UNIVERSITY COUNCIL TRANSCRIPT  
Wednesday, April 6, 2011, 3 p.m.  
Holmes Student Center Sky Room

PRESENT: Alden, Bennardo, Bishop, Blakemore, Bozikis, Brandt, Brubaker, Bruce, Butler, Carter, Coles, Cunningham, Elish-Piper, Feurer, Green, Gupta, Haliczer, Hemphill, Henry, Holly, Jones, Kaplan, Kowalski, Lash, Latham, Lee, Lenczewski, Mirman, Mogren, Mohabbat, Monteiro, Neal, Newman, Peters, Quick, Rosato, Rosenbaum, Sagarin, Schoenbachler, Shortridge, Small, Thu, Vohra, vonEnde, Williams, Willis, Yamagata-Lynch

Byron Anderson attended for Patrick Dawson, Michael Peddle attended for Chris McCord. Scott Peska attended for Debbie Haliczer who had to leave the meeting early.

Parliamentarian Ferald Bryan was present.

ABSENT: Bond, Bowers, Calmeyer, Castle, Collins, Cummings, Fox, Freeman, Greene, Hall, Henderson, Houze, Hurt, Jaffee, Lusk, Prawitz, Richmond, Robertson, Slotsve, M Smith, R. Smith, Snow, Venaas

I. CALL TO ORDER

President John Peters called the meeting to order at 3:06 p.m.

II. ADOPTION OF THE AGENDA

J. Peters: Well, first order of business is the adoption of the agenda. You’ll notice at your table, there are four walk-in items, so we will have to amend the agenda. Two walk-in items and two additions, I’m sorry. So we have to add four items to the agenda. The first is VI. A. – the Faculty Advisory Committee to the IBHE – Earl Hanson’s report. He is not here today but he has a written report, so there will be no verbal report. That’s one item. Number two is VI. I. – University Affairs Committee – Cecil Smith has no report but Cecil was unable to attend today. However, instead of “no report,” Al Rosenbaum is going to make a brief verbal report on behalf of the University Affairs Committee. The third change is a walk-in item, VII. A. Article 11 Grievance Procedures for Faculty and Staff, second reading. You’ll remember our discussion and first reading. So, in addition to the information that begins on page 10 in the agenda packets, we will also have a walk-in item which you should have titled, I love this, “Changes Proposed by Steve Cunningham.” And the last item, a walk-in, VIII. B. – Student Conduct Board and Community Standards and Student Conduct Advisory Board – John Jones. We’re adding this item and I know John is here. He is going to describe the changes made to the name description and duties of these two committees of the University and that’s because you approve name changes and description changes, but not necessarily content as I understand it on this. So, those are the four. Is there a motion to adopt the agenda as amended?
P. Vohra: Motion

T. Bishop: Second

J. Peters: Any discussion? All those in favor say aye.

All: Aye

J. Peters: Opposed? Alright, we have an agenda.

III. APPROVAL OF THE MINUTES OF THE MARCH 9, 2011 UC MEETING
   (sent electronically)

J. Peters: Sent electronically Roman III is approval of the minutes of March 9. I’ll call for additions or corrections. Hearing none, I’ll ask a motion to approve the minutes.

R. Holly: Motion

S. Willis: Second

J. Peters: All those in favor say aye.

All: Aye

J. Peters: Opposed? We have minutes approved.

IV. PRESIDENT’S ANNOUNCEMENTS

J. Peters: Well, good afternoon everyone. I want to say just a few words about an incident that we had last night and we released a statement on this as well that correlates with what I’m about to say. At about approximately 1:07 a.m. last night, I was notified that a shooting had occurred off campus at the Hillcrest and Aspen Court area in the northwest section of the city of DeKalb. I think it’s up there by Starbusters, that area. Subsequent to that, the University learned from the DeKalb police that the victim was an NIU student, Devon Butler, 19 years of age, from Pembrook Pines, Florida, and a member of our NIU football team. Now, immediately, NIU Athletic Director Jeff Compher, Head Coach Dave Doeren and Vice President for Student Affairs and Enrollment Management Brian Hemphill were immediately notified and Coach Doeren went to the hospital to support Devon and his family. So, officially and on behalf of all of you and all of our faculty and staff and students and alumni in our community at Northern Illinois University, I extend NIU’s thoughts and prayers to Devon and the Butler family and I’m happy to say or pleased to say that just before I came over, I had the opportunity to speak with Devon’s uncle who is the spokesperson for the family and very much involved, and expressed to him those sentiments and offered to him, as we always do, all of our support and anything that he or Devon may need. And while I don’t have very many details, I do know that Devon is out of surgery and recovering and the family seemed optimistic about a complete recovery. That was
good news, indeed. Now, I want to commend the DeKalb Police Department for their quick response to this incident and the swift apprehension of the suspects. The suspects are in custody and I want to give a special thanks to the DeKalb Fire Department, our NIU Department of Public Safety was involved, and the other first responders for their efforts as well. Very quick, important response. This morning, I spoke at great length with DeKalb’s Mayor, Chris Paulson, and we had a good conversation and I pledged NIU’s continued support for improving the safety in an area of DeKalb that has become a problem within our community and we had a very good talk about that and we’ll be talking more as we move forward. Where we are now after receiving notification from the DeKalb Police Department of the apprehension of the suspects and the filing of subsequent charges, I’m confident that there remains no immediate danger for the NIU campus or the surrounding community and therefore the University has removed the advisory posting from its website early this morning. As we always do, we are going to continue to update you as facts come to light from appropriate authorities about this. And the best way to learn about that is to check NIU Today where we have an update and the good thing about that is, when we put something up there, it is the best possible verified information we can have. That happened last night and once again we move forward.

That sort of turns my attention to something that I have been spending a great deal of time on and that is our budget, our State budget situation and I want to talk at some length today about that, not great length, but I think there are things the council should know. First of all, I want to give you a status report on our current budget and let you know where we are on that. Currently, in this fiscal year, we have received to date, and it’s up on our ticker, we have received to date $37,502,916 and our outstanding vouchers that we are owed total $60,168,290. Well let me put that in perspective. So that totals up to about to about $100.7 million. So we are in the tenth month of the fiscal year and normally we’d be, let’s say, give or take in millions, around $80 million. We’re at $35 million and we are owed $60 million and we’ve got two months left. So, needless to say, it’s getting tense for us to meet payroll, and we’re hoping, Dr. Williams, I don’t think we’ve seen a reimbursement check in maybe two weeks, so we’re getting a little bit nervous about that. We’re using our reserves and anything we can to make our $9 to $10 million payroll every two weeks. This obviously was something that I continually talk about to the legislature and Governor and they’re sympathetic but they understand but we haven’t received any money. Now, remember this is still a status report on 11. In the fall we received a payment for, it goes through the students to us, monetary award funding of $11,930,000. We are owed for the fall $338,000, so we got almost a complete payment for the fall for our students who get monetary awards, but we’re still light. We have not received a payment for the Spring and the Spring there’s a little bit off a fall off. Its $10,341,000 and we have not received that for the students. So add the 300 in so we’re owed about $10.7 million on MAP on top of the 60. I hear signs that that may be forthcoming, but as of yet we don’t have it. So just to kind of let you know if you think about your household, you know our checkbook is – we’re slowing down in writing checks and the balance is pretty low and deposit checks are not coming in. So, that’s 11.

Last week, on Wednesday, I was down lobbying for a couple of days. I was representing NIU, I wasn’t lobbying. Some people think lobbying is a negative connotation, I don’t. We had our biennial NIU Alumni Association Day in Springfield. We started out, we had a nice lunch in the Secretary of State’s office, and then a group of us, including several trustees, went with me and
we visited most of the leaders. We visited the Lieutenant Governor. We visited our local representatives and then we ended up with a nice reception that evening. And it was fun, but it was business. It was making the case to the leaders about what we needed. Cash flow needed to solve that problem and those issues. As I went along, I gathered information about what was happening with the building of this year’s budget and we all detected new developments that have changed things a little bit and make the outlook perhaps not as bright, it was never bright, but perhaps worse than we thought. You remember that the Governor put forward a budget that gave to us a flat operating budget from last year. And normally what happens for the past decade in Illinois is that the legislature passes that budget, maybe makes some adjustments and, if there’s a deficit, they give it back to the Governor and say “you figure it out,” something like that. There are committee hearings and appropriation hearings, but usually the appropriation hearings don’t take action on adding or cutting budgets. They pass this lump sum and it goes on; it’s passed and goes on to the Governor. This year, fundamental change on the House side, where Speaker Madigan and Minority Leader Tom Cross got together and they set a revenue estimate that was different than the Governor’s revenue estimate and different again from what the Senate was working with and they vary by $1 or $2 billion. The House number is lower. But then they did something else. What they said is, “okay, we are not going to budget the way we used to, we are going to take care of some things off the top,” namely, the payment for pensions, Medicare, Medicaid, some other things that come off the top and what they used to do is, well they didn’t pay the pension, they took a holiday, or they bonded on it and paid it off over time. This year they said, “people have complained we’re not doing that anymore, we’re building it right in the budget and taking it off the top.” So they set their $30 billion figure or whatever as $33.2 billion and then they will deduct their estimated cost for the pensions, Medicare, Medicaid and other things and the residual is the adjusted State budget, which you can already calculate, that’s going to be less than we had last year. But they did one other thing on the House side. There are five appropriation committees. Higher Ed is one and each chair for each committee was given a dollar figure by the leadership, by Speaker Madigan, that they have to make that budget. Therefore, the nature of our hearings is much different than they have been because they actually have to make decisions about what programs they are going to cut or not cut or reallocate to and that’s a new experience. Now, one other level of complexity, there was some indication in our travels and talking to Appropriations Committee members, that they may even complicate that even more because they may take their higher education number, and normally what would happen, they would just apply that to the historical pro rata basis of each unit. They are talking about not doing that this year but differentiating among their agencies. So it could be that NIU gets more and SIU gets less or the other way around or the community colleges get more, at least that’s what they’re talking about. Then once that’s done, the Senate is not operating that way. It’s operating the old fashioned way, so that will go over to the Senate and so for the first time in a long time there will be a Conference Committee that will have to reconcile and there certainly will have to be something to reconcile, these two budgets. Then it goes to the Governor for signature and the Governor has made noises about vetoing anything that doesn’t support education. I know he means K-12. I don’t know if that includes higher ed. I tried to make that as simple as I could without giving a State Legislative lecture that really would have put you to sleep, but that’s where we are.

Therefore, you know, I’ve thought about that and I just did a little dead reckoning and I know
this: It looks like we’re going to get a budget cut. Now that I need a drink of water for. This Monday in the cabinet meeting, I went over this with the Senior Cabinet in more detail with a few more numbers and illustrations, but I’ve asked the Senior Cabinet to do a couple things and to consider a couple of things at least. Number one, right now, let’s try not to spend anything we don’t need to spend on. Now, we’re not spending much, but we are spending some and so I guess the rule ought to be – and this will percolate down to everybody – if you don’t need it, don’t buy it. Because we could use that money in case we have a permanent cut, roll it over, to give us sort of a one-year reprieve on some of the permanent budget cuts we’d have to make. Not spending cash now is one time and I happen to know looking at the balance sheets, that there’s money out there. Now maybe it’s encumbered for paper and erasers and moonbeam extractors and whatever else we buy. But I know there’s some money out there, but I’ve asked nicely. The second point, I asked the Vice Presidents, the Cabinet, to start seriously thinking about permanent cuts for the fall. I don’t have a number, I don’t have a percent yet, and we’re not decided on that. We have to carefully watch what’s happening in the Legislature, we have to blend in other factors like revenues and enrollment. But I don’t see how we’re going to escape without a permanent budget reduction next year. Because we are so thin in every aspect of what we do, there are no easy cuts. I suppose everything has to be on the table this year. We have to consider all kinds of cuts. I didn’t get any more specific with the Cabinet and the Vice Presidents except to give them a big bellyache and to go back and start thinking about that, so you may have already begun to hear some of that.

That’s my update on the budget as we sit to date, but there’s more because there’s the thing that I wrote about to you last week, or two weeks ago, I can’t remember when I did that and that’s pensions. It’s not being talked about because they must be talking about it. But if you – as I tried to make the case – any analysis of our pension funds adds up to a train wreck. We all know that and we all know it’s not our fault. We paid in faithfully, the State hasn’t made their payments. So you have this huge accrual of deficit that, unless it’s accommodated in some way going forward, the system implodes on itself in a very short period of time. I’ve been thinking about this, even a little bit beyond what I wrote and I urge you to go back and read that, because I’ve come to the conclusion that going forward, I don’t know what will be. There are some that say that people existing annuitants and people who are current employees, like us, our benefits cannot be diminished by the Constitution and there’s a beautiful 77-page document done by the Senate Legal Counsel Minority Majority Legal Senate Counsel that people tell me is constitutionally and legally airtight. That doesn’t mean that the Legislature won’t pass a bill and test it in the courts to apply the changes that were made to new employees last year to current employees. You know all the options that might be out there and then see where that goes. In all these matters, I’m trying to be involved and engaged and have my voice heard and I hope our collective voices are heard on all these issues, yours, mine the other presidents, the other universities, because I think that, going forward, we need to protect our pension and it may be that we have to, we meaning the universities and employees, may have to start contributing more to save what we have. I don’t know. To not do that is to risk the system blowing up on us and then we are in real trouble. But anyway, this is very much on my mind, the pension issue.

There are other things that are out there and I just want to mention one. There are more bills, but one that’s coming forward that I’m involved in, trying to get involved in, is moving budgeting
from the way we budget now to outcome measures. The number of students we graduate, the number of students who complete Political Science 100, outcome measures, how efficient we are. I have made myself obnoxiously involved in this because I have some knowledge of it. That’s not a very great exciting thing to have knowledge of, outcome based budgeting, but I happen to have that knowledge from a previous employment situation. I’m involved in every one of these activities and more, every day, and I urge you to be involved in any aspect of this that you feel important within the appropriate ways that as State employees we can participate. And we are all graduates of our ethics test and so you know what I’m talking about. I’m pleased to say that our Alumni Association is helping out. They’re beginning to establish and organize themselves into advocacy groups so that they can help us. And I noticed today that the University of Illinois has urged its alums to get involved at the federal level with Pell grants and basic research. That’s a whole other story, I don’t want to get into that, but that’s equally of concern and there’s some lobbying work going on in Washington right now.

I want to end with a few good things and there are always good things this time of year as we wind up the academic year. This Friday, our Honors Program celebrates its 40th year and there’s going to be a big shindig out in the suburbs and I’m going to attend that. April 18, mark it in your book, groundbreaking for the new student housing, a 1,000-bed unit. That’s going to be a good thing. I just rode by today and I see, Dr. Williams, it looks like the bulldozers are getting ready. I want to be there when they fire them up and knock that thing down. I’m pleased to introduce the newest member, maybe not now the newest member, but a new member of the cabinet and the University and that’s Mr. Jerry Blakemore. Raise your hand Jerry Blakemore. General Counsel, he graduated from an obscure, private institution in New Jersey, I thinks its Princeton. He is, oh read his resume, it’s just great. We are so glad to have you, Mr. Blakemore. With that, we have a big agenda today.

V. CONSENT AGENDA

J. Peters: Let me call for – we have no consent agenda.

VI. REPORTS FROM COUNCILS, BOARDS, AND STANDING COMMITTEES

A. FAC to IBHE – Earl Hansen – report – Page 3

B. BOT Academic Affairs, Student Affairs and Personnel Committee – Kerry Freedman and Ferald Bryan – no report

C. BOT Finance, Facilities and Operations Committee – Alan Rosenbaum and Greg Waas – no report

D. BOT Legislation, Audit, and External Affairs Committee – Jay Monteiro and Todd Latham – no report

E. BOT – Alan Rosenbaum – report – Page 5
**J. Peters:** So, reports. We go right down to Alan Rosenbaum reporting on the Board of Trustees meeting.

**A. Rosenbaum:** I am not going to repeat a lot of the beginning part of the Board of Trustees meeting was President Peters talking about some of the things that he was just talking to us about with respect to the State budget issues and the University budget issues, so we’ll skip by those. The Board considered quite a number of items; you can read them in the reports. In the interest of brevity, I’m just going to highlight a few of them. One, as we do every year, the Board had to approve the student fee recommendations and also the room and board charges. As usual, they tried to keep the increases as low as possible. You can see that the room and board rates increased about 5.2% and that’s with the Board, I believe, staying level. I don’t think they increased those rates. The Board also approved the fiscal year 12 NIU Foundation contract. These are people that are trying to generate the revenue for the NIU Foundation. It’s very important to us and they’ve just finished the first, as you know, the True North Campaign, which was very successful. They also approved some of the campus-wide infrastructure improvements. The Electrical Infrastructure Plan Phase I, which is hopefully going to keep us from getting electrocuted when we walk around campus. They also, again, approved the 2011-2012 sabbatical leaves for faculty and supportive professional staff and again, in the face of fiscal difficulties, the Board approved all of the sabbatical leaves and we’re grateful to them for that. And they introduced, as you just heard, Jerry Blakemore, approved him as Vice President for Legal Services. And they also decided to award and honor or approve the honoring of an Honorary Doctorate of Science to Eric D. Isaacs who is a physicist at the University of Chicago and Director of the Argonne National Laboratory and also a Doctorate of Humane Letters to Leland Strom, Chairman and Chief Executive Office of the Farm Credit Administration and so those will be awarded at May graduation. Any questions on anything that I’ve spoken about or haven’t spoken about? One last thing, at the beginning I think I should have mentioned this, Chair Straus pledge the Boards support to help President Peters fight for NIU in Springfield and to try and do everything they can to shepherd us through the financial crisis that is looming. Okay, any other questions?

**J. Peters:** I could just add that’s a very good report that from the Senate side appropriation hearings I was pressed to defend sabbaticals. Number one, every president was so that issue has come up and I think we were successful in indicating that our, actually our sabbatical policy, it’s really not a sabbatical it’s a competitive professional development program where they are chosen on merit, they are not entitlements. Foreign travel, I got – and we didn’t spend that much on foreign travel, but at the end of a long session I was pretty tired and I’m usually faster on my feet but they said why are you spending so much on foreign travel? Why are faculty spending so much on foreign travel and I started to talk our physics program and how we have to go to CERN, to the collider and so forth and the person who was asking the question said, “Well there’s no collider in Guatemala,” and I wasn’t fast enough. What it was, the study abroad program, which is not, it’s paid for by. It gives you kind of a feel for what’s out there and the care it takes to explain things when they should be obvious. It’s obvious to us, it’s not obvious to others or they don’t want it to be obvious. That’s the other thing, so thank you. Alright, questions for Alan on that?
A. Gupta: Just curious, actually, it’s in President’s Report, that elimination of dependent waivers. It’s a plan that stalled in the committee or it’s moving forward?

J. Peters: That, yes I am glad you brought it up because that was another item that was raised, particularly by the Senate Republicans. It is at this point a proposal. I don’t know if it will see at this point any action, but we did defend it and we’re prepared to defend it some more. I’m glad you picked up on that.

F. Academic Policy Committee – Pat Henry, Chair

1. Student Evaluation of Instruction – Common Question Proposal – Page 7

J. Peters: Okay, Pat Henry and Academic Policy Committee, the Student Evaluation, the common question proposal.

P. Henry: Yes, thank you. We met last month and discussed this, especially based on the work that last year’s Academic Policy Committee Chair, Kendall Thu, had collected for us, and basically decided that it seemed reasonable to include a common question. The question is, would this be something that is included on either paper or electronic evaluation forms, and we came up with a terrifically original version of this which is: “My overall rating of the instructor’s effectiveness is: outstanding equals 5; very good equals 4; average equals 3; below average equals 2 and inadequate equals 1.” And then there’s obviously additional questions that can and should be included for each department’s evaluation of particular courses. From what we saw from what last year’s committee had done, there are very similar questions to this and most departments already and it seems like this is broad enough to be able to be used pretty much in all situations given that it’s certainly not going to be the only way of evaluating these courses. It was pointed out that if you’re going to have this over the entire University, there has to be some sort of agreement. We have to sort of pick a lane as to whether 5 is high and 1 is low or 1 is high and 5 is low. There’s actually some difference here I think in departments at colleges and I don’t know if there’s some way of sort of building this into the evaluation program, it the computer can fix this. But at any rate something will need to be addressed on this line. Okay?

J. Peters: Alright is this an action item?

A. Rosenbaum: Yeah, I think we need a motion to include this common question in the APPM.

P. Henry: So moved.

J. Peters: Alright Pat has moved this item. Is there a second?

G. Bennardo: Second

J. Peters: Alright, discussion?

K. Thu: I guess I have two questions. One is a question for the body as a whole which is: Does
the question that Pat and the committee came up with, does it adequately address the diversity of
teaching styles and topics that we provide at the University? And the second question is: Can we
get some clarity on what the question data is going to be used for?

**P. Henry:** The committee also wondered about that second part and we did not have an answer.
As to adequate, yeah, I mean I would be perfectly happy for some feedback on this. It seems in
some respects to be sufficiently vague as to possibly be completely meaningless, but it is sort of
open-ended.

**A. Rosenbaum:** I would think also this would be used, I would guess, the way all the other
evaluation questions are used. So it’s not a separate question that’s going to be handled
differently. It’s just going to be included on every evaluation. So it will be used the same way the
rest of the evaluation is used.

**J. Bruce:** I guess my issue is, as a student, I understand you want it to be broad, but this is a little
too broad or vague for me. Because if you ask me what my rating of the instructor’s effectiveness
is, I’m going to look at this, I’m going to say on my rating how effective they taught me, how
effective they engaged me, how effective they kept me from falling asleep in their lecture. And
that’s the problem I have, as a student, is maybe the actual vagueness of it. So maybe a little bit
of specificity in that would go a long way.

**P. Henry:** I appreciate that, I think those would have to be built in other questions because not
all classes are lecture classes. You have lab classes, we have online classes, we have all sorts of
variety of things and, indeed, effectiveness is purposely left open-ended with the specificity that
would have to come from the parts the other aspects of the evaluation, I think.

**J. Bruce:** I guess I’m just a little confused as to, is this the actual question that would be on? You
know, the end of the semester I get my evaluation. That’s where I’m confused. If this is the
question, then how am I going to know what I’m rating their effectiveness in?

**P. Henry:** Okay, affected in terms of you want something more specific in terms of teaching?

**J. Bruce:** Just, “what am I rating” is the question I have.

**P. Henry:** The overall effectiveness of the instructor visa-vis that particular class. Again,
effectiveness is very open-ended and I think that was the problem that we came up with in terms
of trying to make anything anymore specific. It would make it not apply to all the classes that are
possible, all of the configuration of classes that are possible.

**K. Green:** The problem that I see is that not … so perhaps in order to because … because no
matter what way (inaudible)

**P. Henry:** So, in communication of information?

**K. Green:** Yes.
**J. Peters:** Alright we have, let’s see, we got a line-up here. We’ve got Terry Bishop and then I think Dean Holly.

**T. Bishop:** I do recognize the vagaries of the question, but even the proposal there are classes that the conveyance of information may not be the principal activity. Again you mention there are practicum type courses and things, but I am sensitive to what you’re saying and maybe what John’s also said. One alternative is to insert the word the “instructor’s teaching” effectiveness.” That helps at least shape it a little bit more. Teaching of it – not effectiveness, popularity or something. I’m not sure you’re ever going to take a question that’s very general and make it more specific and transferable to all the different means by which we teach. But I do think the word “teaching effectiveness” might help sharpen the point a little bit.

**J. Peters:** Is that an amendment?

**T. Bishop:** I would propose that it be.

**A. Quick:** Second

**J. Peters:** So it’s second, we’re going to have to deal with this before we take

??: Is that a friendly amendment

**J. Peters:** Is that a friendly amendment?

**T. Bishop:** I’m very friendly.

**J. Peters:** Oh contraire.

**P. Henry:** I will accept that as a friendly amendment.

**J. Peters:** It’s been accepted as a friendly amendment so now it reads what?

**T. Bishop:** My overall rating of the instructor’s teaching effectiveness.

**J. Peters:** The instructor’s teaching effectiveness.

**P. Henry:** I guess we sort of thought giving the word instructor there kind of implied teaching, but I’m perfectly cool with it.

**J. Peters:** That’s a friendly amendment, okay. Austin?

**A. Quick:** As a student, I guess I do agree with Kate and with the other gentleman by saying teaching because there’s professors that I’ve had that are amazing teachers but they are not effective communicating things when it comes to just like the course, itself, so this would
specifically say what it is, right? Is that what you’re looking for?

**P. Henry:** No. I think what Terry said is true here as well because there isn’t that communication aspect is going to vary a lot and sometimes it is, in fact, the job of the teacher to make the students communicate rather than to communicate his or herself. I could go with the teaching; I think the communication thing may be more complicated.

**J. Peters:** Alright, Dean Holly is your comment superfluous now are do you still want the floor?

**R. Holly:** I had a different friendly amendment

**J. Peters:** Let’s hear it.

**R. Holly:** You want to hear it?

**J. Peters:** Sure

**R. Holly:** The comments made about different types of courses, different teaching styles, so I thought as a friendly amendment, we might want to say, “My overall rating of the instructor’s effectiveness in meeting the course’s stated goals and objectives is” – accommodate practicums, accommodate student teaching, etc.

**J. Peters:** That’s back to Pat here, that’s offered as a friendly amendment.

**P. Henry:** Are any of my committee members here or am I just here on my own?

**T. Bishop:** I like Dean Holly’s suggestion and I would withdraw my friendly because I do like that. I think that makes a lot of sense.

**J. Peters:** Okay, we have Mike Peddle who needs the microphone.

**M. Peddle:** I think it’s a mistake to try to over-engineer over wordsmith this. You have to consider this question as one question in an entire evaluation. We have used this question in several of the units that I have been affiliated with as the last question on an evaluation. You’ve gone through, you’ve done teaching, you’ve done this aspect of teaching, you’ve done this aspect of instruction, this aspect of availability and the bottom line you say, “okay, overall, what do you think of the effectiveness of this instructor.” I think it’s relatively innocuous and, when combined with the other questions in almost any evaluation, it works as a common question.

**J. Peters:** You want to respond to that?

**T. Bishop:** I don’t disagree with at least the spirit of that, but I was on the committee that kind of dealt with this last year with Kendall and we were told something very different – that this sole item could be used to compare the teaching quality of an entire department against another unit or faculty across the entire institution. In that sense, the question’s certainly not innocuous and
we’re investing a lot of hope that this question is capturing some meaningful metric. So I think spending some time making sure that it actually, indeed, measures something which is comparable is worth every minute that we spend deliberating over it. And I don’t want to dismiss it as being unimportant and the last question on the list when it’s the one that might be used to do this comparison across units.

??: That is exactly

J. Peters: So, where we are right now is that Pat had accepted the Terry Bishop’s friendly amendment.

P. Henry: And I will accept the other one in

J. Peters: Read it to us.

P. Henry: Okay, I think it would be: “My overall rating of the instructor’s effectiveness in meeting the course’s stated goals and objectives is.”

J. Peters: Alright, that’s accepted.

P. Henry: Again, we were thinking of it as sort of the last question in the list and it would be contextualized by the previous questions. But I take Terry’s point that, if it is in fact extracted and then compared across departments or colleges or whatever, it loses that context so this introducing a little bit more context into it.

J. Peters: Alright, Kendall?

K. Thu: I just want to make one point in here which is in the language, and I thank Pat for taking over as the chair of the committee. The previous language makes clear that this general question is optional. What’s happening here now is that this question will be mandatory in this new language. It says, “must include the following question.” Previously, it was optional and I remember very clearly last year that, when we discussed the possibility of a generalized question, even if we came up with one, it was still going to be optional.

P. Henry: I am somewhat confused because what we had, at least what I was given as part of the APPM, Section II, says “the only specific question to be included” and I assumed that wasn’t optional then.

K. Thu: “To be included” but it doesn’t say which one ought to be included.

P. Henry: Well, the only specific question to be included in all paper and electronic forms is one requesting an overall rating of the instructor’s effectiveness.

K. Thu: Correct, but it doesn’t say which kind of question that a department or division can ask that attends to the issue of overall instructor’s effectiveness. There’s a difference there.
P. Henry: Right, okay

K. Thu: So now we’re saying, “This is the specific language that must be used that must be responsive to that provision of the APPM.”

P. Henry: But it was not optional for a department to completely leave out an overall effectiveness type of question.

K. Thu: That’s right

J. Peters: Alright

R. Shortridge: I am on the committee and the discussions that we had were that it was required that everybody have an overall question. So we tried to craft an overall question that was general enough that could be used across the University. Based on our interpretation of that, everyone needed to have the same question and sounds like that’s up for debate now whether that meant that or not. We had a large sample of questions that other departments across the university used for this question and they’re very consistent with the one that we crafted with slight tweaks. So they’re not substantially different than the one that we proposed.

J. Peters: So basically you’re saying probably 98% doing it this way anyway?

R. Shortridge: There might be slight wording changes, but they’re not dramatic to make the content different.

J. Peters: Kendall?

K. Thu: I don’t want to belabor the point. I’m comfortable with the language that Pat’s come up with. I guess a question for the Provost or maybe the Deans is: “Are we assured that this generalized question isn’t going to be the only, or the primary ingredient in evaluating a department or division’s teaching effectiveness?”

R. Alden: I can’t tell you the direction for pay-for-productivity may take us. I know some states do have students’ satisfaction for teaching as a metric that is evaluated in a complex formula for evaluating pay for productivity. I haven’t heard it on the table in this state. I was thinking of this more narrowly perhaps than the rare cases that come to UCPC, that the UCPC has to consider substantive issues because it’s usually on process. Often times, the people sitting around the table don’t recognize what the teaching questions are if it has to come into the teaching evaluations. This at least puts it on kind of a summative, this is the bottom line, question that people at least recognize the question. That’s just my view. I wasn’t thinking in terms of pay-for-productivity. That can go anywhere and that’s going to be legislated by law and we’ll have to catch up. So this may be our chance to make it something we can live with.

J. Peters: I thought that was a very good because as Provost and Dean, I couldn’t have done it
that eloquently. But that’s the answer I would use and we had a question like this similar in other institutions and the way it was used is it’s kind of norm to a department. So because departments are a little different and there may be some variation in effect of this question across disciplines, but if you’re looking at it individually, it’s norm to their department.

**G. Bennardo:** In answering two concerns and especially the student’s concern, I just thought about since this question is being made compulsory, can we also say or add or specify that this should conclude the number of questions that are asked about the evaluation of the class and the instructor instead of being just one which appears out of context. And that will also take care of the comment here that we had by Dean. So we can also suggest, this could be the concluding question and that would clarify all the doubts the student had and the suggestion about the fact that it’s not the only question but one that concludes the questionnaire.

**J. Peters:** Pat’s trying to figure out if that’s friendly or not.

**G. Bennardo:** We can suggest it maybe.

**P. Henry:** Okay, the continuation of additional questions should be directed towards that same determination. Oh, I’m sorry; additional questions directed toward that same determination can and should be included should we insert “should precede?” I don’t know, that seems kind of micromanaging.

**G. Bennardo:** We can suggest to close at least with this general question because the previous question they basically clarified the content of this final question. Otherwise, the student as represented here, would be completely puzzled on what am I evaluating in general.

**P. Henry:** Alan, I don’t know does the APPM accept suggestions?

**J. Peters:** Yeah, we don’t want to edit their work too much, I guess.

**J. Bruce:** As the wording was friendly amended from the Dean over there, that eases all troubles I had as a student regarding the vagueness of the question. And I believe Mr. Quick over there agreed with me on that too – that as far as the vagueness of the question goes, the way it was worded as amended is completely fine with me.

**A. Rosenbaum:** Pat, I think we are recommending the language that will go into the APPM. I don’t think the APPM Committee with play with it, so either you want this additional item or not.

**P. Henry:** It’s this business of a suggestion.

**A. Rosenbaum:** Right, so if you don’t want that, you can reject it as a friendly amendment and we can put it to a vote.

**J. Peters:** You could do this; you could say, “All evaluation forms written and electronic must
include the following question, normally at the end of the form.”

**P. Henry:** Okay, that sounds good. I will accept that as a friendly amendment, normally at the end.

**J. Peters:** God, I’m useful today! I’m usually not useful.

**P. Henry:** At the end of the evaluation, okay.

**J. Peters:** That’s a friendly amendment.

**P. Henry:** Yeah, doesn’t that sound good to you? Anybody got a beef with that?

**J. Peters:** Okay, are we moving toward…

**P. Henry:** Do you want me to re-read it?

**J. Peters:** Yes, re-read it.

**P. Henry:** This is the suggested changes to the APPM, Section II, Item 14.2 beginning with the bolded underline thing. “All evaluation forms, written and electronic, much include the following question normally at the end of the evaluation. My overall rating of the instructor’s effectiveness in meeting the course’s stated goals and objectives is: outstanding, very good, average,” and that’s it; the rest of it is the same as it is now.

**J. Peters:** Okay, question? All those in favor of the proposal as amended say aye.

**Members:** Aye

**J. Peters:** Opposed? One, two, well you don’t have a show of hands, you have to voice your “no.”

**J. Peters:** Abstain? By voice vote it passes. This reminds me, 25 years ago when I went through a similar debate like this. Here was the question we ended up with. “To me, the overall value of this course is: Outstanding to not so good.” So it switched from effectiveness to the value to the person taking the course. That’s not a friendly amendment.

**P. Henry:** I would just like to make one further sort of observation on this. As I’ve been discussing this with various people, part of the problem that a lot of us have with the whole thing, vague or not, is that so much depends on participation and especially if this is the only thing that is being used to look at, it does seem like the electronic evaluation is showing a lower degree of responding from students. So you run the risk of over-working this data whereas it’s not really going to be showing anything that significant.

G. Resources, Space and Budgets Committee – Laurie Elish-Piper and David
J. Peters: Alright, Laurie we have the Resource, Space and Budget Committee report on page 8.

L. Elish-Piper: Yes, pretty much all of the report has already been reported by others, so this will be brief. I’m just going to draw your attention to page 9, item number 5. Our committee is working to put together a memo regarding NIU’s budget priorities to represent, not just the committee, but also the constituent groups that the committee represents. And so we’re asking if you have specific feedback or information that you would like for us to attempt to include in this memo, to please direct that to me or to my co-chair, David Goldblum. Our e-mail addresses are listed there. We’re in a pretty time sensitive situation in that we want to have this prepared for the last Faculty Senate meeting, which means that, if you have feedback, it would be appreciated if I could get that or David could get that within the next three, four, five days, so that we have time to do something with that and share it with our committee and move along with that. Our goal in doing this was to take seriously the advisory responsibility of the committee and to put something in writing. We do a lot of kind of reporting back, but we want to put something in writing just so that could be on the record so to speak. We’ve listed some items there that you might want to share input regarding budget priorities, changes to pensions, tuition waivers, healthcare benefits or any aspect of the budget. Our goal is not to do an exhaustive list of every possible thing, but to really target those big areas and put something into writing. We will not simply be compiling feedback, we’ll be trying to kind of organize and provide our representative summary or synthesis of that information. So again, if you do have feedback, it would be really nice if we could get that by maybe no later than Monday so that we have time to do something with it.

J. Peters: Alright, I know that the Provost and Dr. Williams and I have appreciated the work and involvement of the Resource Committee. It’s been a good sounding board for us as we try to explain the difficulties that we’re facing and hear the view of faculty and staff. We appreciate that.

L. Elish-Piper: Thank you

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

I. University Affairs Committee – M Cecil Smith, Chair – report

J. Peters: Alright, now the walk-in item, VI. I. University Affairs Committee, Alan Rosenbaum is going to give that report.

A. Rosenbaum: Okay, this isn’t so much a complete report as just to notify the University Council in accordance with the Constitution and Bylaws that the University Affairs Committee did its annual review of the ombudsman, Tim Griffin, and that report has been presented to President Peters and it is also presented to the University Council. So we are informing you that this report has been done and that’s the entire report. Anyone have any question about any of this? It’s a constitutional requirement that we have fulfilled.
**J. Peters:** And I’ll receive that report and make some sort of commentary that can be inserted in our information items.

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

**VII. UNFINISHED BUSINESS**

A. Article 11: Grievance Procedures for Faculty and Staff – *second reading* – Page 10
   “Changes Proposed by Steve Cunningham” – *walk-in*

**J. Peters:** Alright, moving on to Unfinished Business, Article 11 the Grievance Procedure second reading on page 10. This is a Sue Willis operation.

**S. Willis:** Well I certainly don’t want to take full responsibility – I certainly don’t want to take full credit for it, is what I want to say, because I had certainly plenty of hard work done by my committee which I greatly appreciate and also by a number of other people. So you have before you Article 11 presented for a second reading. There are some small changes from the first reading which was two meetings ago which I would like to point out and I believe they are all pretty minor. One concerns the title of the person in Human Resources who is responsible for handling all of this stuff. The original suggestion was SAHR, the Senior Administrator for Human Resources. That was discussed during our last meeting and it seemed general consensus that that was a rather confusing way to put it and so with the consensus of my committee I have changed that to VPHR along with a definition which you will find at the very end where all the definitions are. So that’s the senior administrator responsible for Human Resources whose exact title may change. At the time of writing the person’s title is Vice President for Resources and Compliance or designee. So that’s who that person is. Hopefully that will make it sufficiently clear that people who are wishing to file grievances will know to whom they should speak. So that is one change.

Let’s see, another change is in you’ll find this on page 17. We added a list of things that should be send to the grievant and respondent, there was one item that was inadvertently omitted from the list which is the third item there, the summary of the principal evidence presented in support of the charge and the preliminary list of witnesses the University administration plans to call. So that got omitted by mistake and so I put it back in.

Also, earlier in the paragraph that precedes that list, which is 11.5.32 (h), we eliminated an AVP from the list of people who should take care of all of this. Although, if you look at Steve Cunningham’s suggested additional changes, he suggests that now that we’ve added this whole list of things that it also ought to be done that we ought to leave that in. But anyway, we took that out.

At the end of that whole section, at the end of (g), which is just above (h) also on page 17, we amended that final sentence there just to say that no further information shall be provided to the grievant. In this case, the original set of amendments that we had proposed had allowed some discretion to the hearing committee and then, on the advice of University legal counsel, we have
removed that discretion so the process is clear.

Other than fixing a couple of typos that keep sneaking into these things, I believe that is the total number of changes from the first reading. What you see here as a second reading is a set of proposed changes to Article 11 with the text that we proposed deleting crossed out and the text that we proposed adding underlined.

**J. Peters:** Okay, so this was the committee’s handiwork based on suggestions that came from this body in first reading?

**S. Willis:** Yes.

**J. Peters:** And it is for them to judge whether you did a good job. Then we have kind of a wrinkle here.

**A. Rosenbaum:** We have a walk-in from Steve Cunningham.

**J. Peters:** We have a walk-in from Steve which he took it and did a human resource scrubbing of it and I’m not sure how we handle this. I’ll let Steve make a presentation but I’m not sure how that blends into the work that has come forward from the committee.

**S. Willis:** Alright, well there are certain of these items that I would be willing to accept as friendly amendments and then there are certain of them that I would rather have discussed.

**J. Peters:** Okay

**S. Willis:** So now can I just ask Ferald because after all this time I should be up-to-speed on all these details, but since this is a second reading, I don’t have to move this again right or do I?

**F. Bryan:** No, we know that this needs to be voted on by this body.

**S. Willis:** Alright, and then if I accept friendly amendments do they need to be also approved by the original seconder?

**F. Bryan:** Yes, technically they should be and, if you don’t accept them, then this body would then have to determine if they’re willing to accept them as amendments to this document and then we would have to discuss those amendments and vote on it.

**A. Rosenbaum:** For convenience in doing the minutes, can you sort of address each one individually as to whether you are going to accept it or whether you are not accepting it as a friendly amendment.

**S. Willis:** Well, I thought I’d let Steve present them and discuss them first. Is that alright or should I just say which ones I like?
A. Rosenbaum: Just as long as ultimately we know exactly which ones you’re accepting and which ones you’re not.

S. Willis: Yes, I will do that.

J. Peters: Alright, Steve, go.

S. Cunningham: Thank you. Following the first reading, we appreciate the committee’s giving me another opportunity to look over the grievance procedure. Just through the aspect of having administered the procedure for many years, we’ve run into certain areas that needed some additional clarification for both parties who use the procedure and these are outlined in the attachment. I did discuss these with Sue last week on behalf of the committee and I think we resolved the status of the ones that were listed here. There were some other ones that are omitted from this list that we’ve decided to table.

The first one, Section 11.4 is generally a section of informal resolution. 11.4 encourages informal resolution of the grievance. The original language says a request for mediation and you’ll see in the comment, mediation is a very technical process that’s very specific. And the goal is to really seek an informal and alternative resolution. There are other options; for example the parties might meet and negotiate a resolution agreement. A third party who’s a non-mediator might become involved and assist in resolving the grievance at the informal level. Hence, the reason to place the alternative resolution option language in there.

Then 11.5.1, 11.5.2, this is where the grievance is formalized and moved to the supervisor and the supervisor’s supervisor and so forth. And at each step, the original language indicated that the respondent would seek to resolve the matter. That’s resulted in some confusion in both the respondents and grievants as to what does this mean. Does it mean they have to meet and seek a resolution, although maybe they tried that in the informal stage and could not seek one? Or is a response actually required or not? So this makes it clear that they can still seek to resolve the matter but also a response is also in fact required at each step unless it’s waived. So that’s 11.5.1 11.5.2.

11.5.32(h), as Sue indicated, at this point, we’re going to the grievance committee and the set of information that was listed in the attached document is very consistent with the procedure that relates to faculty in the faculty dismissal for cause procedure. And here it’s very important that the record be compiled because this becomes the official university record that will go to the grievance committee if the committee is convened. And so as the custodian of the records – in the procedure there are two roles and this is kind of the case with all grievance procedures – in this one there’s a shared governance role which the executive secretary largely fulfills. And there’s also a university agency role which is the role that’s fulfilled by my office. So this is an effort that, whenever possible, we reflect this dual role and this collaboration in the procedure. We’ve added, I think retained the role of my office in compiling and transferring that record along with the executive secretary. And then we’ve added in the next a copy of the grievance record including the appeals and responses would be included with this information because that’s really the heart of the grievance record and associated documentation.
And then 11.5.33 is simply a clarification that we’re going to retain all the documentation along with the hearing proceedings.

11.7(b) relates to affirmative action cases. There’s a clause in the grievance procedure where, if there is a question of discrimination or harassment, the affirmative action officer may become involved in responding and investigating the grievance. There is another procedure in the Constitution and Bylaws where the UCPC can also convene a hearing board if a question of discrimination is raised. We need to coordinate these two procedures. If the UCPC has already investigated a case and ruled on it, we need to incorporate that information into this grievance procedure as well. It’s an attempt to coordinate those two procedures.

Finally, 11.8 just reasserts the consultation with the executive secretary if we, instead of just my office doing it, if we decide there’s a need to consolidate grievances. Periodically, there may be several grievances filed on or about the same time about a similar subject and it’s more efficient to combine those especially at the hearing committee level.

**J. Peters:** Okay, any questions about any of those that’s fairly technical stuff? Todd?

**T. Latham:** I have a question, Steve, regarding 11.7(b) on the walk in. This is in what’s brief or statement than what’s originally existed under (b) in our original documentation. Am I to assume when you say append the following text, you’d like the walk in to append all the language that existed before under (b)?

**S. Cunningham:** Yes, this would be an addition to the existing language.

**T. Latham:** This would be an addition?

**S. Cunningham:** Yes.

**T. Latham:** Because the previous language gave a option of the committee to refer all or portions, set a time frame and grant an extension. So this an addition to that? It’s something that would be considered but, if it were to replace it, I don’t know that that would be in the grievance procedures’ best interest.

**S. Cunningham:** No, this is clearly an addition.

**J. Peters:** It says “append” which means add to. Terry Bishop.

**T. Bishop:** As we know when we talk about alternative dispute resolutions (I am referring to 11.4 the sentence for alteration) you propose inserting alternative resolution options. ADR or alternative dispute resolutions includes up to and including arbitration. I’m suspecting you’re not meaning to imply or insinuate arbitration may be an option.

**S. Cunningham:** No, that’s correct.
T. Bishop: And yet somebody might read this and maybe interpret it to mean virtually any ADR or alternative might be available. So would we want to exclude arbitration?

S. Cunningham: Well, that’s a good point, Terry, or we could say available alternative resolution options if arbitration is not available in the procedure, which it isn’t.

T. Bishop: Okay, I would hope to not create some sort of understanding or belief that I can choose my own version of ADR here including arbitration so I’d like to do arbitration.

J. Peters: So you are accepting that in your friendly amendment as another friendly amendment.

T. Bishop: Yes, if ultimately Sue believes that that’s one of the things that the committee would accept I would offer to amend it.

J. Peters: Alright, so now we have a set of Steve Cunningham HR type suggestions and now Sue will have to go through those indicating which you can accept and where you have issues.

S. Willis: Okay, so the ones that I accept as friendly amendments, actually most of it, but let me go through. 11.51 and 11.52 including and/or provider response to the allegations, I would accept that in both cases. Retain VPHR in 11.5.3.2(h) I have no problem with that including also adding a copy of the grievance record to the itemized list of information and then including that also along with the tape recording in 11.5.33(e) and also the appending of the text to 11.7(b) about the coordinating affirmative action compliance.

The very first thing that he proposed in 11.4, that was something that the committee had discussed and had not elected to put in. Because of that, I would not accept that as a friendly amendment. I think it should be discussed on the floor.

In 11.8 there are actually two changes in there. I would accept the first one as a friendly amendment including the VPHR in consultation with the executive secretary – I would accept that as a friendly amendment. However changing approval of the grievance and notification of the grievant, that I would rather have discussed.

J. Peters: Okay

S. Willis: So I am accepting everything except 11.4 and changing approval of the grievant to notification of the grievant. Those two, if Steve wants to propose those, I would asked that those be discussed on the floor.

J. Peters: Alright, Steve do you want to make a counter argument here?

S. Cunningham: Yes and thank you, Sue. On the first one, the alternative resolution options, the goal here is actually to encourage informal resolution and get the grievance resolved if at all possible informally. Mediation, as we discussed, is a very specific process and there are a lot of
other options as well. As Terry indicated, arbitration is not one of them. I think pursuant to our
discussion, I would offer to change that at least to put the word “available” in between “or” and
“alternative” so it would say “or available alternative resolution options and parenthetical after
that excluding arbitration to take into account concern about that as well.” Terry has another
friendly amendment that’s even more friendly which is the following. Instead of what I said,
“alternative informal resolution options.”

**J. Peters:** It’s up to Sue to accept either one of those friendlies.

**S. Willis:** Okay I accept the alternative informal.

**J. Peters:** Alright so read it to us now.

**S. Willis:** “Request for mediation or alternative or informal resolution options may be made to
the office of the VPHR.” I don’t know if we need to say informal again in the next sentence, I
would just leave it as we’re confide is agreed to blah, blah, blah. So I would insert informal in
the first phase and I would accept that as a friendly amendment.

**J. Peters:** Okay now, Steve – 11.8 do you have a counter on that?

**S. Cunningham:** Yes on 11.8 actually the current language does say “with approval of the
grievant or grievants,” I did make it “s” because sometimes there are multiple parties. Alan might
also have some feedback here because he and I have dealt with cases where there are multiple
grievances and the purpose of this is, when we go to the hearing committee, hearing committees
have to put a lot of effort into their research, their hearing, the record, the documents, their
deliberations and if there are multiple grievances filed that are very similar, the question is: Why
require multiple hearing committees to review what might be essentially the same or different
parts of a central issue. That is the effort here, to be able to make that consolidation if
appropriate. Not just one person deciding it but two people. So that’s the effort there; but, Alan, I
don’t know if you have any perspective on that or not.

**A. Rosenbaum:** Well my only concern about it is, I agree with you that in many cases we’ve felt
that these really should be handled together, but there are cases where the grievant sort of makes
the argument that one prejudices the other in some way and that, if you put them together, then
they are no longer able to get a fair hearing on each of them. I don’t know if I would be, although
work wise I would be in favor of not insisting on the grievance approval, but in terms of making
it fair, I think the grievant should also have to approve that. I don’t know if I can agree with
taking out “the approval of.” I agree with you that it would be nice to be able to do that but I
don’t know if it would be fair.

**S. Cunningham:** Yeah I am fine with that. I think we just table that amendment then, Sue, and
proceed without it.

**S. Willis:** Okay so you’re withdrawing “with notification to” just leaving “and approval of”
then?
S. Cunningham: Correct.

S. Willis: In that case, I will accept that as a friendly amendment as well.

J. Peters: Alright so now we’ve reconciled the Steve Cunningham changes and so now what do we do? We should vote on it.

F. Bryan: I would suggest under the circumstances to have a formal motion to accept this as the second reading with minor technical changes, which is what Robert’s allows, and then a formal second that we’ll clarify in the minutes.

S. Willis: Alright so I will make such a motion then to have this accepted as a – whatever Ferald said.

J. Peters: Technical, minor technical changes.

S. Willis: A second reading with minor technical modification.

J. Peters: Alright, is there a second?

A. Gupta: I second it.

J. Peters: Alright, is there discussion on the motion?

E. Mogren: Would you like it read? It will take about a half hour.

S. Willis: The motion is to amend Article 11 as printed in your handout and with additional amendments as

J. Peters: Technical amendments as accepted by you.

E. Mogren: I am curious, and I was wondering if somebody could refresh my memory on 11.5.32 (g) which appears on page 17. The last sentence of that reads, “The executive secretary shall immediately notify in writing the grievant and the respondent of the committee’s decision.” And then the addition is that “no further information shall be provided to grievant in this case.” I’m curious about that. It strikes me that well there’s a – in the two alternatives that is to approve it going forward or to remand it somewhere else, the grievant has the opportunity to find out or present their case and find out what the other side has. I can imagine that in denying a grievance by the committee a denial might be based on a variety of things ranging from substantive or evidentiary problems all the way down to very specific technicalities. And I think that having a grievant understand why their case is not moving forward might be helpful.

I think the second question I have is somebody who is filing a grievance is frankly aggrieved; they are upset and if they do not have a sufficient case to move it forward for evidentiary or
substantive reasons, I think offering some amount of explanation about that can go a long way to resolving some of the bad feelings that somebody might have. So I was just curious as to why that is included in there. I can certainly see the executive secretary filing a memo to the person that simply says “no” and I’m not certain that that’s the best way of operating.

S. Willis: Okay this item, this modification, was brought to the committee after concerns had been raised that in the case where the committee has decided that there are not sufficient grounds for a grievance, there were concerns for the – how can I put this – there were concerns for the privacy and the safety of committee members in some cases where you might have a person attempting to file grievances who had no case and that there might be cause for retaliation or something like that. If we made it a policy that no further information would be provided, then that would remove such opportunities. Now in my conversations with the university legal department, this doesn’t mean that they can’t get the information but they would have to pursue other ways of getting it other than through our Bylaws. They could file a Freedom of Information thing or a lawsuit. This gets into legal things which are sort of beyond my ken, but what I was told is that, as long as our processes are clear and unambiguous, then we can have them be whatever we want them to be. There’s not necessarily a legal issue with saying that in the case where the committee determines that there really are not grounds for a hearing, that we really don’t have to give any information to the grievant in that case. That was the genesis of this clause were some concerns that were raised and again, I have no direct knowledge of this, but this was how it was presented to the committee that there were concerns from people serving on hearing boards that in the case of unfounded grievances that they were concerned on a variety of grounds and didn’t necessarily want all that information automatically coming out. So I hope I’ve explained that adequately.

E. Mogren: Well this is Eric Mogren again. I actually find that to be a remarkably unsatisfactory answer. We as faculty members and administrators make decisions everyday that might lead us to be exposed to retaliatory measures if that’s even possible. I can certainly see that giving somebody a rundown of how each member voted might be inappropriate, but I think that having some explanation about why a person’s grievance isn’t moved forward are they technically entitled to that information, perhaps not, but I’m not certain that that’s the way that we want to conduct business. I think that we want to conduct business at the University where if somebody has a complaint or if somebody has an issue that we go above and beyond to try to resolve that as much as we can rather than simply shutting the door in somebody’s face. You know in the scenario where you get a letter that says, “No it’s not going forward without some explanation,” I think really creates a difficult climate in which to work. And I think that we don’t want to do that. We want to make certain that people who have problems and complaints have the ability to understand why, if their complaint is insufficient, that there’s some reason for that.

A. Rosenbaum: If I could make a comment here, I think they are really two separate issues that we don’t want to muddle them together. In terms of the person being told why the decision was made, it’s pretty straight forward because what they are saying is, “The grounds are insufficient,” and the person knows what the argument is that they made and the committee is saying, “We don’t think that those are sufficient.” I don’t know that we want a committee to have to say, “well we don’t believe you or we thought that the other side was more convincing then you are.” That’s
kind of implied.

The second question being: Should the committee be able to be anonymous or is the grievant entitled to know the names of the people that are on the hearing panel? That’s a legitimate argument. It’s been argued both ways because if there is a hearing, the person does know who’s on the hearing panel and it’s only in the case where a hearing is not allowed that the person doesn’t know who’s on the hearing panel.

And so I would suggest that we sort of separate those two and I would suggest that in the first case it’s built into the process. In other words, you’ve made an argument, we don’t accept your argument; therefore, we’re not going forward. The second issue is should they be entitled to know who is on the hearing panel and that would be a question for the body to decide. Some people might feel “yes.” We can ultimately put that to a vote.

S. Willis: If I could point out the person, even if a committee declines to hear it, the person does have copies of responses from the respondents and whatnot so they essentially have all the information that has been submitted directly to the committee on the matter. It’s basically a concern, as Alan has put it, for whether a person who’s been turned down has the right to know who is on the committee. The other thing is that they have already seen the pool of potential committee members and have had the right to exclude any persons from that pool that they find unacceptable. So they have also had – they have knowledge of – who’s in the pool. They may not know exactly who is on the committee. That was the primary question.

A. Gupta: I just want to share what one of my colleagues said. He said if the identity is disclosed, he will not serve in such committees because he’s afraid of his personal safety. So I just want to share what I heard.

J. Peters: Terry Bishop

T. Bishop: Eric, after working with you on UCPC issues such as this, I understand where you are coming from. But I think in this initial determination whether the grievance is going to be considered, Sue’s answer relative to the point of and Alan’s that it’s pretty obvious, the answer is “no, we didn’t find that there’s a reasonable basis to hold a hearing.” On the other hand, once there is a hearing, I agree with you fully then at that point there’s kind of an incumbent responsibility to give a more in depth response to what the finding is from the hearing. A committee at this stage should have a legitimate right to say, “We didn’t find any evidence that suggests that a formal hearing is warranted.” And that may be a sufficient response.

E. Mogren: Well, I think that both of you actually are conflating two things. One is the substantive nature of the argument, and the second would be how well the argument is presented and the material that backs it up. I think those are two different things. I think that one can have a very strong grievance claim, possibly, but have an inability or to not do a good job of presenting it either in writing or in other ways. But that doesn’t necessarily mean that the underlying claim is not valid. And so I think that having a statement in there that says something like, “The committee finds that the evidence to support your claim is insufficient” is very different than
saying that the claim itself is without merit.

**J. Peters:** Is that a friendly amendment?

**E Mogren:** I don’t have the wordsmith.

**J. Peters:** Unless we get an amendment we are not going anywhere here.

**E. Mogren:** Well, I would move to strike it personally.

**A. Rosenbaum:** He wants to strike it. Do you accept his move, his motion?

**S. Willis:** No.

**J. Peters:** Alright we had Andy Small and then.

**A. Small:** I’ve got a different topic kind of on a question about what this contains here, so I wanted to make sure that you were comfortable with where your questioning is going here before I get into something different.

**J. Peters:** Is your comment relevant to the

**J. Peters:** Alright you can get in here

**T. Latham:** Just maybe a clarification. I’m reading through this walk-in document here and it says the composition of the Student Conduct Board and after hearing some of these arguments I’m not sure I want to put forward.

**S. Willis:** That is actually a totally different item.

**J. Peters:** All in favor of the changes on the floor say Aye.

**Members:** Aye.

**J. Peters:** Opposed?

**E. Mogren:** Does it include the last one that I made?

**A. Rosenbaum:** That was rejected.

**J. Peters:** She rejected it.

**S. Willis:** Well the only things that I feel comfortable accepting as friendly amendments are things that I think will be acceptable to the entire committee. And the committee was agreed on this wording and I don’t feel comfortable accepting. I’m striking that on behalf of the committee.
E. Mogren: Well I appreciate that it may not be friendly but at what point then, or is there a point at which that motion that I would make can be made to revise that language. I don’t know the procedure here exactly.

A. Rosenbaum: You vote down the motion as it stands then a new motion can be repented.

J. Peters: But we called the question

A. Rosenbaum: Right, so they can still vote it down.

J. Peters: Yeah.

A. Rosenbaum: So it wasn’t voted down.

J. Peters: I think we got interrupted before we had the votes. So where we are, all those in favor say aye.

Members: Aye

J. Peters: All those opposed

Members: No

J. Peters: The ayes have it. We can call for a show of hands?

A. Rosenbaum: Yeah, we need a show of hands. All in favor? We need a count.

J. Peters: Only those eligible to vote. Alright, all those opposed, raise your hands high. What is the count? 21 yes, 5 no, any abstentions? The motion passes.

S. Willis: There is actually something that I managed in the past couple of months to forget about and I apologize for that. I spent part of past couple of months on family leave helping my father recover from a serious injury so I’ve been, he’s fine by the way and he turned 90 last week, so he’s in great shape. I’m a little shredded, but anyway when I originally brought this article to the floor for the first reading, I also said that we were going to need to revise Section II, Item 15 of the Academic Policies and Procedures Manual by striking all the text that had do with grievance procedures since we’ve now replaced it with this Article 11. And I should have remembered to bring that back into the packet. I don’t know if we can do that now or should I bring it back at the next meeting so we can all look at it again or how should we handle that? It needs to come out of the APPM.

J. Peters: Bring it at next meeting.

S. Willis: Okay I will do that. So you all have fair warning.
D. Haliczer: That was another addition that SPS Council is working on and will bring forward, so we’ll start doing the work for us and then bring it to the Council?

S. Willis: On the APPM you mean?

D. Haliczer: Yeah.

S. Willis: You want to do more than just strike that part?

D. Haliczer: There are various other things that need to happen, that need to change, so I think a fuller review of that whole policy needs to be done and HR’s working on it and SPS Council’s reviewing it.

S. Willis: Okay, so you want us not to strike that and leave it in there until we have more?

D. Haliczer: I would say leave it there and then we will do most of the work and then there will be just room for discussion later.

S. Willis: Okay.

??: We’ll be prompt.

J. Peters: Alright, Steve you have

S. Cunningham: Just perhaps it would be useful to have in the minutes that the newly adopted revisions to the grievance procedure do replace the APPM language which is really no longer than technically available in case such a case comes up until we update the APPM journal.

J. Peters: We need to get that into the minutes to make a record.

VIII. NEW BUSINESS

A. Guests in Class Policy Proposal – Page 27


A. Rosenbaum: It comes from the Faculty Senate.

J. Peters: It comes from the Faculty Senate.

A. Rosenbaum: You want me to speak to it a minute?
J. Peters: Yes.

A. Rosenbaum: Just a brief, I know it’s late and we appreciate people staying. This was raised, the question was, whether faculty have the authority to prevent guests coming into class without permission. The assumption was always that the faculty are responsible, or are the ones who decide, who is allowed to come into a classroom. But it is not written in any of our policies. The Faculty Senate took this on and came up with the policy that is bolded on page 27. It says only instructors have the right to allow guests in their classroom. When deciding whether a guest is appropriate, the instructor should take into consideration the effect that that guest will have on the learning environment. The individual’s presence in the classroom should be limited to the instructor of record, students registered to class and individuals invited by the instructor. This was approved by Faculty Senate and it is brought to the Council. We can send it to committee if we wish to do that or we can vote on it today if we want to. This would go into the Academic Policies and Procedures Manual, I believe under section I or II, I don’t remember. We have a place that is can go.

J. Peters: If we send it to committee, what committee?

A. Rosenbaum: Rules and Governance or Academic Policy.

J. Peters: What’s your pleasure?

A. Rosenbaum: It s a policy, so.

E. Mogren: What’s the definition of “guest”

A. Rosenbaum: Anybody who is not a registered student in the class and I’m assuming they also did not mean to exclude working dogs or personal assistants.

E. Mogren: What about public security?

A. Rosenbaum: That would be excluded under this policy without the instructor’s permission.

S. Willis: Unless they’re registered for the class.

A. Rosenbaum: Unless they’re registered for the class, yes.

J. Peters: What if it’s a peer review of teaching? Department Chair and

A. Rosenbaum: Under this policy, that would be excluded without the permission of the instructor.

J. Peters: So you can’t have peer review of teaching?

A. Rosenbaum: Without the permission of the instructor according to this policy.
J. Peters: That’s pretty peculiar.

A. Rosenbaum: We don’t have to approve it; I’m just saying that’s what this policy says.

J. Peters: We need a motion of some kind or a table or something.

K. Thu: I would recommend tabling it and perhaps sending it to Academic Policy Committee, is that the appropriate?

J. Peters: So the recommendation is to send it to Academic Policy Committee? Second on that?

R. Holly: Second

J. Peters: Discussion? And I presume they’ll answer all those questions. All those in favor say aye.

Members: Aye.


J. Jones: Good afternoon. My name is John Jones. I’m from the Division of Student Affairs and Enrollment Management. Under the leadership of Dr. Brian Hemphill, we commissioned an external, as well as an internal review, to review the office of what was commonly known as Judicial Affairs but now the Office of Community Standards and Student Conduct to look at four basic areas: to look at the function and structure of the program; to look at the education outcomes of our students; to look at the Student Conduct Code and also to look at the program
philosophy. From this internal and external review, we identify over 50 recommendations which were implements.

As regard of the first document, the Student Conduct Board, there are essentially three essential changes from this particular document. First is the name change of the title. Again, we’re no longer calling that office Judicial Affairs; we’re calling that office Office of Community Standards and Student Conduct so obviously we would like to eliminate “judicial” in any capacity within this document.

The second change is in regards of using language such as “Class I Hearing Boards” and “Class II Hearing Boards.” We no longer refer to our hearing boards in that particular title, so throughout this document we are eliminating that language as well.

And the third item of significance that we are changing in this particular document is from line item 4. Previously, because the Director of the Office of Education Services and Programs has been vacant, generally, Vice Provost Seaver will make that recommendation in terms of identifying professional staff members to serve in that capacity. In consulting with Vice Provost Seaver, he suggested because typically he will make recommendations in terms of professional staff members that the nomination should come from the Vice President’s office, more specifically from Vice President of Student Affairs Enrollment Management. So, as you can see from this particular document, the suggestion is along that line, to change how we are nominating and identifying staff members to serve in that capacity.

J. Peters: Alright, Brian you want to add? I might add that actually I think I started all of this by asking you to review the Code of Conduct.

B. Hemphill: No, I don’t have any additional comments to that. He did a very thorough job.

J. Peters: Ray, do you have anything to add on this?

R. Alden: No


A. Small: I’m sorry I didn’t have this question on this previous situation, but I am looking through this particular document and I see all sorts of references to the makeup of the particular Student Conduct Board and I see members from supportive professional staff and faculty and students and such and just wondered if you had some background, why aren’t there any operating staff members on this particular board? Is that just a historical thing that’s just been passed through or is that something that’s

B. Hemphill: I’ll respond to that. Part of it is that this is something that needs to be updated within this document because we do have operating staff that are a part of the Advisory Board and we have operating staff that actually advise the Student Conduct Board, and so this is something that has been in this document probably since the document originated and it’s
something that needs to be adjusted.

**A. Small:** I might suggest that, and I appreciate that, and if maybe we could make that adjustment and include some operating staff on this particular board and that would help the people that I represent anyway.

**J. Peters:** So does that mean we have to edit the document or you will bring wording changes at a later date?

**B. Hemphill:** That’s one of the pieces that we have to take a look at because I know that the Advisory Board has, the Judicial Advisory Board, has responsibility for content within the Code. So that is something that we will take to that group and this is something that I don’t foresee as being a problem in terms of considering. We’ve had them involved; it’s just a matter of making the document reflect that.

**J. Peters:** Is that an acceptable answer?

**A. Small:** Yeah I’d appreciate that.

**J. Peters:** Is there a motion to accept these word changes?

**A. Rosenbaum:** Kendall, are you making the motion?

**K. Thu:** No, I will make a motion to discuss it, but I don’t want to do that until we have the motion on the table.

**A. Gupta:** Motion.

**S. Willis:** Second.

**K. Thu:** I just think it’s a little bit too much at a late hour in the meeting for us to digest. I appreciate all the work that you guys have put in, but I think this body needs to have a little bit more time to take a look at it and my suggestion is that it would be tabled until the following meeting.

**J. Peters:** That’s a motion to table?

**K. Thu:** Yes.

**A. Rosenbaum:** We need to vote now.

**F. Bryan:** Since we only have one meeting left, the motion should be to postpone rather than to table.

**K. Thu:** Postpone, thank you.
J. Peters: It’s not to table but to postpone to the next meeting. That kind of changed the parliamentary a little bit here. So there is a second?

G. Bennardo: Second.

F. Bryan: It has to be voted on immediately.

J. Peters: All those in favor say aye.

Members: Aye

J. Peters: We have to vote immediately, there can be no discussion. Opposed? Okay I’m sure that creates problems for our Code of Conduct. Alright, is there any new business, any other business to come to the house? Yes, Kendall.

K. Thu: On behalf of the environment and perhaps some of environmental faculty associates, could we all please put our cups in the recycle bin when we leave? Thank you.

J. Peters: Let’s vote on that. We’re adjourned, oh you have a question.

IX. COMMENTS AND QUESTIONS FROM THE FLOOR

R. Feurer: I know it’s really late, I just wanted to ask about the comment you made in your opening remarks. There wasn’t an opportunity to ask questions about that and you said that there’s a pay-for-productivity committee that you’re a part of. Could you, is there anywhere that we can find out what your reflections are on that committee or could you tell us?

J. Peters: The wolf isn’t at the door yet, but if the legislation passes sometime in July, a committee will be empanelled to develop over time a set of outcome measures that will be negotiated between Universities and the Illinois Board of Higher Education going forward. It will take a while, a year or two. Right now, the debate is on the enabling legislation to do this and no specifics.

R. Feurer: But could you tell us what your position is on this?

J. Peters: Being nosey and pushy.

R. Feurer: Which way?

J. Peters: I am the convener of the Illinois Presidents and because of that I’ve had discussions with the new director of the IBHE on this issue and the sponsor in the Senate. Giving my input as to my experience with it and some of the pitfalls and some of the dos and don’ts so that’s my role.
R. Feurer: And could you give it any more specifics about what your position is on?

J. Peters: Oh, I am for outcome measures.

R. Feurer: What kind?

J. Peters: Well the graduation rates, increasing graduation completion rates, retention rates. In Ohio, for instance, and if you’re interested I’ll send you Ohio’s 20 measures that they just negotiated, if you’re attempting in ten years to try and get a higher percentage of high school graduates graduated, then you have a goal that your university is going to try to bite off so much of this. There are quotas for minority students. There are performance quotas for external funding for the more research-oriented universities, things like that. There are about 20 of them.

R. Feurer: So you can send us?

J. Peters: I can send that to you if you give me your e-mail address and it’s, 11 states have them now and there is a movement going through the country for outcome measures for all funding. I lived with it when I was Provost for eight years under Nebraska and what they usually do is they have your base funding and then they have a percentage of that base that you can maximize based upon these performance criteria. So it won’t necessarily be your total budget. It may be five or ten percent of your base. That’s the normal way they do this. I could put it this way: As one state senator told me, “we want to know what we’re buying. We want to buy outcomes.”

R. Feurer: Well my position is that the faculty would have different visions of what productivity means and what measures there might be, so I think it’s pretty important for us to know what our President is advocating for us.

J. Peters: Well, I’m an open book. Alright, we’re adjourned.

X. INFORMATION ITEMS

A. Academic Policy Council minutes – November 8, 2010
B. Committee on Advanced Professional Certification in Education minutes – February 7, 2011
C. Graduate Council minutes – October 4, 2010
D. Graduate Council minutes – November 1, 2010
E. Graduate Council minutes – December 6, 2010

XI. ADJOURNMENT

Meeting adjourned at 5 p.m.