and that this unique role of higher education, especially in terms of research, creation of knowledge and so forth, perhaps needs to be stressed under these circumstances as well.

In terms of the budget, one matter that was under consideration in the legislature – or will be – under consideration is whether there will be lump sum appropriation or a line item budget. Taking away public institutional control of local funds for universities is another matter that raises some concern. This was continued with discussion of the budget; I have excerpted the press release that the IBHE has if you’re interested in specific numbers. Another matter that LaVista brought up is a concern with the idea of a “super board”; this is a new concept to me. I don’t even know what this is but apparently this is sort of like the national defense thing that gloms everything together; it would subsume the various education boards. The Board of Higher Education does not see this as a good thing. Also emphasized was local Boards of Trustees play a very important role and he supports that.

The issue again of getting unfiltered information directly from constituents to the legislature, specifically from parents of students, is seen as having a much bigger impact than the activities of lobbyists or of even the IBHE which can be seen as somewhat self-serving in that regard. So, the call to action was very much along the lines of “take a legislator to lunch” and see if we can get some sort of exposure on that.

Let’s see, there were matters of the budget again. Affordability – I did e-mail you something, did that get through? This is another survey which you can take or not take. I think it is a valuable way of getting word to the IBHE about our concerns. It is pretty long and I don’t think you need to answer everything but there’s a place where you can put in particular comments or questions. The question of, for example, funding the fifth year MAP is something that I think
could be reasonably addressed in this context because affordability, cutting funds that give money to students, is a big issue. I think that touches most of the issues. The concern if there’s loss of control over the university income funds – this actually years ago we did, we sent all our money to Springfield and then they gave it back – apparently that is at least floating around. I don’t know if it’s an actual real-life threat or not but everybody seemed to agree that local control over university income funds was an excellent idea.

Provost Legg: Yes, Herb.

H. Rubin: I’m not very sanguine about any raises but I’m just trying to have a commentary – it says 2% for faculty and 1% of the funds are to recruit and retain high quality faculty. Given that 1% of the amount broken down by college is probably a half a position for the university, I’m assuming that 1% means 50% of the 2%?

P. Henry: My understanding is that $32.5 million is to be used both for a 2% salary increase for faculty on the average and for funds to recruit and retain high quality faculty and staff. So, that 1% of 32.5 million would be for retention and the rest of it somehow would be used, it doesn’t seem to add up does it?

H. Rubin: It doesn’t add up.

P. Henry: Okay. We’ll just have to wait and see. There’s a very, very unsettled sense of what’s going to happen with the budget. This was the budget meeting that was held yesterday, I think, and so there may be changes and then it may go to the General Assembly. This may not come through anyway. Okay?

Provost Legg: Any other questions or observations? Yes?

S. Willis: By the way, let me remind you again, please say your name.

J. Wolfskill: John Wolfskill. I am intrigued and alarmed and probably horrified with the idea of this P-16 concept which I think is a tremendously bad idea. I’m wondering if we’re running into the problem of Director LaVista’s background with the community colleges; for a university to put itself in the same role as a high school in terms of its function to society, aside from being wrong, is probably very foolish. I hope that this idea will not go anywhere.

P. Henry: Just to respond, I don’t think LaVista is the one who invented this. I think this is something that’s been around for at least the last year as a way of looking over the whole picture. Many of the FAC also shared the concern that there was a lot that doesn’t get covered in just lumping P-16 all in one place, so we’ll be keeping an eye on it.

Provost Legg: Chris?

C. Sorenson: I can probably speak a little bit to the P-16 initiative because I’ve been part of the discussions at the state level about that. There was an all day summit last week that involved all of the public universities as well as community college representatives and representatives of the
K-12. What this is about is better articulation from one level to the next and so there will be a lot of discussion about how well we universities articulate with the community colleges. That students can transfer here without becoming disadvantaged by the fact that they attended a community college. The P-16 initiative in general has identified five target areas and it ranges from combining data so that we can look at data statewide, across institutions and across levels. It also talks about 2+2 initiative; the AAT is a reality which is Associate of Arts and Teacher Education. That is coming and that’s part of the P-16 initiative. Also, the issue of on-line professional development for teachers and, I’m trying to remember the other one, mentoring and induction programs. Much of what they’ve been focused on with P-16 is directly related to the preparation of teachers in the state and so consequently, the colleges of education across the state have been more heavily involved in that.

**Provost Legg:** I should point out that P-16 is not unusual for us. That’s been used in several other states and several other universities in a positive sense that Chris was outlining and if you’re not familiar with it I understand why it comes across as the tail wagging the dog. Yes?

**P. Henry:** Just one further comment on that. I think the articulation is something that the FAC is also very interested in looking at, and the extent to which it does work, transferring from a community college to the four year college having taken class one of a sequence at the community college and then trying to take the next one in sequence at a four year college. Sometimes I think that’s not always as easy as it’s supposed to be.

**Provost Legg:** I mean we are very used to complaining about our students that we get out of the high schools, and opening up better communication between the high schools and teacher prep and other issues related to that; what we do in higher education is being addressed in this kind of a concept, or should be. Any other questions or observations on Pat’s report?

**B. BOT Academic Affairs, Student Affairs and Personnel Committee – Paul Loubere and William Tolhurst – no report**

**Provost Legg:** Okay, moving on to B, BOT Academic Affairs, Student Affairs and Personnel Committee. No report because there was no meeting.

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

**Provost Legg:** BOT Finance, Facilities and Operations Committee. Again, no report because there was no meeting.

**D. BOT Legislation, Audit and External Affairs Committee – Sara Clayton and Bev Espe – no report**

**Provost Legg:** BOT Legislation, Audit and External Affairs Committee. Same thing, no Report.

**E. BOT – Sue Willis – report – walk-in**
**Provost Legg:** It was collectively done at the Board of Trustees meeting and Sue Willis will give a report on that.

**S. Willis:** Okay. You have a walk-in at your seats for this meeting as well. The Board of Trustees met last Thursday. It was a relatively short agenda. Manny Sanchez, the Chair of the Board of Trustees had nothing good to say about the budget prospects in the state and, indeed, it looks like the revenue shortfall, which has been $2.5 billion, now looks like maybe it will be $3 billion so, who knows. On the other hand, he has been named to serve on Governor-Elect Blagojevich’s Higher Education Transition Committee and apparently he and others of our Trustees do have connections with the incoming gubernatorial administration. This is good news for us, so we’ll have some voices in Springfield which we hope will be heard.

As I mentioned, none of the Board Committees had met and so had no reports. There was a report from the NIU Foundation which had shown a slight decrease in giving this year, which is pretty much what everybody else is seeing, but on the other hand they’re still doing very well.

Let’s see, there are really only two significant action items. One was they approved a new Doctor of Audiology degree, which has already gone through all the appropriate committees and whatnot before it got to the Board of Trustees, and then, finally, there was a resolution recognizing George Shur for his service to the University.

**Provost Legg:** Any questions or observations about Sue’s report?

F. **Academic Policy Committee – John Wolfskill, Chair**

**Provost Legg:** All right, let’s move on then to Item F, Academic Policy Committee. John you’re on again.

1. **Report** on IRB findings (Pages 7-8)

**J. Wolfskill:** You’ll find our report on pages 7 and 8 of your packet. I will not read that report; however, I do have a few explanatory remarks I would like to make. The first thing is I would like to thank my Committee members and also the members of the Faculty Senate’s Faculty Rights and Responsibilities Committee who worked with us on this issue. I would especially like to thank Mark Cordes who is the Chair of that Committee for his assistance. I want to emphasize that the IRB members are not the bad guys in any of this. They are all fellow faculty members, as well as members of the community, whom we respect very highly. My understanding is that NIU’s problems in this area are typical of what is happening nationally. We don’t take this as an excuse to do nothing, but simply as an acknowledgement that there are likely to be some fundamental problems that are very difficult. The next thing to mention is that, by federal regulation, authority to change policy at NIU lies only with our CEO, that is President Peters, as delegated to the Vice Provost of Research, namely Dan Griffiths. Our function is solely to make recommendations and similarly with reference to the Graduate Council, our conception is that they would act as an advisory body for Provost Griffiths. In any question of human subjects research, the clear top priority is the protection of human subjects. The point to
our recommendations is that we believe that in some ways, researchers are put at a disadvantage with no gain in protection of human subjects. We are not proposing a revolution but rather a few changes which we believe would make things better for everyone and, finally, I would like to say that it appears to us that miscommunication is rampant in this area. Inexperienced researchers, especially students, are easily intimidated by the whole system and I’d like to turn it over to Dan Griffiths now if he would like to make any remarks.

**D. Griffiths:** I want to thank both Committees and John for the report and for the discussions on the issue and I will take this report to several groups.

First of all, I did want to mention that I, along with a number of other faculty members including three members from this body, attended the recent PRIM&R and ARENA meetings in San Diego that covered IRB issues. I found it to be a very balanced meeting with several sections devoted to the problems that the present rules pose for various disciplines, especially for social sciences as was mentioned. In particular, many of the forms, especially those resulting in the consent forms, are still required for and made for medical school research, and there are groups in the social sciences, humanities that are trying to get changes made in these forms or elsewhere. We are in contact with an individual from the University of Illinois who gave a couple of addresses there about some of the problems that present roadblocks to social sciences. However, that’s the good news. There is also some potential bad news in that there is new legislation out there that if it passes will tighten the rules further. I encourage those who feel the present rules need some work to work with AAUP or other individuals. I can give some names if you are interested in them. But we basically still have to follow the federal regulations and I know there are some who say well, they aren’t going to be that critical of social sciences. Well, if you look at the conference, about a third of them who dealt with social sciences were very concerned because they feel that there are very true risks to human subjects and, in addition, we’re not going to be able to plead ignorance because the head of the education unit at OHRP is one of our graduates. So, they know NIU well and we do need to follow the rules. However, I will take these back. I do have a just a few comments because I really want to take these back and have first the group who went to San Diego, and who met before we went to San Diego, look at some of these issues. Sue went with us and you may want to comment on this after I’m finished. We’re going to get a meeting together again. With finals coming up I just couldn’t get it together before this meeting. I think one of the suggestions we’re going to have is increased education. Basically, I want to take it to that group and then to both the IRB and then to the Graduate Council and then report back here.

A few points I want to make in this report – number 1, I already have changed some of the letters to make them appear less intimidating. Point 2, while basically true if, in fact, there was anything in there that gives identifiers, then that observation would qualify the person to be a human subject. That’s one of the critical aspects. Certainly, point 8, we’re already working, as evident here, in trying to increase communications between the Graduate Council and this body. That’s basically all I have to say and Sue, you attended that meeting too. I don’t know whether you have any further comments or not.

**S. Willis:** No, not in great detail. There certainly was an enormous amount of discussion about the problems that the social sciences face and it seemed, at least with the existing legislation, that
there is enough flexibility written into that to be able to deal with the situations that have been brought up, at least that I’m aware of here. I hope we can encourage our IRB to take advantage of all the flexibility that---

**D. Griffiths:** You know, I think there may be some more units in there too.

**Provost Legg:** Herb?

**H. Rubin:** As I did at the Faculty Senate, I’d like to thank the Committee for preparing a fine report and mention that I’m basically in concurrence with it. Too, as the Committee suggested, this is not the forum to discuss the substance of the report. That goes to different forums so I will refrain from doing that, but I’d like to make sure I heard Dean Griffiths correctly on one of the comments. The substance is this, what I thought I heard you say was there could be more problems coming down the road, which I agree, and that new faculty working for the AAUP and other places should fight it. What does that apply about the University itself having a voice, you know, on these questions?

**D. Griffiths:** Well, we certainly have been in contact with Jeff Cohen and others so it’s a point that we are making our points. We are making the fact that there are problems. I’m saying that it will be good to have the faculty to help us out on that. Okay?

**H. Rubin:** Thanks.

**D. Griffiths:** I’m not just saying “you do it”, because we are in constant contact with OHRP asking if we can do certain things in trying to encourage them to allow us to.

**Provost Legg:** Any other questions or observations? Yes?

**P. Henry:** Just one sort of informal one. We also had discussed – and there’s not really a formal way of instituting this– but if individual departments have mentors who’ve been through the process who can then be tapped by the IRB to help newcomers, that would be, I think, a very good thing.

**D. Griffiths:** This is something that the Committee has discussed. It was very evident that one of the first things that occurred in the meeting was discussion of graduate students turning in a thesis in which the research should have gone through IRB and it didn’t. And one of the things that we do is send a letter to the student. Sometimes that’s intimidating. Now I mentioned that we did require a statement to be put – first of all, there is no retroactive approval. The Committee can go back and look at it and say yes, this would have if it would’ve come through – but they do want it reported in the thesis that this did go through without IRB approval. That’s one solution. The other solution is to not allow the student to use the data at all, and some institutions do that. So it’s very important to get the education and that was, I think, one thing, Sue, you may want to comment on too. Some of us went out to dinner one night and were talking about just this fact – that it is the education, having mentors would be very helpful.
S. Willis: Let me just address that briefly. My thought was to have a network which was essentially independent of the IRB itself, where people could get advice from others who had already gone through the process as to how to make it as smooth as possible and how to jump all the hurdles so that you can get things done that you need to get done and still do your research. That was my idea.

Provost Legg: Okay, does that take care of it? Thank you.

G. Resources, Space and Budget Committee – Herb Rubin, Chair

Provost Legg: Let us move on to Item G, Resources, Space and Budget Committee. Herb, do you have a report? Herb says he does not have a report.

H. Rules and Governance Committee – Susan Mini, Chair

Provost Legg: Let us proceed then to item H, Rules and Governance Committee. Sue?

S. Mini: Yes, thank you.

1. Committee Book changes to the President’s Committee on Sexual Orientation. ACTION ITEM (Page 9)

S. Mini: Our first is an action item. It’s a Committees Book change and if you look at page 9, it’s to the President’s Committee on Sexual Orientation which we would now to become the Presidential Commission on Sexual Orientation. I’ve already had a friendly amendment suggestion. The word committee is used four times in the description and we’d like to change that to commission. So if you look at the last line in the first paragraph and write commission where you see committee. There’s a line that “the committee” – five lines down – “the committee shall elect a chair”. It should be “the commission shall elect a chair” and in paragraph b, “the committee” should be “the commission” and the last sentence should be “commission members shall serve on behalf of the entire University community”. The President isn’t here to say whether he favors this or not but I’ll take Provost Legg’s idea about it.

Do you accept a friendly amendment like that?

Provost Legg: Sure.

S. Mini: Great. Then I would move that we vote on this. My Committee supports it.


The motion carried.

2. Proposed amendment change to Bylaw 17.41 FIRST READING (Pages 10 – 11)
S. Mini: Great. The next item is for first reading and that essentially means we’re going to take a look at it and then we’re going to be voting on it in January, providing we have a quorum. So the amendment to 17.41, the selection process of other administrative appointments. I should point out that Article 17 is Administrative and Faculty appointments and that’s where this comes from. This was brought to my Committee by two students; we took their original version and translated it a little bit and my Committee would like that you accept this for first reading.

Provost Legg: This is open for discussion, comments, questions. Bob?

B. Wheeler Is it appropriate to entertain comments about the substance of the motion at this time?

Provost Legg: Yes, it is. It’s the first reading.

B. Wheeler: I would like to make several comments. The proposal is directly relevant to my work as Vice Provost. Using the language of the proposal, Campus Support Service Departments, there are 10 of them which report to me, including very large operations such as the Office of Admissions and the Office of Registration and Records and I would like to make several comments that relate to the proposal.

First is that no Campus Support Service Department exists in isolation. In the work of those departments, they reach out and touch many different parts of the campus. In the extreme case of an office such as Registrations and Records, their activities touch every aspect of the campus life and they affect all students, faculty and staff. To me it makes no sense to constitute a search committee which has only representation from within the Office of Registration and Records. It is vital to have broadly based representation to provide the appropriate input in choosing the director of such a unit. Secondly I would say, there are times in the life of a university when the culture of a particular Campus Support Service department needs to change in order, perhaps, to bring it in with overarching University priorities. If the search committee is constituted solely of persons within the existing organization, there is in fact very little chance that that will occur and I would suggest that that, again, is ill advised for many of the Campus Support Services departments.

Finally, I’d like to comment on the role of students in search processes. In my experience, when students have served on search committees, their input has been important and valuable. I will mention last spring, for example, when we conducted a search for the new Director of the University Honors Program. We constituted a broadly based search committee from across the campus. Two students served on the committee, including Kevin Miller, and their input was quite essential to the work of the committee. It may be that the opportunity for students to serve on search committees should be constitutionally acknowledged, but I would suggest that this language is not the way to achieve that, and that this matter should be rethought and different language proposed.

D. Griffiths: I agree totally with what Bob just said. I was unsure as to what was meant by Campus Service departments. I guess those could be – those are clearly known, that may not be
a problem, but that isn’t my main concern. My main concerns are very similar to yours in that having the search committee composed with the majority from the staff of the individuals. These people serve the entire University often in various ways and I don’t think it is in the best interest, for various reasons as have been alluded, to have that many people from the staff on the search committee. Also, are there advisory boards for each of these, yes, and so that would mean in some of the cases, over half would be the staff itself which to me is not appropriate. Also, there’s nothing in here about how the students are to be chosen and what about graduate students. Okay, maybe I missed that but what about graduate students? But anyway, I also think that this needs to be rethought as to whether it’s advisable or not. I do not think it’s appropriate in the present language and so I would recommend that it be rethought by members of that Committee.

Provost Legg: Leroy?

L. Pernell: Yes, I read this over earlier. First let me say I share the concerns that both Dan and Bob have raised. I’m not going to repeat those but rather I’d like to focus on what is, I think, some troubling language in here and I don’t see how, as a practical matter, it could be operational. That is the language imposed - proposing language would state that the representatives of each constituency ought to be chosen by the members of that constituency. I don’t know how that works. If there is a defined and inclusive constituency— and I suspect that there is not – that would easily allow for some type of plebiscite I guess, of that constituency. You might have the start of some type of mechanism. Traditionally, constituencies – I have some idea of what it means by constituency and I’m not even sure – but traditionally constituencies are hard to define and the limits of that and those who are excluded or included within definitions are troublesome when you’re basing representation for those individuals from the bottom up. I know there’s existing language in 17.04 already - “the committee shall contain representation from appropriate constituencies” which apparently confers some mandate on the formers of the committee to do some selecting. But I suggest that turning that around and trying to have a selection process from the student level up is almost impossible if you’re going to define that in terms of supposed constituencies. I just don’t see how that works.

Provost Legg: Sue?

S. Mini: As you point out, constituencies is a term that’s used in other places in 17. For example, it defines a search committee for other line administrative appointments in 17.42 and it says “such a committee shall represent among its members the constituencies of the major areas affected by the office to be filled” so we use constituencies at that point. Furthermore, it goes on to say that “the committee to be used for each position being filled shall be stipulated by the President subject to the advice and consent of the University Council”. So we recognize several places with it in this amendment where it falls to the President to make these decisions. We’re not trying – I don’t think this particular amendment is trying to usurp his power or change the way that he would do things.

Provost Legg: Leroy?
L. Pernell: That’s not what it says. The proposed language says “the representatives of each constituency are to be chosen by the members of that constituency” and that’s a problem. Let’s talk practicality here. I don’t know what would be considered within the range of constituencies but let’s say that – I’ll try to pick something that’s maybe non-controversial – that an office serves Armenian students. Maybe there is one, I don’t know, but I would doubt if anyone can with any degree of certainty define everyone who is an Armenian student and therefore entitle them to vote on this. To go by some other person’s representation that they represent all the Armenian students would be inappropriate for those who aren’t included within the definition. I just don’t see how you have a power given to a supposedly defined group that has no definitional boundaries.

Provost Legg: Herb?

H. Rubin: Before I want to move to send this back to the Committee for handling some of these questions, I haven’t heard the pro side on this issue. Where did this come from and why is it needed?

G. Gaete: Hello. My name is Gema Gaete. I am a senior history student at Northern and if you were aware last semester, students were upset as well – oh, thank you – as well as people from the URL because we were systematically excluded from the search committee. As Provost Legg is aware we went to him to ask to be part of this selection. Members of the staff and Advisory Board met with Dr. Zike asking to be part of this search committee and were systematically denied and we thought, okay, besides protesting, going to meetings, asking to be involved in this search committee, why would people from the URL, why was there not one staff member, not one Advisory Board member in this search committee? When we were asked, we went through the motions so the next thing we did was we looked at the Constitution and where can we have these guaranteed, and the Constitution is written so vaguely that this was allowed to happen, that there was no representation from people within the URL, from students from within the URL and Advisory Board and we thought that this was best solution for any other type of mistake - who will happen to be systematically excluded from a search committee? As well, and I know Provost Wheeler, this also affects the new Asian Center that’s coming up. Are the Asian students or people within that committee going to be able to decide or is it going to just be a search committee that’s going through the motions and saying that they’re including people when they are not and there is no protection within the Constitution. So that’s where this idea came about. We did the research, we saw that the precedent for this was within the academic departments, people within the academic departments. For example, history, they do have a say in selecting their chair or their deans so why when it comes to academic services, for example, the URL, did this come about? This came about from a flaw in the system that we saw and we’re finding a way to fix it. So the first thing after we did that and weren’t listened to, the next thing we went to was the Rules and Governance and how can we create a positive change so that this mistake would never happen again.

A. Zike: Since my name was mentioned, I would like a chance to talk. First of all, the search committee had two Latino students, one who is presently the student Trustee and that constituted a third of the search committee. So it’s inaccurate to say students were not included. Secondly, it is a question of what kind of students do you want? The commentator wants the students that
she approves to be on the committee. That is a difference, but were students on the committee. There were Latino faculty and staff on the committee. It was a perfectly constituted committee. They just were not the kind of students Gema approved.

**Provost Legg:** Herb?

**H. Rubin:** Thank you. So what I’m hearing is there was a problem, at least a perceived problem, and now we have a solution that creates different problems. I would like to move to refer it back to committee to see if they can reconcile the need to have some student representation from the constituencies involved without going so extreme that it creates the problems that have been addressed here. I’d like to move to refer it back to committee.

**Provost Legg:** I just want to ask the parliamentarian if we move as approved we can still have a discussion before voting. Is that correct?

**F. Bryan:** Yes.

**Provost Legg:** All right. It has been moved that we refer it back to Committee for further consideration. It has been seconded. Now it’s open for discussion. Anybody have a – yes, you had a question.

**S. Ackerman:** Sean Ackerman, Industrial Engineering student. Just one comment. Isn’t it a lot easier to define, if you’re doing a history search, who is part of the History Department or a student within the History Department as, you know, when you start looking at Student Services, who has an interest in athletics, academics, whatever department. How do you define that? I think that’s something that needs to be raised as to who’s part of the constituency.

**Provost Legg:** Another issue to be addressed by the Committee. Okay. Any other questions or observations before we vote? All those in favor of referring the recommendation back to the Committee say aye. Opposed? Motion passes.

The motion to refer back to Committee passed.

**Provost Legg:** We will move on then ---

**S. Mini:** I have one more comment please. We will be losing Malcolm on my Rules and Governance Committee and also the University Council and I’d just like to acknowledge and say thank you and that you will be greatly missed.

**Provost Legg:** I add my thanks to the committee.

I. University Affairs Committee – Richard Orem, Chair

**Provost Legg:** University Affairs Committee, no report.

J. Elections and Legislative Oversight Committee – Deborah Smith-Shank, Chair
Provost Legg: Elections and Legislative Oversight Committee, no report.

VII. UNFINISHED BUSINESS

Provost Legg: Unfinished Business, there is none.

VIII. NEW BUSINESS

Provost Legg: New Business, there is none.

S. Willis: You should ask if there’s New Business.

Provost Legg: Pardon me? Oh, yes, sorry about that. I’ll learn how to do this. For New Business there was nothing on the list. Is there anybody that would like to present some New Business?

D. Wagner: Yes, David Wagner. I mentioned this at the last meeting. It could be brought up either under Unfinished Business or New Business but the easiest way to do it would seem to be to bring it up under New Business. Instead of taking from the table, which I had originally proposed, it’s been suggested the easiest way would be if I make a new motion. I think to discuss it there should be a motion before the house, so I would move that beginning in November, 2003, Thanksgiving break begin following Tuesday evening classes.

Provost Legg: A motion has been made and seconded?

D. Wagner: Was it seconded? This motion can be divided and I suspect it may not get done for November, 2003, but nevertheless, as quickly – if we had acted on this last year, taken up where the discussion led us, we could’ve acted on it. The original proposal to have a fall break came from students. I was on the committee that considered this. My position there was a minority one but I did argue against having Wednesday morning classes and I argued that also before the University Council and my feeling was there was almost a unanimous view that, at the very least, the idea of Wednesday morning classes didn’t make any sense. So I’d just gone through having Wednesday morning classes and it’s kind of unpleasant and I think it is a bad idea so I’ve made this motion.

Provost Legg: The motion has been made, seconded and further elaborated on. Fred?

F. Kitterle: I would ask a procedural question on this motion or any other motion that comes up in New Business. As a representative of a very, very large and diverse college, I would certainly want to have at least this go through an appropriate committee because this is part of an issue that was left out there that had to do with the semester break. This is a part of it and that issue – I don’t even know where that is – hopefully, I think it’s gone away, but the point is is that we do need to get information from the faculty that we represent to bring that forward. I would feel uncomfortable moving on this motion without having discussed this with the appropriate faculty group in the college.
**Provost Legg:** Herb?

**H. Rubin:** I like the idea of the motion and I like what Dean Kitterle is saying. I would like to move to table this for two months. What?

**Provost Legg:** It has moved – parliamentarian, keep me straight. It’s been moved to table it for two months, two sessions.

**H. Rubin:** Two meetings, to give Fred time to get that information, not two months – two more meetings.

**Provost Legg:** Fred, could you elaborate on what you mean by get information.

**D. Wagner:** That motion is not debatable.

**H. Rubin:** I’ll withdraw my motion so we can talk.

**Provost Legg:** All right.

**F. Kitterle:** Well, if a motion to table is not debatable, clarity in a university always is.

**Provost Legg:** Herb withdrew his motion. It has not been seconded.

**F. Kitterle:** Well, but the point is in terms of your questions, Ivan, about what did I mean, it certainly is the case that I would like to get information from the Senate and I would also like to get information from the College Council.

**Provost Legg:** Anne?

**A. Kaplan:** Could I just clarify David – are you talking about an academic calendar change or are you talking about an additional University holiday?

**D. Wagner:** Calendar change, academic calendar change.

**A. Kaplan:** Such that – this is strictly an academic issue then, right? Okay.

**F. Bryan:** I would like to offer some advice. Rather than table, the motion to postpone the vote would be appropriate, if you desire more time.

**H. Rubin:** Being perfectly brilliant, I will move to postpone a vote on this issue until the February meeting.

**Provost Legg:** It has been moved to delay the decision on the motion until the February meeting. Is there a second? It’s been seconded. Further discussion. Sue? Pat, sorry. There’s too many Sues around here and I added another one.
**P. Henry:** Should it be referred to the committee that first discussed the fall break and then we should meet and get feedback from the departments and so forth?

**Provost Legg:** Could you elaborate a little bit?

**P. Henry:** Well, originally it was – what was it – I can’t remember now which committee discussed it.

**S. Willis:** University Affairs.

**P. Henry:** University Affairs Committee. Okay. I mean, we did in fact try and get feedback from departments and colleges and then went for the fall break but that was not – we didn’t do that for just the Thanksgiving Wednesday morning.

**S. Willis:** I think we certainly can refer it to a committee. I’m not sure it’s necessary. This is a fairly small change in the calendar and quite well-defined as opposed to the whole notion of a fall break which was a much bigger issue and I think needed more clarification and discussion before we even knew what it was we were talking about. But we certainly could refer it to committee if you wanted to.

**Provost Legg:** Fred?

**F. Kitterle:** Yeah, I’d like to second what Sue has said. There’s great likelihood that this issue carried out the way I’m suggesting, that is to go back to constituency groups, will come to the floor and be resolved. I think to create a linkage or a joining of two issues I think will muddy things and I think David’s wisdom in separating that out – get that David – is a very, very smart move and so I would suggest Pat, if that’s okay with you, that we not go that way.

**P. Henry:** But the only clarification I’m asking is the feedback that we’re needing going to come directly from who – from you?

**F. Kitterle:** All I want to do is talk to the Senate and Council and see what they think.

**S. Willis:** I would say – there is this motion on the floor. If this body votes to postpone voting for a couple of months, what I will do is send out a message to the deans and the provosts ---

**Provost Legg:** It is a University issue, not only Arts and Sciences. Good, I was going to recommend that.

**S. Willis:** That will ensure – I can’t make them respond – but it will ensure at least that they are aware of the question.

**H. Kafer:** Sue, I was just going to propose a friendly amendment just so it’s in the minutes that the motion includes that a revote be taken in the presence of input from the college councils and senates on the issue. So, when you send that out, would you please send the motion as well.
S. Willis: Yes, I will do that.

Provost Legg: It’s been accepted by the motion maker. All right, further discussion or comments. Yes? I’m sorry, microphone.

B. Miller: Question. I thought that the University Council was a representative body, duly elected by their constituents and I believe the College of Arts and Sciences has the greatest representation here because of its size and its diversity. So, are we to go back every time and ask college councils and department personnel committees what we should do? We’re the elected representatives of our various groups and it seems to me that we should be able to act on their behalf. That’s why we were elected and to just keep postponing and stonewalling this issue is just not right so I certainly speak against postponing the vote.

S. Mini: I have a question. The University Council doesn’t decide whether we have Wednesday off or not. We just make a recommendation to the President, is that correct?

S. Willis: I believe we do. I’m looking here at the last time the academic calendar was changed and it was done by a vote of the University Council and the notice that it had been done came from the Executive Secretary. There’s a thing called “Guidelines and Principles for the Establishment of the Academic Calendar” in which the Thanksgiving vacation is specified and so that’s what we would be amending and that is a University Council document.

Provost Legg: So, it does or does not need Presidential approval?

S. Mini: According to what Sue says, it does not.

S. Willis: It doesn’t look like it does. I mean, I would ask him to approve it anyway but it looks – that is one of the things that is in the purview of the University Council to do, unless I’m mistaken.

D. Griffiths: In response to Bob, even though we had discussed this earlier with regard to an extra Semester break, this is a motion that was not in the packet that came to us today and so I would say that the individuals would not have a chance – many individuals might want to go back and talk to their constituencies – I would talk to the Graduate School and so it’s not something we can make a decision on. If it had been in the packet, then we could have talked. But I think it’s good to send it back, I mean to postpone it.

Provost Legg: Herb?

H. Rubin: I was going to echo that. It’s not so much going back to the constituency; it’s just having a chance to think about it. You know, in many ways it is very different from the fall break which I really, myself, never supported. This thing seems to make such good sense; I may want to think about to make sure I’m not missing a point.

D. Wagner: If it’s postponed, is there anyway it can be implemented in November, 2003?
Provost Legg: We’d have to ask – I guess Eddie would be the best to comment on that.

E. Williams: Since I don’t like to work on Wednesday mornings before Thanksgiving, I think it’s possible.

D. Wagner: That was affirmative?

Provost Legg: Carole?

C. Minor: Carole Minor, Education. I have a question – I did not serve on the University Council last year and I did participate in this discussion in the Faculty Senate, there seemed to be something about if we missed days we have to make up days. If we were to miss the Wednesday morning before Thanksgiving, would we make it up at a different time?

S. Willis: My recollection is that there was no requirement. The requirements that I was able to find involved weeks of instruction and not days of instruction and so I think – we’re only talking about half a day here – so I think that that would not be something that we would have to find somewhere else. I would be interested to walk around on that morning and see how many classes are actually meeting anyway.

Provost Legg: John?

J. Wolfskill: I would like to speak to David Wagner’s concern about implementing this hypothetically for the next fall term. If we vote on this in February I believe, if my memory is correct, Registration and Record’s press deadline for the fall schedule book is either late in February or very early in March so this would be something that presumably would be part of the calendar information at the front of that book. One would hope that that information would be accurate. It’s conceivable we would be running right up against the press deadline if not running past it.

Provost Legg: Gary – Bob?

B. Wheeler: To confirm what John has said, if this body did decide to approve the change in February, that information could be incorporated in the fall 2003 schedule book. It could also be incorporated if appropriate in the 2003-2004 Undergraduate Catalogue. So there is time to achieve this change if we wish to do it.

Provost Legg: Bob is the one I should’ve asked, not Eddie. I liked Eddie’s comments though.

B. Espe: Bev Espe from the SPS Council. I guess, although I’m not opposed to it and I don’t know if SPS Council or Operating Staff might be opposed to it, there is the question as how it would effect those that are non-academics if there would be any effect on those departments.

Provost Legg: The way I interpreted it, it is just no classes are held. Everything else functions.
B. Espy: Everything else would function.

Provost Legg: I would like to add at this point just as a point of information, that I was at an institution that had the same vacation creep situation where we kept moving it back from Thanksgiving Day and finally they just gave the whole week off and started a week earlier in August because you do have to have a certain number of hours. Because what will happen if you vote this in – and this happened at my previous institution – people will more likely leave on Tuesday instead of waiting until the end of Tuesday and leaving. It’s vacation creep is what it really is and, as a result, finally the institution gave the whole week off and we just started four days earlier – three days earlier in August. That will happen.

S. Willis: I was at an institution where we got off Tuesday and that didn’t happen, so ---

Provost Legg: Other comments? Yes, in the back of the room.

F. Kitterle: Yeah, I guess that the same comment that you raised, Ivan, about vacation creep is one thing. While it’s true that the College of Liberal Arts and Sciences has a considerable number of representatives here, I would not presume that asking people who teach laboratories in science do the same thing that may go on in Physical Education or elsewhere. That could be disruptive. It seems to me whether than stonewalling, going back to the faculty and asking for information about the impact, is exactly what we ought to do if we’re representatives of this group.

K. Miller: I would just like to point out from a student’s point of view, it’s been my experience from the people I’ve talked to, that regardless whether or not the University mandates open or closed, students generally tend to leave to go home on Wednesday and teaching professors are left with classes of a handful of students, and it may be easiest to just abolish this half-day.

Provost Legg: Other comments? Do I see any more hands? Yes?

B. Espe: Bev Espe again. To make a comment in regards if we would start creeping into a full week here, when we were talking the fall break and we had the opportunities to take a back last year, there definitely were some issues for the non-academic departments when it came to that. So, if there’s anything that were leading to that again, I would sure hope that we would have opportunities for some more input on that also.

Provost Legg: It seems to me that the issue is fundamental enough that it probably should have some time for thought since it hasn’t been on the agenda or in the thought process for the recent period of time. Although, I’m not going to recommend that we postpone it, it seems common sense to do so. Yes? Parliamentarian?

F. Bryan: Well, he really simply divided the question, as I understood. David is willing to do that, what we should do is vote on whether or not we agree to postpone, interrupting what you really said is an amendment that we should attach a postponement an entire original motion. We should first vote on whether we agree to postpone it.
Provost Legg: And should it have the friendly amendment that was brought up by ---

F. Bryan: Yes.

Provost Legg: Could you, Herb, could you with the friendly amendment make your motion clear?

H. Rubin: I move that we postpone discussion on this issue until the February meeting to enable us to get feedback from the different colleges and constituencies on this issue. I’ve changed the wording slightly to incorporate everything.

Provost Legg: I understand that Sue has already formally stated that she would circulate a formal written statement on this. Further discussion? All those in favor? Opposed? Motion passes. Any other New Business?

The motion passed.

IX. COMMENTS AND QUESTIONS FROM THE FLOOR

Provost Legg: Comments and Questions from the Floor?

S. Willis: I do have two things. One is that I am echoing Sue’s comment. I also wanted to thank Malcolm for his service on the University Council and he’s going to be the, I have to get this right, the Acting Associate Dean – is that right – or the Associate Dean, Acting as Associate – all right, whatever. He’ll be the Associate Dean of the Law School starting in January and, therefore, will not be exactly a faculty member anymore so we appreciate his service. He will continue to be the Faculty Personnel Advisor until his term expires in July, however.

The other thing I wanted to say – and I think this has been around – but I do have a card here for Donna and if you haven’t signed it, if you would please come up and sign it at the end and I will send it off to her then.

Provost Legg: John?

J. Wolfskill: I have a question I was going to ask the President, so I’ll ask you. You may want to defer it to Dr. Williams. Can you give us an estimated date for when the bridges outside of Cole Hall will be open to the public.

Provost Legg: That one I can really refer to Eddie.

E. Williams: Since the President isn’t here, I’ll defer that to the President. I will say to it that it will be open as soon as we possibly can ---

Provost Legg: Herb, you had a --- okay, Dan? Kevin?
K. Miller: Thank you. Kevin Miller from the Student Association. I apologize to those of you who are on the Faculty Senate. You already heard this but I just wanted to thank everyone for our good semester and have a Happy Holiday Season and please be merciful when grading finals and assigning final grades.

Provost Legg: Thank you for your leadership Kevin.

K. Miller: I’d like to congratulate the Student Association Chief of Staff, Kevin O’Kelley, he was just this past weekend elected as the alternate student board member for the IBHE, so congratulations to Kevin.

X. INFORMATION ITEMS

A. Minutes, Academic Planning Council
B. Minutes, Athletic Board
C. Minutes, Campus Security & Environmental Quality Committee
D. Minutes, Committee on Initial Teacher Certification
E. Minutes, Committee on Undergraduate Curriculum
F. Minutes, Graduate Council
G. Minutes, University Assessment Panel
H. Minutes, University Benefits Committee
I. Minutes, Undergraduate Coordinating Council

XI. ADJOURNMENT

Provost Legg: Okay, Herb, go for it.

H. Rubin: Move adjournment.

Provost Legg: All in favor? Adjourned

The meeting adjourned.