UNIVERSITY COUNCIL TRANSCRIPT
WEDNESDAY, FEBRUARY 11, 2004, 3:00 P.M.
HOLMES STUDENT CENTER SKY ROOM


M. Morris attended for L. Pernell; P. Loubere attended for A. Powers.

Parliamentarian Ferald Bryan was present.

THOSE UNIVERSITY COUNCIL MEMBERS NOT PRESENT: Barr, Becerra, Buffo, Butler, Gandsey, Graf, Gorman, Kaplan, Larson, Legg, Newman, Pappanduros, Peters, Peterson, Richmond, Rusin, Schneider, S. Song, X. Song, Spear, Young

I. CALL TO ORDER

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

H. Kafer: Could we come to order please? For those of you who don’t know me, I’m Harold Kafer, Dean of the College of Visual and Performing Arts. I’m here today in my role as President Pro Tem of the Senate. The President, Vice President and Speaker of the House are gone today. Both President Peters and Provost Legg are out of town working on behalf of the university. David Graff who is the Senior Dean is also out of town so I was next in line and I was asked to Chair today so it’s my pleasure to do so. I do have a quick note from President Peter’s. He asked me to give you his greeting today. He is in Washington meeting with our Congressional Delegation working on behalf of the university, hopefully raising money and wanted me to tell you that there is no Springfield report because the Governor has not yet given his budget speech and, of course, we don’t know actually when that will happen. It is scheduled but could easily be postponed.

II. ADOPTION OF THE AGENDA

H. Kafer: So for that introduction, is there a motion for the adoption of the Agenda? Any discussion? All those in favor? Opposed?

The Agenda was adopted.

III. APPROVAL OF THE MINUTES OF THE JANUARY 21, 2004 MEETING
(Pages 3-6)
H. Kafer: Is there a motion to approve the minutes of January 21. Second? Discussion or additions or corrections? Hearing none, all those in favor? Opposed?

The minutes were approved as written.

IV. PRESIDENT’S ANNOUNCEMENTS

V. CONSENT AGENDA

H. Kafer: Since there are no Presidential Announcements, is there a motion to approve the Consent Agenda? Second? This is not debatable. All those in favor? Opposed?

A. Grievance Procedures for Northern Illinois University Faculty and Staff – Refer to Rules and Governance (Pages 7-20)

B. Recommendation for Grading System – refer to Undergraduate Coordinating Council and Graduate Council (Page 21)

The Consent Agenda was approved.

VI. REPORTS FROM COUNCILS, BOARDS AND STANDING COMMITTEES

A. FAC to IBHE – Patricia Henry – report (Pages 22-25)

H. Kafer: We’ll move now to reports. Pat Henry is there a report from the FAC?

P. Henry: Yes there is. What is in the packet is actually the Board report from the meeting. The Faculty Advisory Council to the IBHE meeting at the end of January. Since you’ve sort of had a chance to look it over and talk about it at the Senate meeting, I won’t go into deep detail here. Just to point out that it was essentially an informational meeting and we had an interesting chat with two state legislators, Senator Crotty and Representative Davis. One of the interesting points we discovered was that they didn’t actually know that much about the Illinois Commitment which we had been hearing from the IBHE was a really big, important thing but it was also, I think, useful to sort of get in direct contact with them and share the faculty point of view of what some of our concerns were and they emphasized that this was a good thing and that especially getting representatives and senators and so forth on campus to sort of see what faculty actually do is probably the most effective way of clarifying misunderstandings that we’re not really doing much. There was also a talk by Dr. Paul Ligenfelter who is the Executive Director of the State Higher Education Executive Officers. He gave a presentation which is available if anybody’s interested on electronic format both in paper and PowerPoint. Basically he’s sort of looking at the perfect storm of increased demands on higher education and decreased public funding – trying to sort of think of this creatively. His essential point I think was that although the, I think rightly, sort of trying to hold the fort in terms of quality of education and also it’s to sort of see the point from the legislature’s point of view of not having anymore revenue and more cooperation with the legislatures of various states and so forth could, perhaps be more
forthcoming if we are seen as being cooperative. It’s an oversimplification but that’s essentially I think what it boils down to.

Then there also – at that point, the actually budget for part of the agenda of the IBHE was not available. It later became available and is available on the web and I gave you some websites there. Since this report came out, the IBHE has met and the FAC has made a report to it and that’s under the FAC comments to the IBHE’s February meeting. A couple of things going on there is the – neglecting the budget for the time being since, again, nobody’s really quite sure about what’s going on there anyway – there were some concerns that were brought out and the matter of the ethics bill or the ethics act – state employees’ ethics act – is something that’s become something to talk about. At the meeting itself, apparently the IBHE’s lawyer did sort of go into some detail on this and did indicate that, in fact, faculty and all state employees would be more required to keep track of time and how time was spent in state business – official state business. However, there’s also an introductory statement in this part of the suggestions there that there should be an effort to minimize paperwork and other administrative costs as much as possible. It was pointed out that there could be a contradiction here. So, at this point I think the FAC’s member that went to this meeting wrote us saying that he doesn’t think that we really need to completely go ballistic about this. It is something that is of concern however, because there’s a way in which this could be implemented in a way that would be very time consuming and not very productive at all but so far it doesn’t look like it’s happening yet but we’ll find out more later and we’ll certainly keep on it at the FAC as well.

Finally, the Illinois Commitment group is, despite not having been paid attention too much, is under review. There is on the website of the IBHE a place to make known your feelings about it – the Illinois Commitment – and it’s the usually sort of things – are you very familiar, not so familiar, what do you think about it and I urge you to express yourself on those points and I think that’s pretty much it. Let’s see anything – oh, the last page I think of the report that you’ve got there is a sample letter which actually has a typo on it. This is from the FAC chair, Alan Karnes, and again it sort of – it’s just something to consider communicating to our people in Springfield concerning what is going on and what the budget cuts mean and how I think protecting quality is a high priority and this is part of what he explains. He also says you should be concerned on two fronts and then he lists three things which somebody pointed out to me was not exactly the best way of going about this. I think the two fronts he’s talking about is sort of education per se and then also business or that we’re losing on both fronts if we neglect higher education. So I think that’s it. If anybody has any questions?

**H. Kafer:** Fred?

**F. Kitterle:** Pat, I think the report is really, really good and I just want to commend you on a couple of points and one is that you might want to follow up on. One of the things that I think is important is how much time is spent in doing that. Second, is how much it costs to do that and third is how effective is that mandate when you’ve talked to legislators who aren’t even aware of what we’ve done so that if you total it all up, how many students are not being served by carrying out IBHE mandates.

**P. Henry:** Excellent point.
H. Kafer: Other comments or questions? Okay, thank you Pat.

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

C. BOT Finance, Facilities and Operations Committee – Sue Willis and Xueshu Song – no report

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

E. BOT – Sue Willis – report

F. Academic Policy Committee – John Wolfskill, Chair

H. Kafer: Let’s move on to Academic Policy Committee, John Wolfskill?

J. Wolfskill: No report.

G. Resources, Space and Budgets Committee – William Goldenberg, Chair

H. Kafer: Resources, Space and Budget Committee, Bill Goldenberg?

W. Goldenberg: Yeah, we will be meeting on February 18, next Wednesday with Provost Legg and we have no report for today.

H. Rules and Governance Committee – Carole Minor, Chair – report (Page 26)

H. Kafer: Rules and Governance, Carole Minor and these are three action items.

C. Minor: The Committee has three action items on the back of your packet, page 26.

1. Name change for the Presidential Commission on Sexual Orientation

C. Minor: The Committee moves that the name of the President’s Commission on Sexual Orientation be changed to the President’s Commission on Sexual Orientation and Gender Identity as requested by the Commission. We’ve heard no resistance to this.

H. Kafer: And you’re bringing that forth as a motion?

C. Minor: I’m bringing that forth as a motion.

H. Kafer: Is there a second? Discussion?

P. Henry: A suggestion of moving the apostrophe in President’s so --
C. Minor: Typo, sorry.

H. Kafer: Further discussion or corrections? All those in favor? Opposed? Thank you.

The motion passed.

2. Membership change for the University Benefits Committee.

C. Minor: The second item is an interesting story of how form follows function. We request that the Committee Book be changed with respect to the University Benefits Committee. You’ll look down to see the big, black letters “the Director of Human Resource Services OR DESIGNEE”. The situation has been that the Director of Human Resource Services has sent a designee to this Committee for several years and in the current situation, that designee is the Chair of the Committee because no one else would do it and now it’s in a situation where the Chair of the Committee is not a legitimate member of the Committee, so we propose that we add these words – the Committee proposes that we add these words to allow the Director of Human Resource Services to appoint a designee rather than to attend the Committee. In addition, as we were reading over this we found that it had probably been amended before and had too many “ands” in the sequence so we added that little bit of editing to it. So, the Committee proposes that we add the words “or designee” to the description of the University Benefits Committee as respect to the Director of Human Resource Services.

H. Kafer: Is there a second? Discussion? All those in favor? Opposed?

The motion passed.

3. A structure and charge for a task force to work on a grievance procedure for students.

C. Minor: The third point – recently, I can’t remember what month, I think it was November was sent to us the recommendation that a committee be formed to – or that a procedure be developed to allow students to pursue grievances against faculty. The task force, the Committee, has reviewed that request and thought it was a good idea. In the meantime, we were contacted by the SPS Council who said perhaps we should include staff in that also so we were amenable to that and we have the following three recommendations for you:

a. “That a Task Force be appointed to develop a procedure for students to pursue grievances against faculty or staff.”

b. “That the Task Force be charged to detail the steps a student would take to resolve a conflict, other than those already dealt with by existing systems, with a faculty or staff member in an informal way and to create a formal grievance procedure to be used, when appropriate, in case informal resolution is not possible.” And the third part of that is the composition of the task force.
“That the Task Force be composed of four faculty members appointed by the Faculty Senate, at least two of which are graduate or professional school faculty; four students, two undergraduates appointed by the Student Association and two graduate or professional school students appointed by the Graduate Council; the Director of the University Judicial Office or designee; the Vice Provost for Student Affairs or designee; the University General Counsel or designee;” and the General Counsel would not be a voting member but a consulting member at his request” the ombudsman; one member of the Supportive Professional Staff Council; and one member of the operating staff appointed by the Operating Staff Council.”

The Committee moves all these three things.

H. Kafer: Is there a second? Discussion? Yes?

P. Stoddard: You have as part of the Committee or the panel there the ombudsman? I was wondering if we might get the ombudsman’s opinion about being included on a panel like that which would actually have him ultimately vote one way or another on these things since he usually tries to maintain neutrality?

T. Griffin: Is that requested by the Chair? As ombudsman, it would be indeed completely inappropriate for me to vote in any such manner or participate in a formal way in decision a decision-making body. I would be glad as the General Counsel was glad, to serve as a consulting member of the group but would refrain from any voting responsibilities or activities in that regard.

H. Kafer: Yes?

W. Tolhurst: I’m a bit confused by the question and the response since it seems to me this Task Force is not to adjudicate disputes or to solve grievances but rather to set up a procedure by which to do it and that’s the only charge that the Task Force has so it’s not clear to me why the ombudsman couldn’t vote on this matter since he wouldn’t be taking a position on an actual grievance.

T. Griffin: In this case he would, however, be taking a position on a particular point recommendation or other formal activity of this committee which in the current incumbent’s opinion is a violation of his duty as described by the Constitution and Bylaws of this organization and by the standards and practice of the professional organizations with which he’s affiliated.

W. Tolhurst: Okay.

S. Willis: Carole did you want to clarify that it’s the Vice Provost for Student Affairs and not the Associate Vice Provost.
C. Minor: I marked that out on mine and I forgot. I think I read Vice Provost for Student Affairs rather than the Associate Vice Provost for Student Affairs. We want it to be the Vice Provost and not the Associate Vice Provost.

H. Kafer: Carole is there a sense that the General Counsel and the Ombudsman might be appropriately listed as *ex officio*?

C. Minor: Yes, we could even call them non-voting consultants if they would be more comfortable with that.

R. Bose: My understanding a couple of meetings ago was we upgraded this position to Vice President for Student Affairs and if that position is going to be in effect during the next year or so whether we are going to use the upgraded title or the current title?

S. Willis: I was hoping to get the Task Force set in place sooner than that and I think because – this is not an ongoing thing. This is once we set up this Task Force then we let them go and do what they’re doing then we don’t have to worry about the description of it anymore. We’re setting it up now so it made more sense to me to use the current title. We all know who we mean anyway.

A. Nelms: Just for my own personal – what types of grievances are we considering that wouldn’t be covered by the ombudsman or by means that the departments already have set up?

C. Minor: Defer to Sue.

S. Willis: My expectation is that these would be rare cases where things are not settled at the department level; where existing procedures either do not apply or cannot be used for one reason or another. Also, with the faculty and staff grievance procedure that we just sent back to Rules and Governance which hopefully will bring it back pretty soon – we arranged that as a parallel track. So, if you have say an affirmative action complaint, you can pursue it with the Affirmative Action Office and you can also file a grievance and so I would envision the student procedure working the same way.

S. A: Did the Council want to make the General Counsel and the Ombudsman *ex-officio* and non-voting?

C. Minor: Yes.

S. A: So I would move that we do that.

C. Minor: That’s fine.

F. Kitterle: I just wanted to ask a question on that motion. I guess it is a motion. Has it been seconded? Okay, well then just in terms of the discussion on the floor because if I understood what Tim is saying is that it potentially creates a conflict of interest with his role. What he is saying is that he ought to be distant from that Committee and the processes that it carries out and
so the *ex officio* really doesn’t do that, it brings it closer together and so all I’m simply raising is that maybe this is not where we ought to go.

**W. Tolhurst:** This proposal did not come out of the blue. I need for it was suggested by a study conducted in the Faculty Senate was it? – and I’m not in favor of multiplying bureaucracy beyond necessity. This report suggested that there was a need for this program. If the students don’t see a need for this, I don’t see a need for one and in any event, much of the input from this program detailing the kinds of problems came from the Ombudsman’s Office with appropriate details deleted and if we don’t have the Ombudsman’s input, we really don’t have a handle on the kinds of problems we’re trying to address in creating this grievance procedure. So, I don’t see how the Task Force can do its job without the input that was provided to the Committee that generated the report that then led to this recommendation.

**S. Willis:** If I could address that briefly and I don’t know if Tim wants to speak to it also. I talked with Larry Boles at some length about this. He is a very enthusiastic supporter of the idea. He’s the one people go to if they have these kinds of problems and he sees a very intense need for such a process. He will be on the Committee so he will bring his experience and his understanding of what the needs really are. I had asked him if he could come this afternoon but apparently he’s got other obligations but he was very persuasive.

**H. Kafer:** Tim, do you want to respond to that?

**T. Griffin:** I will be glad to serve on the Committee. I will simply refrain from taking formal positions or making formal votes in the Committee.

**W. Tolhurst:** That’s all I was hoping for.

**P. Loubere:** I happened to be on the Committee that forwarded this recommendation so a couple of comments that may clarify things a little bit. The Committee is making this recommendation because in surveying departments across the university to find out what grievance procedures there are for students, we found that the departments by and large didn’t have on paper very clear methods for dealing with grievances. There was nothing uniform across campus and the Committee members who are particularly interested in this wanted that there should be a universal grievance procedure that could be applied all across campus in all departments. So, the goal of this is provide a clear, well-defined procedure that applies everyone. Secondly, in terms of the Ombudsman, the Committee depended a good deal on the information that he brought to us and I would think that if we did want to make a system that would work all across campus, his advice would be invaluable. So I don’t think the Ombudsman should be excluded from this process. We need the information.

**H. Kafer:** Let me see if I can connect a few dots with a discussion. I think there’s a sense on the floor that we do need to have some clarifying language for the role of the Ombudsman and the University Counsel. Would your sense be that we deal with that editorial expansion if you will as a separate motion and then vote on the whole motion itself? What’s your pleasure? Bill?
W. Tolhurst: I move to amend the motion on the table by making the appropriate editorial revisions.

C. Minor: I second that motion.

H. Kafer: Any discussion of that? All those in favor? Opposed? Good, now would someone like to recommend some language please? Pardon? Consulting and non-voting was suggested by Pat Henry. Do you want to make that motion?

P. Henry: I would move “consulting and non-voting” be added – let’s see, where is it – be added to “that the University General Counsel or designee and the Ombudsman should serve as consulting and non-voting members of the Committee”.

H. Kafer: Could be done as a parenthetical phrase following. Is there a second to that? Discussion? All those in favor? Opposed? Good. There is a comment?

S. A: So this is then to take the place of individual departmental procedures and become a university wide system at the end?

H. Kafer: I believe that’s the recommendation.

S. Willis: It doesn’t take the place of departmental procedures but it regularizes them so that procedures at the department level in all departments would be the same.

S. A: So all departments would adopt this when it comes back – ideally?

S. Willis: Yeah and for the most part at the department level it would just write down and codify what already exists. I don’t think there are any big changes planned in what the departments are already doing although it would be up to the Task Force to take a look at those and see what they thought was needed.

P. Henry: And this would happen only when informal resolution was not possible so individual departments would have their ways of dealing with it.

H. Kafer: Bill?

W. Tolhurst: Just a point of order. We just passed the motion to amend. We haven’t passed the motion as amended yet. Correct? That being so, the language of this says that this grievance procedure will deal with only issues not already dealt with existing systems and it doesn’t exclude departmental systems as far as I can see. I know the intention of the Committee was that, you know, we not tread on the turf of, for example, the Judicial Office or the current grade appeals language. Or Affirmative Action.

C. Minor: It was, if I could speak, it was the intention of the Committee that this be for things that are not already dealt with by other procedures, either legal procedures or formal procedures with the university.
**H. Kafer:** For example, the judicial system and I think that’s fairly clear in 3b. Further discussion? Okay, the motion is on the floor as amended with the University Counsel and the Ombudsman being consulting and non-voting members of this Task Force. All those in favor? Opposed?

The motion passed.

**C. Minor:** That is the end of our report and since we did receive another item today, the Committee will meet as scheduled next Wednesday afternoon.

**H. Kafer:** Thank you Carole.

I. University Affairs Committee – Richard Orem, Chair

**H. Kafer:** University Affairs, Richard Orem.

**R. Orem:** No report.

J. Elections and Legislative Oversight Committee – Deborah Smith-Shank, Chair

**H. Kafer:** Elections and Legislative Oversight Committee.

**D. Smith-Shank:** The second round of ballots were sent out today so you should be receiving the ballots tomorrow or the day after or very soon. Please encourage your faculties to complete them and get them sent in as soon as possible and the next time we meet we’ll have new members and that’s it.

**VII. UNFINISHED BUSINESS**

**H. Kafer:** Do we have other Unfinished Business?

**VIII. NEW BUSINESS**

**H. Kafer:** Do we have New Business?

**IX. COMMENTS AND QUESTIONS FROM THE FLOOR**

**H. Kafer:** Comments for the good of the order? Virginia?

**V. Cassidy:** Thank you very much. I would just like to remind the Council that the University’s accreditation visit by the Higher Learning Commission will occur February 23-25. We’re in the process now of developing the schedule for that site visit. There will be open meetings for faculty, staff and students on Monday afternoon and Tuesday afternoon probably about 4:00. There will be additional information about those meetings a little bit later on and, of course, there will be other meetings with designated groups so I would like to encourage all of the members of
the university community to participate either in the open forums or in other meetings for which they’re scheduled. The self-study and other documents are being distributed across the campus today and if you saw the notices in the Northern Today you’ll know that the self-study is also posted on the NIU homepage so if you would like to access that document you can access it from the university’s homepage. Thank you.

X. INFORMATION ITEMS

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

XI. ADJOURNMENT

H. Kafer: Other comments or questions? Is there a motion to adjourn? Second? All those in favor?

The meeting adjourned at 3:40 p.m.