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


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

I. CALL TO ORDER

D. Schoenbachler: Are we ready to get started? 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.

College of Business Dean Denise Schoenbachler called the meeting to order at 3:03 p.m.

II. ADOPTION OF THE AGENDA

D. Schoenbachler: First item on the agenda is the Adoption of the Agenda. Do we have a motion to prove it? There are three walk-in reports that were added since you got your agenda in advance.

J. Bruce: Motion to adopt the agenda.

D. Schoenbachler: Second, do we have a second?

K. Thu: Second.

D. Schoenbachler: All in favor?

All: Aye.

D. Schoenbachler: Opposed? Abstentions?
III. APPROVAL OF THE MINUTES OF THE FEBRUARY 16, 2011 UC MEETING (sent electronically)

D. Schoenbachler: Okay, the next item on the agenda is the Minutes from the February 16th meeting that were sent to you electronically. We need a motion to approve those minutes.

M C. Smith: Move.

D. Schoenbachler: Do we have a second?

C. McCord: Second.

D. Schoenbachler: All those in favor?

All: Aye.

D. Schoenbachler: Opposed? Abstentions? Corrections?

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

D. Schoenbachler: Approve those minutes as amended.

IV. PRESIDENT’S ANNOUNCEMENTS

D. Schoenbachler: Item number IV, the President’s Announcements. 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. They’re planning ahead in the law school. Do we have a motion to approve?

S. Willis: Move.

D. Schoenbachler: Second?

T. Bishop: Second.
D. Schoenbachler: All those in favor?

All: Aye.

D. Schoenbachler: Opposed? Abstentions?

VI. REPORTS FROM COUNCILS, BOARDS, AND STANDING COMMITTEES

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

D. Schoenbachler: All right, item VI which is the reports from the council boards and standing committees. Earl Hansen, do you have a report?

E. Hansen: I do and it’s brief; page 6 of your hand out there. We met at National Lewis University in conjunction with the IBHE and we had some discussions prior to the meeting with them. One real comment is that we needed to work closer with them. We had lunch with them; they agreed with that, so at least we’re on the same page in that perspective. That pretty much concludes it. Read there in three paragraphs.

D. Schoenbachler: Thank you, any questions?

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

D. Schoenbachler: Okay, Report B is the Board of Trustees Academic Affairs, Student Affairs and Personnel Committee. This was walked in and I believe Ferald has the report?

F. Bryan: I am right here. Thank you. Good afternoon. 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 Chair then requested to hear the sort of things that professors did on sabbaticals and they’re usually very good reports. This was very warmly received. 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. I have the full report if you have any questions. Otherwise, that concludes my reports.

D. Schoenbachler: Any questions, comments?

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

D. Schoenbachler: Okay, the next report is Board of Trustees Finance, Facilities and Operations Committee and Alan Rosenbaum will be reporting.

A. Rosenbaum: Okay, the report I have given you in the packet has most of the, all of the action items and the four informational items. So, just to go through a few of the highlights, every year, the Board has to approve the student fee recommendations. So, 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 constants 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 proposition and, naturally, it’s an unfunded mandate so the State doesn’t really pay for it, they just require us to do it. There were a bunch of pass-throughs that don’t really come out of the general revenue funds. 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. We also approved the mass transit contract. We, the Board, approved the mass transit contract and the Northern Star printing contract. There was also a presentation by Jeff Dauer on the fact that the electrical infrastructure on the campus is apparently very aged and deteriorating at a rapid rate. And we saw evidence of this last semester when we had the blackout. We had a power problem in I think Swen Parson that resulted in a loss of some computers and some expensive repairs to computer switches. There is a three-stage or three-phase plan for upgrading the electrical infrastructure. There is no funding for this. We have to figure out how to fund this ourselves. The State is, again, not contributing to this. We have had requests for funding to the State for some kind of appropriation for many years and they have not supported it. So, we have to do this. Otherwise, we’re going to be working by candlelight and using abacuses. So, the Board approved phase 1 of that plan. Lastly, there was an informational item. The one of most interest was 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, so anyone who wants to watch the ground break for this momentous project can go and see that. That was just the essential items. Anyone have any questions? Yes?

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 this is part of, not so much the proton, I don’t know if the neutron treatment is a separate project, but 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 out institution or whether they are other institutions as well. Dr. Williams is not here; he could explain it better than I can, but we did question why that is on there and that was the response that we got.

**B. Lusk:** Thank you.

**A. Rosenbaum:** Any other questions?

**D. Schoenbachler:** Okay, thank you, Alan.

**D. Schoenbachler:** The next report is for the Board of Trustees Legislation, Audit and External Affairs committee. This was a walked in report. Jay or Todd?

**J. Monteiro:** I’ll be doing it today. 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. In the first section there under the Announcements, 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. I thought that was kind of funny. Okay, down to 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 go on as we’re basing our benefits to our employees. 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, and the bill itself is not really that big a deal for NIU. 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, so that was very good.

Then a PowerPoint presentation was given, and there was a lot of really excellent information there. NIU won 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. Further down here, they talked about the community service that the NIU athletes have done and, combined, they 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. There’s a little more information in there about that and a website to go to if you have more questions. That’s my report.

**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 and if you could just…

**J. Monteiro:** It has not been passed yet.

**D. Schoenbachler:** Those three, you notice about that, it says they are bills to watch.

**P. Henry:** Okay, I will watch.

**D. Schoenbachler:** Any other questions or comments for Jay? Thank you, Jay.

**E.** BOT – Alan Rosenbaum – no report

**F.** Academic Policy Committee – Pat Henry, Chair – no report
D. Schoenbachler: The next report is the Resources, Space and Budgets Committee. Laurie, will you be reporting?

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.

You can see item 2. c. is true because apparently the appropriation hearings are going on now and it is March so hopefully we’ll have information on that soon. Item 2. d. refers back to that issue of if the bonds are not approved then the State budget will be $8.7 billion out of balance and so that really is a critical issue that leads into 2. e., one of the proposed ways of looking at dealing with that shortfall is reducing pension benefits and we’ve talked a lot about this. I know that those of you who were at Senate last week, we had a presentation on this, but the information that came out of our meeting was that changes could happen, they could happen very quickly so if people want to speak to their representatives regarding pension issues, regarding healthcare issues, they are encouraged to do so and NIU continues to update that area on the web page with information on an almost daily basis and that web address is given to you on page 8. If you do contact your representatives, as always, make sure you are not doing it on NIU time or using NIU resources or specifically identifying yourself calling because you’re an employee at NIU.

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 22nd, 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 but at this point, it is being discussed, perhaps as a way to help the State government borrow money, if you will, from our tuition to pay other things. So, that’s a concern.

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. Therefore, classes will not be scheduled there 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.

D. Schoenbachler: Thank you for that uplifting report, Laurie.

L. Elish-Piper: You’re very welcome.

D. Schoenbachler: Questions or comments on Laurie’s report?

J. Kowalski: Just one question regarding Provost Alden’s report under B. When you say it would be perhaps fair, I’m invoking the name of George Orwell and his famous essay on politics in the English language, 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.
D. Schoenbachler: Any questions or comments on Laurie’s report? Okay thank you.

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

I. University Affairs Committee – M Cecil Smith, Chair

1. NIU Nepotism Policy Statement – Page 9

D. Schoenbachler: Report I. University Affairs Committee, reporting on the NIU nepotism policy statement.

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 story or perhaps it was an expose in the spring of 2009 I believe. 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, as you will see. 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 and so on and so forth and so that’s much less clear. Perhaps we want to have some discussions about that. But before that, just 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.” I believe that’s my error, not Pat’s. So, I apologize for that. 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. And so the policy, 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, but the recommendation will be to ask the President or the UAC representatives to present this suggestion to the Board of Trustees. So, I would like to hear the justification, not the justification, but why we feel that these are, 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 you feel that they are very important, then we should go forward, as you suggest.

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 wordings 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.

S. Willis: I was just curious, and perhaps this is more a question for Deb, when you’re revisiting these in light of the civil union legislation, but I noticed that there is, it says, it mentions the “same immediate family or immediate household.” “Immediate family” is defined but “immediate household” is not. Is that something that you would be looking at?

D. Haliczer: In looking at all of the domestic partner policies that the University has developed in the past, we have often used the term, “member of the household,” rather than strictly define “domestic partner.” In light of the changed law, we will have to be more precise, I believe, in our definitions of “domestic partner,” and that would include clearer definitions of “member of the household.” One of the controversies, of course, in all of the many years of discussions that we’ve had about domestic partner benefits is that a married couple does not have to live together in order to receive benefits but domestic partners frequently are required to cohabit and so the committee that looked at domestic partner benefits some years ago said, “Ah, this could be seen as discrimination or differential treatment.” So, we’re going to have to go with the language that is in the law, but there are a lot of documents and policies in the University that deal with this issue and where the language has to change.

D. Schoenbachler: So I am hearing that this policy is going, the language is going to be reviewed a part of a normal process that you’re going to be going through? Other comment?
J. Kowalski: Yea, 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. Schoehbachler: 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: I think you are asking for a yes or no response? 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: May I make a suggestion? I don’t usually make a suggestion on this matter, but 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: Well, I think that the committees can only recommend to the University
Council, so the Council would have to sort of 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 language that is, the only difference between this and what already exists is language that they’ve withdrawn from the motion. So, the only change from the existing policy is crossing out, “initial” in several places and I think the argument was being made that we shouldn’t cross that out? No, that’s not true.

**Unidentified (D. Haliczer?):** To keep, “initial.”

**A. Rosenbaum:** We should cross that out?

**Unidentified (D. Haliczer?):** Left as is?

**A. Rosenbaum:** The language should be left as is.

**J. Kowalski:** We should keep, “initial” crossed out as is recommended, that’s what I was saying.

**A. Rosenbaum:** I see, okay, I’m sorry.

**J. Kowalski:** 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.

**A. Rosenbaum:** Well, it says, “initiate or participate,” so the, “initiate” would cover the first part and “participate” would cover the second part.

**J. Kowalski:** The way I read this with this retention of the word “initial” is that it then sets a further condition on that language and that by retaining the word “initial” you create this possibility for alternate interpretation in which people could say that this is not the first time this person is being promoted, ergo, I can participate as a family member in the decision-making process.

**A. Rosenbaum:** So you’re just looking at the fourth paragraph, the ones that says “initial.” The others say “initiate or participate.”

**J. Kowalski:** No.

**A. Rosenbaum:** No?
J. Kowalski: Anywhere where we see the word “initial” struck through, my recommendation would be to retain the strikethrough for the word “initial.”

A. Rosenbaum: Okay, so “initial” or “initiate” is what you’re saying?

J. Kowalski: No, just “initial.”

A. Rosenbaum: Okay.

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 preview 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? Wouldn’t it go back to the committee that was discussing this to then take it to the Board of Trustees? I’m just, I’m confused so please clarify for me if you don’t mind.

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 Trustees.

D. Schoenbachler: Chris, are you doing that or do you have a comment?

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. I said “withdraw.”

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. Is that the right word?

F. Bryan: Yes.

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. Well, “initial employment, retention, promotion,” I can see. Okay, cross out “initial” there and just leave it “employment, retention, promotion,” but no individual “initiate or participate in,” that seems to be both of those are good things that we talk about.

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.

D. Schoenbachler: Yeah, Todd?

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.

P. Henry: I’m not worried (inaudible).

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.

D. Schoenbachler: Terry?

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.

**D. Schoenbachler:** Other comments? Yes?

**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.

**D. Schoenbachler:** Any further discussion? Chris?

**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. Is that, am I misunderstanding that?

**A. Rosenbaum:** I thought the initial, 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.

**C. McCord:** Okay, thank you. Again, I apologize for quibbling, but I wanted to be clear.
D. Schoenbachler: Is that a friendly amendment to your….

M C. Smith: A friendly amendment, yes.

D. Schoenbachler: Okay, any further discussion? All those in favor of the motion as amended, as friendly amended to recommend to the President to take this to Trustees say “aye.”

Some members: Aye.

D. Schoenbachler: Opposed?

Some members: Nay.

D. Schoenbachler: We have to do a count. All those in favor raise your hand please? Okay, thank you. Opposed? Abstentions?

A. Rosenbaum: What’s the vote?

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, go back to Unfinished Business, you recall we had a second reading on the amendment to Article 11 of the Constitution that we were supposed to have this month. We postponed that until next month so we haven’t forgotten about that and so that vote will take place at the next meeting or the second reading rather will take place at the next meeting.

D. Schoenbachler: Any comments or questions from the floor?

VIII. NEW BUSINESS

IX. COMMENTS AND QUESTIONS FROM THE FLOOR

X. INFORMATION ITEMS

D. Schoenbachler: Okay, there are some information items included in the packet for you.

A. University Assessment Panel – January 21, 2011 minutes
XI.  ADJOURNMENT

D. Schoenbachler: Entertain a motion for adjournment? Name please?

A. Quick: Motion.

D. Schoenbachler: Second? Do we have a second?

B. Lusk: Second.

D. Schoenbachler: Alright, all those in favor?

All: Aye.

D. Schoenbachler: Opposed? Meeting adjourned.

Meeting adjourned at 3:56 p.m.