UNIVERSITY COUNCIL MINUTES  
Wednesday, March 9, 2011, 3 p.m.  
Holmes Student Center Sky Room

Disclaimer: These minutes should not be taken as a verbatim transcript but rather as a shortened summary that is intended to reflect the essence of statements made at the meeting. Many comments have been omitted and, in some cases, factual and grammatical errors corrected. The full verbatim transcript is available online at the University Council Web site under Agendas, Minutes & Transcripts.


Parliamentarian Ferald Bryan was present.

ABSENT: Alden, Bond, Bowers, Bozikis, Brandt, Calmeyer, Cassidy, Castle, Collins, Cummings, Cunningham, Feurer, Freedman, Freeman, Gullio, Hall, Henderson, Mogren, Mohabbat, Peters, Prawitz, Richmond, Robertson, Slotsve, Small, R. Smith, Snow, Waas, Williams, Yamagata-Lynch

Note: Both President Peters and Provost Alden were not present. The two deans with the longest tenure were also unable to attend. The meeting was chaired by Denise Schoenbachler, Dean of the College of Business.

I. CALL TO ORDER

D. Schoenbachler: Because of the recording and keeping track of the minutes, if you’re going to make any statement, please state your name first and that includes if you’re going to make a motion or second to make everything easier for us.

Dean Schoenbachler called the meeting to order at 3:03 p.m.

II. ADOPTION OF THE AGENDA

J. Bruce: Made the motion to adopt the agenda with three walk-in items (committee reports).

K. Thu: was second.

The agenda was adopted with the three walk-in items and without opposition.
III. APPROVAL OF THE MINUTES OF THE FEBRUARY 16, 2011 UC MEETING (sent electronically)

M C. Smith: moved the approval of the minutes of the 2/16/11 meeting. C. McCord: was second.

M C. Smith: On page 9, the initials for my name are reversed. It should be M C. Smith, not C.M.

The minutes were approved with the one correction and no dissent.

IV. PRESIDENT’S ANNOUNCEMENTS

D. Schoenbachler: I have nothing from Ray or John to report to you today again other than we wish them luck in Springfield at the appropriation hearings today.

V. CONSENT AGENDA


D. Schoenbachler: Item V, we need to approve our Consent Agenda that includes the College of Law academic calendars for 2019-2020 and 2020-2021 and a change to 2013-2014.

S. Willis: made the motion. T. Bishop: was second.

The consent agenda was approved without dissent.

VI. REPORTS FROM COUNCILS, BOARDS, AND STANDING COMMITTEES

A. FAC to IBHE – Earl Hansen – report – Page 6

B. BOT Academic Affairs, Student Affairs and Personnel Committee – Kerry Freedman and Ferald Bryan – report – walk-in

F. Bryan: You have my report before you. I’ll just highlight a few things. The general theme I would stress from this meeting, which they do every spring, mainly focuses on approval of sabbatical leaves. The support of this committee is very evident in a tough academic year for sabbaticals. First, we heard a sabbatical report from Professor J.D. Bowers from History. He is a specialist in Holocaust studies and he reported on his trips to Cyprus and Turkey and his focus on religion and human rights. The committee warmly received the presentation and this is in a series of presentations that they’ve had every spring that was requested some five or six years ago by this committee. The committee also received a formal report on the outcomes of sabbatical leaves and this is a summary of some of the results of most recent years’ sabbaticals. In major
action items, they approved the sabbatical requests for next year, a total of 41. Once those were approved and they were done so again with outspoken support on the committee for sabbaticals. They also approved new emphases in Mechanical Engineering and Public Health. New minors in International Marketing and Deafness Rehabilitation were approved. They also approved the deletion of a specialization within the MBA program and they also then received the oral Image Proficiency Annual Report. Finally, the committee was presented with a very extensive report from Vice President Kaplan, looking at the history of evolution of the Division of Outreach and Regional Development and that was also very well received.

C. BOT Finance, Facilities and Operations Committee – Alan Rosenbaum and Greg Waas – report – walk-in

A. Rosenbaum: Every year, the Board has to approve the student fee recommendations. This year they were approving the recommendations for fiscal year 2012. It represents an overall increase of about 4.31%. This is largely due to increases in health insurance costs. The room and board rates were also approved. The increase, interestingly, is on the room side and not on the board side. Board fees were kept constant and the increase for rooms was about 5.2%. This reflects increased utility costs as well as the fact that we have an unfunded mandate from the State to provide fire deterrent sprinkler systems in the dormitories and installing these in existing dormitories is apparently a fairly expensive. The NIU Foundation Professional Services contract was approved. This is the group that handles fundraising, including the True North campaign and it was pointed out that the amount of money that it costs is more than made up for by the amount of money that the Foundation brings in. The BOT also approved the mass transit contract and the Northern Star printing contract.

There was a presentation by Jeff Daurer on the fact that the electrical infrastructure on the campus is apparently very aged and deteriorating. We saw evidence of this last semester when we had the blackout. We had a power problem in Swen Parson that resulted in a loss of some computers and some expensive repairs to computer switches. There is a three-phase plan for upgrading the electrical infrastructure. We have to figure out how to fund this ourselves. The State is, again, not contributing to this. The Board approved phase 1 of that plan. Lastly, there was an informational item. The lead architect for the freshman housing project presented a virtual tour of the housing complex that is about to be constructed and it was quite an impressive presentation. The buildings look really great. The facilities are state of the art, and it was a very exciting presentation. Groundbreaking is scheduled for April 18th.

B. Lusk: I was just curious Alan about this last item on the first page, the Outreach Radiation Oncology Physician Services contract? Seeing as we don’t have our proton therapy, what are we paying these guys for?

A. Rosenbaum: I did ask that question and I was told that it relates to the neutron treatment facility and that most of this is paid for, not out of our general revenue funds but through grants and patient fees and institutional funds. But I’m not sure what percentage is institutional funds and whether those are all our institution or whether they are other institutions as well.
J. Monteiro: Just the word “legislative” kind of rings of negative connotations these days, so I’m going to try to keep to the positive points that were made at the meeting. It was announced that Lisa Freeman had been appointed by Governor Quinn to the newly created Illinois Innovation Council. It was also announced that NIU’s Accountancy Department has been ranked in the top 10 in the Public Accounting Reports 29th Annual Professor Survey. Just a little note, I thought it was kind of funny that NIU’s Blackboard system is actually used more than Facebook by our students. Public Act #96.1513. Steve Cunningham reported that this act, which will be effective June 1, 2011, provides procedures for the certification and registration of civil unions and the good thing about this is it gives us a definition to work with. Concern was raised about whether people who do not want to enter into a civil union would still be able to use the domestic partner benefits here at NIU and there will be more discussion about that in future meetings.

During the 97th General Assembly report, Kathy Buettner mentioned a few of the bills that are being introduced. House Bill 180, which amends the criminal code of 1961 relating to disorderly conduct at funerals or memorial services. But the highlight of that was that this bill was originated by an NIU sociology student. House Bill 1503, which amends the Illinois Board of Higher Education Act requests that State universities must incorporate performance-based funding. Senate Bill 1668, which amends the Liquor Control Act of 1934, provides that alcohol can be served or sold in NIU buildings that are under the rule of the Board of Trustees. The congressional report by Lori Clark, a lot of that is negative, I think we’ll skip over that, but you can read that yourself. It’s pretty depressing actually. During the Intercollegiate Athletics report, there’s a lot of good things here. Letter B is probably very important to anybody who was involved with the reaccreditation program. Our athletics program was reaccredited with no conditions and that’s very rare.

NIU went 11 straight semesters with an average GPA of 3.0. We had 89 athletic grads in 2010. NIU’s graduate success rate is above the national average and NIU had two Academic All Americans. NIU football ranked 9th in academic progress towards graduation, which is very good. NIU athletes have put in over 5000 hours of community service. Some of the future events coming to NIU, the MAC wrestling championships, the MAC track and field championships and, of course, the football game at Soldier Field this fall against Wisconsin. Then, Kathy Buettner gave a report on the University branding initiative. They are developing brand identity and marketing strategy, and they’re trying to figure out why people would choose NIU. They’re trying to define why they come here, and it’s I believe we announced at the last University Council meeting, their branding theme is “Learning Today, Leading Tomorrow.” And they’re in the process of a logo redesign and right now, I believe they’re narrowed it down to three different logos. They hope to be unveiling those in April, and I believe they’re going to roll those out for everybody to look at and to vote on and to let us know what they think. Then the official rollout of the rebranding, they plan to do that at the game against Wisconsin that will be held at Soldier Field.
Then the last section, the Freedom of Information requests, it was reported that since June 1st of last year, NIU has received 102 FOIA requests.

D. Schoenbachler: Questions or comments?

P. Henry: On item III. B., where it’s HB1503, this is a bill that’s already passed, right, or is in effect? I just, I’m curious, it says beginning with 2013, the annual budget requests for State universities and colleges must incorporate performance-based funding pursuant to the report of the Board’s Higher Education Finance Study Commission and I guess that we request it, what happens if we don’t get it?

J. Monteiro: It has not been passed yet.

E. BOT – Alan Rosenbaum – no report

F. Academic Policy Committee – Pat Henry, Chair – no report

G. Resources, Space and Budgets Committee – Laurie Elish-Piper and David Goldblum, Co-chairs – report – Page 7

L. Elish-Piper: The report starts on page 7 of your packet, and I’m not going to follow Jay’s lead because then I wouldn’t have a report if I were only going to highlight positives. But, on February 22nd, our committee met with President Peters and Provost Alden. Kathy Buettner, Vice President for University Relations, also attended that meeting with our committee and the key outcomes are summarized for you in the report. I just want to draw your attention to a few of them. Items 1. b. and c. talk about the Governor’s goal to raise $8.7 billion in bonds to pay off debt and to stabilize our budget and the tension that the Republican caucus wants to cut the budget but not through bonds and so that still is going to be played out in the future. I want to draw your attention to item 1. F. to put this into context. The NIU budget that now comes from the State is equal to what it was in 1998. It currently accounts for approximately 20% of our total budget and so I think people realize that it’s been decreasing but I think that that information really puts it into perspective; it’s decreased quite significantly. President Peters highlighted that the University continues to be committed to the core functions of the University instruction and research and that, because of that, other University functions have received a lower priority. This ties into an earlier comment made about the electrical system and some of the repair and some of the maintenance around campus, but he wanted to reiterate to the University community that instruction and research are the primary focus areas and that the budget continues to be directed toward those.

Provost Alden also gave us some updated information. He talked about the federal decrease in funding of Pell grants, which will be an issue for our students. Financial Aid is working to try and help students identify other ways to pay for their education, but that is definitely going to be a hardship for many of our students. He talked about the idea of streamlining delivery of academic material to stretch limited budgets. He reported that, while NIU is still hiring faculty and trying to maintain academic programs, we need to be committed to doing so in a leaner,
more streamlined fashion. We were told that there is a bill that is being talked about to remove tuition authority from the Board of Trustees and move it to Springfield. My understanding, as of the meeting on the 22\textsuperscript{nd}, it was being talked about. I don’t believe it was official at that point and I’ve not heard that it has become official, but the concern that was expressed to us was that then, essentially, what would happen is we would need to wait for that money then to come back to us to be able to use it. And, as we all know, we’ve been basically operating on tuition and reserve money in recent years and so sending our tuition money to Springfield would essentially give us no budget with which to work. So, hopefully, that will not become an official bill.

There has also been a discussion regarding whether the Truth in Tuition program needs to continue. We got an update regarding Cole Hall. It will be opening in the fall of 2011, but not in time for the beginning of the semester. Lastly, we got a report that the capital bill that involved Stevens Hall, as we know, was ruled unconstitutional. But we are continuing to move forward with the planning, hoping that perhaps that capital bill will be rectified and that eventually perhaps that funding will come back to us.

J. Kowalski: Just one question regarding Provost Alden’s report under B. Would you say that streamlining might also mean reducing budget and faculty available for the delivery of academic material, was that how that might translate?

L. Elish-Piper: That was not how it was presented to us. It was more a notion of talking about perhaps how technology could be used, how online offerings could be used, to reduce cost. No specific discussion or comment was made regarding any kinds of specific cuts.

K. Thu: I just wanted to underscore one point, since I’m a member of the committee and was a part of that meeting. In part 2. e., and Laurie correct me if I’m wrong, Kathy Buettner pointed out that last year, when legislation was passed that affected our pensions, the process lasted a matter of a few hours in the middle of the night and so, if you want your voice heard, it needs to get in there often and soon. Of course, you have to do it as a private citizen and, if you choose to do that, you may want to consider not only contacting you local legislator, but also Michael Madigan directly.

L. Elish-Piper: That is correct, yes. We probably will not have warning that this is going to be voted on, so we need to proactively contact people if that is something we want to do.

H. Rules and Governance Committee – Suzanne Willis, Chair – no report

I. University Affairs Committee – M Cecil Smith, Chair

1. NIU Nepotism Policy \textit{Statement} – Page 9

M C. Smith: The University Affairs Committee took a look at NIU’s nepotism policy. We were charged with this task, I think, in response to the Northern Star expose in the spring of 2009. There were three questions that we attempted to answer: Is the current policy adequate? Is the policy comparable to peer institutions? and Is the policy being enforced? In regards to adequacy,
it is the opinion of the committee that the policy appeared to us to be adequate as it is stated. However, as you will see on the document, that we do have some minor edits to the policy statement as it appears and it is distributed across several documents. The committee looked at the policies of other institutions, and we deemed our policy to be comparable, if not better in some cases, to the stated policies of other institutions, and those are listed on the following pages. In regards to enforcement, that’s a bit more difficult question perhaps to answer in terms of what do we mean by enforcement, how is the policy enforced, are people even aware of the policy so that they can comply with it so that’s much less clear. Perhaps we want to have some discussions about that. But before that, let me make a motion that the University Council accept the edits that we have made to the policy statement. There is one error, however, in the second statement, section III, Civil Service Employees, 5. Family Relationships, “participate” should not be struck, only “initiate or.” Also, the current policy statement, and this isn’t part of the motion, I’m just making a comment here. The current policy statement doesn’t say anything about domestic partners. In light of the Board of Trustees’ approval of that policy, perhaps it should be amended. But anyway, I’ve made the motion to accept these revisions.

D. Schoenbachler: One of the things we need to discuss here is that the nepotism policy is actually a Board of Trustee policy, so this body, Alan is that correct, cannot change this policy. It’s the Board of Trustees who will have to make the change in the policy. And so what we can do is to recommend to the President or to the UAC to make a change in their policy. And I guess one of the questions we may have is: Are the changes significant enough to want to ask the President and UAC to make the request to the Board of Trustees for the Board of Trustees to make a change? Alan, do you have any other comments on that?

A. Rosenbaum: No, I think that captures it. Either the President or the UAC can make a recommendation to the Board of Trustees. What we would do if we decide those changes are important, would be to move that the President or the UAC members (and I would recommend that we go through the President because he has better access to the Board and if he approves of it, it’s more likely that they would), present this suggestion to the Board of Trustees. I would like to hear why the committee feels that it’s important to change these particular words. I would suggest to the Council that, if we don’t think these are essential changes, that we not ask the Board of Trustees to do that. If the UC feels that they are very important, then we should go forward.

D. Haliczer: I know that, in light of the Board of Trustees meetings, we will be doing an evaluation of all policies and their language in order to comply with the civil unions law. So, if the University Council wants to make a suggestion that these wording changes be included, that would be a time since this is one of the policies that we’ll be having to change. There is a committee of us empowered to work on those changes on behalf of the Board.

K. Thu: I guess my question, Cecil, is the change one of wordsmithing, because “participate” includes “initiate?” Or is there some activity embodied in the word, “initiate” that is subsequently important to distinguish in peoples’ behavior that we want to attend to?

M C. Smith: My recollection is that, “initiate” would refer simply to the first time that somebody
was involved in one of these decisions.

**A. Rosenbaum:** But the use of the word, “initiate” doesn’t do any harm in any way. In other words, having it in there doesn’t cause a problem for anyone or create a situation that we don’t want to include.

**M C. Smith:** I think we just felt that we were cleaning up the language a little bit.

**J. Kowalski:** I’m just basing my comment on the sort of meaning of this as I read it, and the key word for me is, striking through “initial” in front of “employment, retention, promotion, salary,” and so forth, in that that defines the particular type of employment or promotion or activity and by striking it, we eliminate the possibility that it could be interpreted to permit someone with the special nepotistic or close family relations from either initiating a promotion or participating in decision making regarding that promotion and from just a clear-cut ethical standpoint, it seems to me that if it’s appropriate to prohibit that during an initial instance of one of these things, it’s also appropriate during a subsequent incidence of one of these things as well.

**D. Schoenbachler:** I think it’s apparent that this committee spent a lot of time and energy working and reviewing and looking at other policies comparison. Is the committee comfortable with this revision of language being recommended to the group that’s reviewing policies for the Board of Trustees as part of its normal practice as a result of the change and taking these recommendations into consideration?

**M C. Smith:** Yes.

**D. Schoenbachler:** Alright, so you want to take off your motion or reword it?

**M C. Smith:** I feel like I should probably remove the motion at this time. I’ll do that.

**D. Schoenbachler:** Okay, and so we’ll let this policy, you’ll be reviewing it anyway with these recommendations.

**B. Lusk:** I’m a little concerned because of the way this came to the University Council, that we are now just losing all this responsibility – that there were some pretty significant issues that were brought to light or brought to at least, we started discussing them and now we’re giving over our responsibility to the inestimable people in HR. It seems that this still is a faculty matter that we are concerned about nepotism. I agree too with the concern about we’re only looking at, “initial,” whereas what happened, you hire someone five years ago but then suddenly your father or your spouse becomes your supervisor and you know, who knows, I think that’s a key concern, taking out that word, “initial.” So, those are just my thoughts.

**F. Bryan:** The motion was made but not seconded so technically it doesn’t exist. It might be more appropriate if this matter simply would be postponed pending HR review of the domestic partnership issues. I would recommend the motion be postponed to a future reconsideration of those matters.
D. Haliczer: I would like to see, since the spirit is really important and the work of this committee should be validated, that if we’re going to look at postponing this decision, that HR be directed in their Board-requested review of domestic partner language and policies, that we look to include the language that was developed in this policy by the University Council committee.

A. Rosenbaum: I think that the committees can only recommend to the University Council, so the Council would have to approve that that’s what we want done in order for that to happen.

D. Haliczer: Then I think what you want to do is to proceed with the motion, make the motion and vote on the motion, knowing that this policy, once it’s been approved by the University Council, will also have further revision in the Board-requested revision of language so that we can incorporate domestic partner/civil union language.

A. Rosenbaum: Okay, but the only difference between this and what already exists is language in a motion that has been withdrawn. So, the only change from the existing policy is crossing out, “initial” in several places.

J. Kowalski: We should keep, “initial” crossed out as was recommended. Because to put it in a kind of an ordinary parlance, I believe that legally it provides a loophole for people to argue that it’s only the first time a person is promoted or, you know, something of that sort, that this applies and that’s the way I read that language.

S. Willis: I would like to second this motion.

Unidentified: There’s no motion.

A. Quick: I just have a quick question I guess because I’m confused. You stated earlier that this actually is not under the purview of University Council, so wouldn’t we just defer back to the committee to make these type of decisions and these type of revisions here instead of discussing this back and forth in this body?

D. Schoenbachler: This group can recommend that it be taken and considered.

A. Quick: But there is no amendment currently on the floor, correct? It was rescinded?

A. Rosenbaum: No, apparently it was not. That’s part of the confusion.

J. Kowalski: Point of order. Could I ask if it’s possible for someone not on the committee to make a motion to accept this revised language as a recommendation to be forwarded to the Board of Trustees?

D. Schoenbachler: To the President.

J. Kowalski: To the President yeah, to the President and through the President to the Board of
C. McCord: I would be happy to. Could I ask the parliamentarian first, please, for a ruling on exactly where we are. I’ve heard a motion offered. I’ve heard a second. I’ve heard a variety of things come back and forth. Could I ask the parliamentarian for clarification on exactly where we are?

F. Bryan: Mr. Smith, did you mean to withdraw your motion because I did not hear the word “withdraw.” Because if you withdrew it, I did not hear that word. I did hear Professor Willis second it. So, if it’s moved and seconded, then your original motion is on the floor.

M C. Smith: I think I used the word “remove,” not “withdraw.” I don’t know if that technically makes a difference.

F. Bryan: To Roberts it does and I would believe with Sue’s understanding of the experience here that the motion was moved and seconded. You may still withdraw it if you wish, with the permission of the seconder. So, it will be up to you.

M C. Smith: I think I’ll leave the motion standing.

D. Schoenbachler: So, we have a motion and a second. Do you want more discussion?

P. Henry: I can see the point of keeping “initial.” I don’t know why “initiate” would be crossed out. If that could be explained to me, I’m fine with this, but as it stands, I think “initiate” actually is an important part.

D. Schoenbachler: Somebody from the committee want to explain it?

M C. Smith: I think we were just striving for consistency in the language. That’s my recollection.

T. Latham: I think that when we discussed this that when we talked about “initial.” We’re talking about the start of a process and I agree with Jeff Kowalski that somebody could insert themselves back and our concern was is that we want to make sure this covers the entire process and that particular word would be best serving if it was removed.

T. Latham: “Initiate, initial,” they all mean the start of some process in my opinion. I believe our thinking was is that they should all be removed because we want the entire process to apply to this, whether it was the first time or the start of a process or the middle or the end of a process, it was best served by removing it. It would be more encompassing.

T. Bishop: We’re arguing or talking about two distinct things. This question of the word “initiate” or “participate.” Personally, I think “initiate” is more expansive language because it involves perhaps a second hand or a back door or a back room activity that’s not necessarily participating in it but influencing it. So, I think “initiate” and “participate” is more expansive
and it provides a more holistic view of involvement in those personnel decisions. As far as the word “initial,” which is a distinct issue too that we’re kind of confusing, I think the word “initial employment” if that was all that was left, it would be only the hiring decision, but because it’s followed by “promotion, retention, assessment” etc., it is clear, it seems clear to me that it is not just a hiring decision, but it is the full process of employment. I guess the third thing I’d like to ask is these terms, these changes don’t really seem to be substantive to me in any way in dealing with the issues of concern that Brigid spoke of just a few moments ago and I guess if the committee wants to persuade us to believe that these are significant changes that address the concerns that Brigid spoke of, I’d like to hear that. But otherwise, I really don’t see that these language modifications represent something of significant substance that is justified in being sent forward in any way.

**J. Kowalski:** I think I understand what you are talking about, so you’re reading the “initial” in this case to refer to or to modify solely the word “employment” that follows and then of the subsequent terms, is that the way you read that?

**T. Bishop:** Yes, that’s the way I would read it.

**J. Kowalski:** Alright, I can see that point of view. So, it may allay some of my qualms.

**C. McCord:** I’m sorry to bring this up again but it seems to me we have a motion for University Council, if I understand correctly, to take an action which University Council is not empowered to take. That is, we have a motion for University Council to change language which it is not up to University Council to change. Again, if I misunderstand that, I’m happy to withdraw that concern, but that’s what I thought I heard, is that this is Board language that the Board has to change and that we have a motion on the floor to change the language.

**A. Rosenbaum:** I thought that what we said was that the motion would be to present this language to the President to transmit to the Board or to recommend to the Board, which we are entitled to do.

**C. McCord:** If that’s the substance of Cecil’s motion, I just want to be clear that that was indeed what was being moved and not something making a stronger statement if it was not ours to make.

**M C. Smith:** That’s not actually what I said in terms of the motion because I didn’t know that we needed to make a recommendation to the President, but I’ll certainly revise the motion to reflect that, it’s a recommendation to the President.

**D. Schoenbachler:** Is that a friendly amendment?

**M C. Smith:** A friendly amendment, yes.

**D. Schoenbachler:** called the question as amended.

**P. Erickson:** Yes-18, No-8, Abstain-2.
D. Schoenbachler: The motion carries.

J. Elections and Legislative Oversight Committee – Abhijit Gupta, Chair – no report

VII. UNFINISHED BUSINESS

A. Rosenbaum: Just one more point. You may recall we had a second reading on the amendment to Article 11 of the Constitution that we were supposed to have this month. We haven’t forgotten about that and that vote will take place at the next meeting.

VIII. NEW BUSINESS

IX. COMMENTS AND QUESTIONS FROM THE FLOOR

X. INFORMATION ITEMS

A. University Assessment Panel – January 21, 2011 minutes
B. University Assessment Panel – February 4, 2011 minutes
C. Undergraduate Coordinating Council – December 9, 2010 minutes
D. Committee on Initial Teacher Certification – January 21, 2011 minutes
E. Athletic Board – January 19, 2011 minutes

XI. ADJOURNMENT

A. Quick: Made a motion to adjourn. B. Lusk: was second.

Meeting adjourned at 3:56 p.m.