
VOTING MEMBERS ABSENT: Holly, Houze, Kreitzer, Kowalski (on sabbatical), Latham, Lenczewski, Mirman, Neal, Rosato, Schoenbachler, Vohra

OTHERS PRESENT: Bak, Blakemore, Brady, Cassidy, Griffin, Hansen, Hemphill, Shockey, Stone (for Freeman), Sunderlin, Williams

OTHERS ABSENT: Cunningham, Finley, Freedman, Freeman, Kaplan, Prawitz, Slotsve, Snow, Waas

I. CALL TO ORDER

J. Peters: Sorry, I’m late.

Meeting called to order at 3:10 p.m.

II. ADOPTION OF THE AGENDA

J. Peters: Is there a motion to adopt the agenda?

R. Lopez: So moved.

S. Willis: Second

J. Peters: All right, all those in favor, say “aye.”

Members: Aye.

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

III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 7, 2011 UC MEETING

J. Peters: I’m gonna call for the approval of the minutes.

D. Haliczer: So moved.
G. Long: Second.

J. Peters: Okay, thank you. All those in favor say “aye.”

Members: Aye.

J. Peters: Opposed? Okay, we have approved the minutes.

IV. PRESIDENT’S ANNOUNCEMENTS

J. Peters: Okay, I did bring my notes.

It’s in the big picture meeting on performance funding which, I’ll talk about that, I’ll put that in context, but performance funding would be only for next year, would only be a very fractional part of our base budget. Or it would be a very small marginal add-on to our base budget. So keeping things in perspective, 98 percent, 99 percent of our budget will be allocated – but not the way it normally is. And performance funding is just a small part, but it signals a shift in the thinking about the way budgets are built going forward because of State legislative action that requires performance funding. Now, let me give you a little update on that. The legislation was passed and it called for a task force to be put together to develop metrics and recommendations on performance funding. That task force has been impaneled and it’s been working all summer. It is broadly represented with a lot of education constituents, stakeholders. There are three presidents, maybe four presidents, on it. I’m not on it, which is okay, I can’t do everything. The President of Governors State, the President of Chicago State, the Chancellor at Southern Illinois Carbondale is on it, and the President of U of I, Mike Hogan, has joined recently. That’s pretty good representation. There is communication constantly from that group back to the other presidents so I pretty much know what’s going on. There was a presentation yesterday on the progress that was being made on performance funding from this task force to the Illinois Board of Higher Education and the commissioners and we had plenty of people there observing. I think, I don’t know if Virginia Cassidy is here? Yep, there I see her. She was there and Lori Clark was there, I was there. There were some other people there as well, but the bottom line is that performance funding focuses on institutions and not individuals. There is a big issue with that. It’s not about individual faculty productivity at that level; it’s about how institutions perform. That should relieve some concerns.

Number two, the real heart of this is based on the public agenda of IBAG and it’s written into the legislation that enabled this. They want to increase access and do a better job of getting more Illinoisans into post-secondary education and receiving some kind of credential – a certificate, a community college degree, a bachelor’s degree. And the goal in the public agenda – it’s called 60/25 – 60 percent of Illinois high school graduates moving on to some kind of post-secondary education by 2025. And you know that kind of fits Race To The Top, the federal criteria. So that’s what’s driving this, okay. The metrics are going to be few and they’ll be normed to the institution. So, for instance, NIU has a retention rate of freshmen to sophomore at-risk students of X percent benchmark today. We will get performance funding based on how we improve over time. That’s the level that we’re talking about. That’s number one.
Number two, the percentage of the budget – either existing, reallocated budget, or new budget – is small at least initially. And they’re talking, help me out Virginia, one/two percent? Yes, okay one, two percent. So that’s still a lot of money, but not compared to the total budget.

All right, the fourth point is that they will try this out in the next budget cycle. So there will be something implemented in the next cycle so that’s why we are monitoring this really, really closely. And then the big fight is always, “Can you do this on the existing base or do we need new money to do it?” And of course, I think we need new money to do it, so we are going to argue that.

Now, I want to direct your attention, when you get on the Internet, to our website and go to NIU Today and click on the – or tap on the – Pension Budget Update button and you will find a new website on performance funding that’s very rich and detailed and has all the information you need. And it’s updated whenever we have information. It has the actual Act, it has testimony before this task force, it has reports from national reports on budgeting. I call it, I don’t know if she’s here or not, the Kerry Freedman website because she was very insistent that we monitor this closely, which we would have anyway. So it’s the Kerry Freedman website. She’ll probably criticize the way it looks now, but it’s a good website.

By the way, how many go to NIU Today regularly? Okay, I asked somebody recently, “What is it? I use it all the time, but what do you call it?” It is – get this – a 24-hour news and information blog, specifically for NIU and the NIU community. All right, so you got that students? A pop quiz. What is NIU Today? A 24-hour news and information blog and it has 3,500 independent hits a day. It’s phenomenal, it’s one year in existence. I wish it was more up front in our website because you got to kind of click to get at it, but I use it all the time and that thing is updated 24 hours a day. We put something up on performance funding, there’s something up on pensions recently. So, that’s becoming the quick way we communicate with the community, the NIU Today website. All right, that’s number two.

Number three, let me talk about pensions. This is the single most important issue for the State and for us – pensions. It is true that the State pension systems – there are five of them and we are one, State University retirees – are in considerable fiscal trouble because the State has consistently not put in their portion, their actuarially determined proportion, based on our collective salaries to keep the system viable. So there are unfunded liabilities that have built up, $80 billion in unfunded liability. So clearly something has to be done. You know this, we’ve talked about it. Our person monitoring this for us, and really for all of higher education, is Steve Cunningham, who is not here today because he is monitoring this for us. He is on each of four committees that have been put together this summer by the legislature to be given analysis of this very complex pension situation and he’s on all four committees, monitoring and contributing. So he’s our expert, and yesterday he presented to all presidents and chancellors of the Illinois publics and did a remarkable job. He really understands this stuff and I know it goes above and beyond for him to do this because he’s got a day job as well. It’s the single most important issue whether or not there will be any legislation or changes coming out of the veto session which begins the second week in October for one week and then they take a week or two off and then they have second week, is anybody’s guess. Information is carefully guarded on what is going on. There were some bills that were run in the spring session that did not muster enough support to run them so we don’t know. But we certainly are monitoring or involved. I encourage all of you,
and you have, to become educated in these issues and again, we’ve got a great website that has all up to date information on this. And I speak about it a lot and probably to the point of boring everybody, but it’s complex and it needs to be talked about continually and understood. I always tell the same story. Up until 1967, the universities, let’s just make it simple and talk universities, put in for the employee fee – what’s called the normal costs of sustaining the kinds of pension systems we have now, and I won’t get into the different types. And that is about ten percent. Ten percent of the salary base goes into pension. From 1931, when this was established, to 1967 I don’t believe any university, I know NIU, I don’t think ever missed a payment. So that meant the money needed to pay out the benefits was part of the pool. In 1967, the State took over that obligation, the normal cost, to themselves and immediately began not to pay. Immediately. So you know what happens – and you don’t have to be an actuarial scientist to know that no money going in, money going out, a lot of retirements, unobligated, an obligation that can’t be met, that’s billed to $80 billion. So today, the normal cost of our pensions that we pay in is ten percent, maybe 11 percent. But the State’s unfunded obligation is equal to 14 percent on top of that. That’s 25 percent that the State has to put in that’s not sustainable. And every payment you miss, every year you miss a payment, that just – you can do the math. So that’s the problem.

My simple way of thinking, here’s how I think about that. First of all, I think, this is me; the State’s responsible for the unfunded obligation. They owed it, they didn’t pay. They owe it. I know it’s hard, but I think that’s an obligation. Number two, the ten percent normal cost, that’s not unreasonable. Any private business individual across the country, within ten percent that they put in for employee benefits, is not unreasonable. And that’s really when we compete in the national market, we compete in the national market for many of you, in some region, but pretty much a national market, so you have to pay nationally competitive benefits.

And here’s the other thought that I had, so the ten percent is not unreasonable. The third thought I have is that if the State, if we didn’t have assist, the State, we don’t have social security. You’re in a State system, you don’t, but if we were, the State or the employer would have to pay 6.2 percent. The federal mandate is set. So my thinking is, going forward, the State should at least pay 6.2 percent because that’s what they’d have to pay in social security.

And then my final thought on this, again in my simple way of thinking, is that the Constitution is clear that existing benefits for annuitants cannot be diminished. Now I didn’t come up with this quote, but I like it. When I was a graduate student in the early 70’s – late 60’s, early 70’s – in Urbana in political science, the Com-Con was running and that was like man-up for political science graduate students. I wish I said this but I didn’t, someone else did, “There is only one unambiguous clause in the 1970 Illinois Constitution and that is the No Diminishment Clause for public employee pensions.” It’s the only clear legal thing in the whole document. So, those are sort of my views on where we are with pensions. We are monitoring it daily and our annuitants are monitoring it and again, if that could be solved, it opens up and frees up all the other problems with budgeting. The cash flow problem, the $30 million that’s owed, the payments for this year, it opens this up if they can solve that. I don’t know whether they’ll have the political will to do it within, I think the constraints of law and what is reasonable and what is ethical. So that’s my thinking, I thought I’d share that with you.

Now let me end, I bet you’re wishing I would have taken my walk, the subject that is nearest and dearest to my heart right now is Vision 2020. That’s probably because I’ve spent a lot of time on
it and a lot of other people have. I’ve been very heartened by the reaction. I think it’s just so refreshing when people take shots at it or add things to it. I think that’s what a university is all about. But here’s where we are. First of all, we achieved a very important milestone because the Trustees embraced it. I don’t know legally what embracement means, but I think they mean they like it and they were very specific and they wanted us to move forward with it. So that’s number one.

Number two is that very soon we’re going to be putting out for competition, requests for proposals in areas where identified money for Vision 2020 and that is we’ve got $4 million set aside for facilities and beautification improvements. Is that right or is it $2 million? It’s $2 million. That was a joke, Eddie. We have $1 million set aside for research initiatives and I don’t want to get too specific here and $3 million for academic enhancement. Would that be right?

All right, now I don’t want to confuse things here so I want to try and clarify something. We also will have coming out from Provost, some proposals for continuing funding of Great Journeys We don’t want to confuse people so it’s going to be part of the same process and we’re kind of working on that right now and we’re working out procedures. But I can tell you that we want every dollar to go toward achieving Vision 2020 goals and we want every dollar accounted for. This is the trustee requirement. Pay close attention because we’ll be, in the next weeks or so, we will be getting out there with information on these.

It is with this ending this process or this talk today, I did want to introduce our newest representative of the university who is going to be Associate Vice President for Sustainability and Community Initiative and Strategic Funding and that’s Bill Nicklas who’s here with us today. Welcome Bill Nicklas. Bill is known to so many of us in our communities, he’s been City Manager in DeKalb, City Manager in Sycamore, heavily involved in the Foundation, was project manager on College of Business ??? Barsema Alumni Visitors Center, the Foundation builds that and manages that and then turns it over to us. And Bill was heavily involved in that so he knows us very, very well and we’re glad to have you. That’s pretty much all the news this month in Lake Wobegon. All of it is challenging. A lot of it is good. Our buildings are going up, the dirt’s flying. We’re on target for all of our projects. Let’s hope that we have a good winter, mild winter, to get everything done and it’s almost Homecoming. It’s hard to believe. I now am going to have Alan talk about clickers.

A. Rosenbaum: We’re introducing a new way of voting in Council. We have ordered the clickers that some of you use in classrooms and we’re going to distribute them. We’re not assigning them to anybody because your vote is going to be a private vote and so we’re going to just give them out. In future meetings, you’ll be able to pick up a clicker at the door when you come in and we want you to leave it on top of your attendance sheet which you have signed when you leave. So make sure you don’t walk out with our clickers. We will have a shortage in a hurry. We would have given them out at the door this time, but we didn’t trust that you wouldn’t sit there and play with them during the meeting. Whereas, it’s generally not a terrible thing to play with when we’re not taking votes, if you change the channel or something like that, it’s a problem. The clickers are only going to be handed out to voting members of the Council so if you are a voting member please put your hand up and one of our folks will hand you a clicker. When you get the clicker, please don’t press buttons. We’ll explain how to use them when the time comes. So voting members only, if you have a question as to whether you are a voting
member, Pat has a list. We have a master list and we can answer that for you. So, only voting
members, if you’re not sure, ask. The clickers only do one thing, they only vote, so you can’t
access the Internet, you can’t do anything else with them, so they have no value outside of this
room. From now on we won’t have to go through this time-consuming process. They will be at
the back of the room; when you come in just take one if you are a voting member and then again,
leave them at your places. For purposes of the Consent Agenda and when we get to it and for
other votes, we are only going to use three buttons. Pay attention please. Button 1 will be a yay
vote, yes. Button 2 will be a no vote and button 3 will be an abstention. So 1 will be yes, 2 will
be no, 3 will be an abstention. You can change your vote, you’ll see the number that you have
voted displayed on the display, you’ll see it, it will say 1, 2 or 3. Or, if you didn’t follow the
instructions, 5, 6, 7, 8, whatever. If you want to change that, you simply have to press the other
button. They are already on, you don’t have to turn them on and so when the President calls for a
vote, 1 yes, 2 no, 3 abstentions. Does everyone that’s a voting member have a clicker?

V. CONSENT AGENDA
A. Approve maintenance updates of various position titles referred to in the Committees of
the University Book – Pages 3-6

J. Peters: Is there a motion to approve the consent agenda?

S. Willis: So moved.

A. Quick: Second.

J. Peters: All right, all those in favor, press your clickers. 1 yes, 2 no, 3 abstention.

P. Erickson: 47 yes votes, 0 no votes and 0 abstentions.

A. Rosenbaum: Okay, you don’t have to clear it and the next vote we’ll start over again.

J. Peters: I have before me another device and that is, unfortunately, my hearing isn’t what it
used to be and it’s not because of lack of trying to listen no matter what is being said sometimes.
So I ordered this device that enhances my hearing and I ordered a few others in case others were
having issues hearing. So you can let Pat know and they will be provided to you. They work very,
very well. I don’t have trouble in this room, but I do in the board room. With all this technology I
was afraid that I’d blow myself up with these clickers and everything.

A. Rosenbaum: They are an _____ devices, they’re actually hooked into the microphone
system so you’ll be getting a direct feed that’s coming through the microphone.

J. Peters: It does you no good unless people use the mics. Thank you very much. We have a
Consent Agenda.

VI. REPORTS FROM COUNCILS, BOARDS AND STANDING COMMITTEES
A. FAC to IBHE – Earl Hansen – report – Pages 7-13
J. Peters: Let’s move to reports from Councils, Boards and Standing Committees and Earl Hansen has a written report on the Faculty Committee to IBHE and I did see him. Yes he is here.

E. Hansen: My students would love the fact that I couldn’t speak. We met at Western Illinois University and I put together a rather lengthy report simply because we had a lot of discussion going on of which John spoke about today and I’m not going to go into to that as much as I’m going to direct you to the bottom of page six where we have Robert Rich, the Director of the Institute of Government and Public Affairs, University of Illinois Champaign Urbana, and his research assistant. They came in and they were looking at the performance-based funding options and they gave a fairly descriptive explanation of what was going on. And it is there for you as best I could put it down. The one thing out of that, we raised the question to him, “Did the State Legislature say anything to you or ask you about anything on performance-based funding or any input?” How much would you like to bet that they didn’t ask? You’d win. The State Legislature never did ask this man and his associate and they’ve been studying this and the states _______. So it does get frustrating at these meeting sometimes. We had legislators there, they were outstanding. They had a real good discussion with us, it’s in there too. But when I got seven pages here, I’m not going to bore you with going through that. Any questions, I’ll field that if you want anything, I’ll give it to you. I think Lori’s gotten the material that I sent her, John.


B. BOT Academic Affairs, Student Affairs and Personnel Committee – Kerry Freedman and Andy Small – no report

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

D. BOT Legislation, Audit, and External Affairs Committee – Todd Latham and Rosita Lopez – report – Pages 14-17

J. Peters: All right, moving on to BOT Legislation Audit and External Affairs, we’ve got Todd and Rosita. I think, Professor Lopez, are you giving a report?

R. Lopez: Yes, thank you. Let’s see on August 25th, we met for our LAEA Committee with the Board of Trustees. The meeting was called to order by Chair Cherilyn Murer. She also introduced the men’s basketball coach Mark Montgomery and he gave a very optimistic preview of his philosophy and team and season.

Also University Report, Lori Baker presented on performance-based budgeting requirements, and again, the President gave a very good, clear picture of where we are and the committee and task force that is working on this. But of most importance, as far as information on this, was that the bottom line is student completion, high school student credentials being the key in access and completion being an important piece to this performance-based budget.

Also the pension, the news from Steve Cunningham, he presented basically on the status and not a positive picture as we already know. He did talk about establishing, looking at some options
and those may be establishing alternative fund choices, statutorily reduced benefits for employees or amend the Constitution as some possible stabilizing strategies.

There was also a Congressional Report on the Pell Grant and, basically, a compromise was reached and this included a financial aid package, financial aid and higher education legislation for the Pell Grant program including $10 million for Fiscal Year 2012 and seven, and I’m sorry, $10 billion for Fiscal Year 2012 and $7 billion for fiscal year 2013. On university communication, Kathy Buettner introduced an enlightening study basically on how students and parents look for universities and choose universities and it seems that, after looking at a study on this, they found that one of the first deciding factors is the website. If the website is poor or not user friendly, that is usually a determining factor in making the decision. So having a user friendly website at the university is very important.

Also there was an Intercollegiate Athletics report by Jeff Compher which was very upbeat and positive on the academic success of student athletes. I could go on, but actually you can look at this. There is some informational items, things that you can read as part of the report.

But lastly, I’d like to just – there was information on the Freedom of Information Act requests and categorical requests for information from June 1, 2010 through August 15, 2011 show that general requests for Freedom of Information Act requests of 38 media, and you can read these on whatever page they are on, I don’t remember. But, interesting for me, that seven of the 18 requests was for athletic purposes. And nine of the 22 requests were athletic purposes as well. This is the conclusion of my report from Todd Latham and myself, if you have any questions.

J. Peters: Good report.

R. Lopez: Thank you.

J. Peters: Yeah, the Freedom of Information requests in Athletics is pretty much predicated by the controversies about BCS. Should there be a playoff and all of these air socks groups that are out there that want one kind of playoff or another get Freedom of Information about how many bowls we’ve been to and that kind of stuff and we have to give it to them and do. Questions?

E. BOT – Greg Waas – report – Pages 18-19

J. Peters: All right, then moving on to the full Board report, I think Alan is going to give that report for Greg Waas.

A. Rosenbaum: Okay, I’m gonna just highlight a few points in this. You can read it for yourself; it’s pretty straight forward. The highlights of meeting had to do with the election of the Board officers for the upcoming year. Cherilyn Murer was elected chair and you can see who the other individuals are. They then had a resolution honoring Marc Strauss for his six years as Chairman of the Board.

They doubled the number of action items; you’ve heard about most of these already. The internal budget for Fiscal Year 2012 was approved. The FY ’13 recommended guidelines were noted and they included three percent increase to salaries, utilities and library and technology. This, of
course, is subject to approval by the IBHE and then, of course, by the legislature. So we don’t know what fate that will meet. The appropriated capital budget, this is money that is used for improving the academic infrastructure and we send this in every year. At the top of our list now is the proposed Computer Science and Technology Center followed by the Davis Hall renovation and the Wirtz Hall renovation. The Board, as President Peters noted, unanimously passed a resolution that approves and embraces the goals, priorities and strategic direction articulated and established in the Vision 2020 initiative.

The other project that is ongoing as you all know, we have a new General Counsel. The General Counsel recommended that the Board consider its Bylaws and make certain changes in the Bylaws and so the Board is engaged in that process. They approved certain parts of that, but they also have additional issues regarding election procedures, presidential selection, presidential assessment that they continued until the next Board meeting. Anyone have any questions about this meeting or the notes?

**J. Peters:** Great, thank you, Alan. We’re so blessed to have such a solid Board and now we have new leadership going forward. They serve without pay and there’s no remuneration for doing this and we’ve called upon them to do an awful lot and they are very responsible people.

F. Academic Policy Committee – Karen Brandt, Chair – no report

G. Resources, Space and Budgets Committee – Laurie Elish-Piper, Chair – report – Pages 20-21

**J. Peters:** Okay, Laurie, are you giving a Research Space Budget report?

**L. Elish-Piper:** I am, yes.

**J. Peters:** There is, on pages 20 through 21, a written report.

**L. Elish-Piper:** Yes, several of the items have already been covered in your opening remarks so we’ll do this in a pretty efficient manner. A couple of the other items in our report that haven’t been discussed deal with student enrollment. We talk about the 3.1 percent decrease in student enrollment and how important it is that we look at factors that both recruit and retain students. So we talked about some of the upgrades that have been made for student residence halls. We also talked about some of the other upgrades that are taking place on campus to appeal to students. Another one of them being the website and the importance of that website in terms of first impressions and also accessing information.

We also talked about the issue of safety and how that impacts both recruitment and retention and we found out that all residence halls now have NIU officers on site. We also learned about the new lock and ID systems in the residence halls and about the number of our officers who are EMT trained and paramedic trained.

In addition to that we talked about the use of performance contracts as a way of trying to deal with some of the maintenance issues on campus without having to expend funds and we received an update on what some of those projects are around campus and how that’s been a way to deal
with some of those pending repairs that needed to be made without having to come up with all of the money.

In addition to that, Item 2 on page 21, we identified some other topics that the committee members brought where we are going to seek additional information and we’ll have report on those topics including an update regarding the True North campaign and how those funds are being used. We’ll be meeting with a representative from the Foundation at our next meeting to gather that data and also looking at those other items there that were brought by members of the committee.

**J. Peters:** Okay, questions for Laurie? Good report.


1. **Proposed amendment** to Article 9.2 of the University Constitution – FIRST READING

**J. Peters:** Let’s move to Sue Willis and Rules and Governance Committee. There’s a report on page 22.

**S. Willis:** Yes, we are bringing a Constitutional amendment for a first reading which you will find on page 22. The Board of Trustees has recently passed an updated non-discrimination statement which will appear in various places as the official university non-discrimination policy. There is also a non-discrimination statement in Article 9.2 of the university Constitution and so that first paragraph that you see there makes changes to the list of things that we won’t discriminate against to bring them into correspondence with what the Board of Trustees has just done. So the things underlined are added; the thing that is crossed out would be deleted.

**J. Peters:** Okay, so this is a first reading, comments? I think this is basically a technical language fix-up. Do we want to expedite this? Parliamentarian, can we waive second reading? What’s that? With a three-fourths vote. I think let’s let it sit and bring it back next month.

I. University Affairs Committee – Richard Greene, Chair – no report

J. Student Association – Austin Quick, Speaker – [report] – Pages 23-24

**J. Peters:** All right, shall we move on to Austin Quick our student speaker.

**A. Quick:** Good afternoon Dr. Peters. The report is pretty self explanatory. There is just a few things I wanted to touch on. First off, the big thing that we are working on now is regarding MAP funding. That’s a great concern to us, obviously, representing students. We met, I know President Echols and a couple of student leaders met, with Dr. Jones from the Division to discuss ways to get our voices heard in Springfield. And we are going try a few different options both in letter writing campaigns and different legislators and also a trip, possibly, to Springfield to let our voices be heard down there. Just to put on the record, it’s very concerning to us that at a time when our State is raising taxes and raising fees and raising all those things, that they are going to cut us in funding for education. So our concern is where’s the money going? Someone’s getting
paid somewhere and we definitely want to fight for our share here at NIU and our students.

The second part, we wanted to discuss the Northern Star article today was a concern to us. I don’t know if you saw it – the cartoon that was on there. This type of continual reminder of violent activities is no good we feel to continue this build up to make this a great institution. We’ve definitely shown support Dr. Hemphil and his staff for the new community standards and this type of cartoon and this type of writing is not something that is moving us to the right direction. And we, as a student organization, want to say that we find it to be pretty much offensive to us that they are going to continue this type of publication and we want it to be known that we as a student body want to move forward and show the good things that are happening at the university.

And lastly, the thing that we were discussing prior to coming up here, in the Northern Star the other day they had an article related to break-ins. It’s obviously becoming enough of a concern the Northern Star decided to write a front page article relating to the number of break-ins during the day on campus here. And that’s another thing that we’ll work closely together as a team to find out – at a time when we’ve hired an additional 20 police officers on campus and fees have been raised, parking fees, that students are having their car broken into and where we can implement putting people in more strategic locations so that doesn’t happen.

There’s obviously a lot of things here, but we’re really excited. We’re excited about the game this weekend. Wisconsin was fun, a little ride up there. Not so much a fun ride home, but we are glad to see the banners down here hanging up around campus and they look amazing. That’s all I have.

**J. Peters:** Yes, the banners are nice. Comments? Thank you Austin. Elliot, you okay?

K. Operating Staff Council – Andy Small, President – no report

**J. Peters:** Andy you have no report, correct?

L. Supportive Professional Staff Council – Todd Latham, President – report – walk-in

**J. Peters:** Todd Latham has a walk-in report but Donna is going to talk.

**D. Smith:** Just briefly. You have the report in front of you. I just wanted to note at the top that Todd and I had a really constructive meeting with Steve Cunningham and Celeste Latham to discuss some of the issues facing our Council and most of these issues came out of a survey we did with our constituents a couple of years ago. And you can read the rest, it’s just kind of general order of business. Thank you.

**J. Peters:** All right, questions?

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

**VII. UNFINISHED BUSINESS**
J. Peters: All right let’s go to, is there any Unfinished Business?

VIII. NEW BUSINESS

A. Proposed University Holidays for 2012 – Steve Cunningham – Page 25

J. Peters: Hearing none, let’s move to New Business. Steve Cunningham is not here, so I need someone to move the proposed university holiday calendar for 2012 on page 25.

E. Williams: So moved.

D. Haliczer: Second.

J. Peters: All right, any discussion of that? You know these things are carefully worked out with employee groups etc. Alright, yes we have a question.

N. Lindvall: Did you remove the Wednesday holiday? I know that in previous year’s you had Wednesday, Thursday and Friday off for the Thanksgiving week.

J. Peters: That is not an administrative holiday; that is just for students.

N. Lindvall: Is that just for students?

J. Peters: Correct, you’re blessed.

N. Lindvall: I was just wondering, thank you.

J. Peters: Good questions though, good catch as they say. Now take your magic clickers. 1 for yes, 2 for no, 3 for abstain. Alright vote. Last call. Close the vote.

Motion passed 47-0-0.

B. Committees of the University Book – maintenance updates – Pages 26-30

J. Peters: Committees of the University Book, this is a maintenance update on pages 26-30, Alan could you help me with this one?

A. Rosenbaum: Yeah, this is just a continuation of the project that we stared last week. So you have I think three additional changes. The little boxes that you see on pages 26, 27 and 28 explain the nature of these changes. The one that seems to be the most extreme is that we are removing most of the description if not all of it from the IACUC committee and instead we’re going to place a link in the committees book that will get you to the home page of the Office of Research and Compliance, the IACUC research page that you see on page 29. So that’s the major change, the others are pretty insignificant. The other one that’s of interest is that we are adding the General Education Coordinator to the General Education Committee. So again, these are put there because they are more substantive; they are not merely name changes. We didn’t necessarily expect that Council members would have problems with them but we wanted to put
them on there in case somebody did. So I’ll make a motion that we accept all three of these maintenance changes. We need a second and then we can have discussion if anyone wants to object to that.

A. Quick: Second

A. Rosenbaum: So we have the motion and then we can have any discussion of that.

J. Peters: All right discussion. I presume when go to the link to the IACUC committee, you can keep those changes up to date quickly versus having to go to printed format and revote. Right is that what happens?

A. Rosenbaum: Yes it changes often enough.

J. Peters: All right, get your clickers. Remember 1 yes, 2 no, 3 abstain, vote. Last call, close the vote.

Motion passed 45-0-2.

C. **Academic Misconduct Policy changes** – Pages 31-36

J. Peters: Now, let’s move to C., Academic Misconduct Policy Changes, 31 through 36. This takes some explanation and Al is ready to give that.

A. Rosenbaum: Okay, this has been a long-term project. We first began dealing with this in the Fall of 2009. We had a problem in that the academic misconduct policy was stated differently in the undergraduate catalog and in the Student Code of Conduct. This put the university in some problem. It created a legal liability for us. The decision was to ask the Faculty Senate to develop language for the Academic Misconduct Policy that, hopefully, was acceptable to both the Undergraduate Coordinating Council and also to the Student Judicial Office.

The Senate came up with language that essentially kept the language of the current policy the same but added a possibility where a student felt the penalty was inappropriate. The appeal of the penalty only could be made to the College Council. This was sent to the UCC and also to Student Affairs. The Student Affairs office embraced the language and changed the policy to conform to the language. The UCC and APASC had some discussion and eventually changed the last part of it which now allowed the appeal to go through the grade appeal process. The grade appeal process, as it stands, does not really accommodate grading penalties as a result of academic misconduct, so they also rewrote the grade appeal process.

This needed to be approved by the University Council because the UCC changed the language from what the Faculty Senate approved. We brought it back the Faculty Senate to see if the faculty had any problems with the new language. This was discussed at the last meeting. At that last meeting, the Faculty Senate felt that the catalog language which you see on page 31 under “new” was acceptable, on page 32, excuse me, that this language was acceptable. The Faculty Senate also felt, however, that the language in the grade appeal policy was vague in many cases and erroneous in some cases and so the Senate, although they did not vote, asked the Council to
send this back to the UCC.

Subsequent to that meeting, in consultation with General Counsel, it has been decided that the UCC does have jurisdiction over catalog language but they do not have jurisdiction over the grade appeal process which belongs to the University Council. And so they are asking us to approve the catalog language, that’s what you see on page 32, and they are also asking us to approve the changes in the grade appeal process.

Now we have some choices, the Council has some choices. The first thing the Council can do is it can allow the language on page 32 to take effect. This only makes sense if they also approve the grade appeal process that has been modified by the UCC. Now they don’t have the authority to do that, but they could submit it to us and we could approve that. So we could say, okay we’ll take this language. Three, we can send the catalog language back to the UCC with the recommendation that they rewrite the catalog language. That is, we could propose that they come up with a different appeal process such as the one recommended by the Faculty Senate. So we could send it back and say we are recommending that this be changed and that the appeal process be handled at the college level as opposed to through the grade appeal process. We could also send the grade appeal modifications to our Academic Policy Committee for reconsideration. If we send the grade appeal policy to our Academic Policy Committee, then it makes no sense to approve the catalog language that was approved by the UCC because it refers to a policy that might now be changed.

So, what seems to make the most sense, I’m going to put this out as a motion and then we can discuss it and debate it, but I’m going to make the motion that we send the catalog language back to the UCC with the recommendation that they wait until the Council has approved a new appeal policy for grade penalties resulting for academic misconduct and that we remand the appeal policy to our Academic Policy Committee for consideration and possible rewriting.

K. Thu: Second

J. Peters: All right, that was an incredible decomposition of what is a very, very convoluted set of processes coming together. And the first time I heard it I didn’t think you would be able to do it, but you did it. Okay, Dean McCord has got his hand up and then Professor Thu.

C. McCord: First of all, let me say that I want to express appreciation for the grade appeal process for giving me the opportunity to get to know the General Counsel’s office a whole lot better. These are policies that we urgently need to fix. But I absolutely agree with Alan, we need to, really need to, fix them and not piecemeal them. So I strongly support that not – we have been piecemealing it for the last several years and we are getting closer and closer to convergence, but we still have a disconnected policy that’s not a whole coherent policy yet. I agree that changing one policy without changing the other leaves us in a real mess and given the governing structure that requires one body to act on one and another body to act on the other, I think your proposal to send it back to UCC, ask them to hold it until the other piece that must be coherent with it is ready to go and then bring them back to University Council together is an excellent proposal.

If I may, then can I offer a new thought which one I think this is an excellent action. As it goes back to UCC, I would further suggest, there are still some passages that are unclear. I will argue
that clarity of what their intentions are is really essential here. For example, the language is very clear on what happens if a hearing board finds a student to be responsible. The parallel language of what happens if the hearing board finds the student not responsible, one has to infer from the current language, it’s not explicit. That kind of ambiguity in leaving it up to inference is exactly what leads to my good acquaintance with the folks in, and as much as I’ve enjoyed working with them, I’d just as soon have clarity so that I don’t have to.

J. Peters: Okay so two thoughts there, one was a support for the motion that’s on the floor and the other was some specific suggestions. Professor Thu, you’re next.

K. Thu: Well, I just want to add my support and also share some of the sentiment from my colleagues who are chairs and program directors in the College of Liberal Arts and Sciences. We’ve been trading e-mails on this issue and 11 different department chairs or program directors have strong reservations about some of the language, lack of clarity in the language and so I think they would support the motion that Alan offered.


R. Alden: I would like to also support the fact that this is being viewed as an opportunity for the committee charged with this to go through this and make sure there is a clarity in a very important due process component of our APPM. One point that I made to Alan when he and the President and I met, the language about what happens when a grade appeal recommendation comes down about the Dean shall direct the instructor to make the grade or penalty change, doesn’t comply with the sense of AAUP. That is more in what I’ve understood the practice where an administrator will meet with the student and meet with the instructor, either together or separately, try and resolve with the grade appeal recommendation in hand, and not compel the instructor if they say no, which brings on the next sentence, which is in compliance with the AAUP type of position which is, if they can’t resolve that negotiation, then the Dean or administrator can make the grade change themselves, based on the recommendation of the grade appeal committee. This issue of using the words, “shall direct the instructor,” is a little bit too strong and I would suggest that we reflect more of this mediation type of negotiation with the administration having ultimate authority on behalf of the good of the university to perhaps make the grade change if it is not something that the instructor is willing to do on their own.

J. Peters: Okay, any comment on that? That’s pretty standard practice across the country that either the Dean does it or directs a department chair to do it but you don’t force the professor to do it. But it’s changed under the recommendation of the committee. Yeah, Greg, Professor Long.

G. Long: College of Health & Human Sciences. One thing I have a question about too is: I was at the Faculty Senate meeting and there was extended discussion on what people perceived as remaining ambiguities in the language and I think one of the issues we face is whenever we are trying to be so precise with language, it’s difficult. Some of the senators at the meeting had also suggested maybe making a flow chart or a diagram, and I’m wondering – I know that it is not typical, we don’t have as a normal routine – but wouldn’t it be helpful to start thinking about presenting things visually, in addition to the text-based description? Because if you had the flow chart with the description, I think you would remove a lot of the potential ambiguities. So just as a suggestion for how we might think about clarifying that because if we’ve taken two years to
deal with language, that seems like a lot of time for people as smart as we are.


R. Alden: Related to that, I know many universities that do have these flow charts also have electronic flow of information so people can keep track of where any given kind of activity of this sort is in the process. Not to divulge what is being debated, but just so that people know who’s on first and where it is in the process. So having a flow chart is kind of a prelude to kind of electronic document flow, which we may get there one day.

J. Peters: All right.

N. Lindvall: Hi, I’m Nora Lindvall from the Student Association. I just wanted to comment from the student’s perspective about what Dr. Long just said about having a flow chart. I sit on the UCC as well and I’ve had trouble understanding exactly the issue what’s going on with all the language. I think a flow chart would be very helpful to students’ understanding and making it a much more clear situation for us. Thank you.

J. Peters: All right. Okay, hearing no more discussion, there is a motion on the floor. You want to repeat the motion for the record.

A. Rosenbaum: Okay the motion is that we send the catalog language back to the UCC, the catalog language is on page 32, with the recommendation that they wait until the Council has approved the new appeal policy for grade penalties resulting from an academic misconduct finding and that we remand the appeal policy to our Academic Policy Committee for consideration and possible rewriting.

J. Peters: Alright, remember one is yes, two is no, three is abstain. Vote. Okay, last call. Voting is closed.

Motion passed 41-2-3.

IX. COMMENTS AND QUESTIONS FROM THE FLOOR

J. Peters: Comments or questions from the floor?

N. Bender: I have a comment about, Austin Quick mentioned the cartoon in the Northern Star. I personally met with the individual that approved it. I do not know what made them have the lapse of judgment to post that. The point that the cartoon is trying to make is obvious, but however they could have done it in a more professional way. My point in all of this is to say that the threat that this – I’ll take the threat out, I spent five years in the Marine Corps so I use words like this – the threat that disposes the 2020 Vision is real because this is students’ opinion of NIU’s campus actually showing through instead of just being a whisper in the background where they talk about it in the coffee shop or something. This is actually showing up in the paper. I do not approve, by any means, of the way they did it, but it is a real thing.

J. Peters: Okay. The Northern Star is independent and they are student journalists and I’ve
received a lot of e-mail and it does, for those of us who have been through that horrible moment, February 14th, this is quite alarming and disheartening. Anyway, it’s a teachable moment. This is a university and these are student journalists. Life will go on and we are a very safe place relative to this world.

N. Bender: Absolutely sir, anywhere you go you have a threat, anywhere you go.


A. Rosenbaum: Don’t take them.

J. Peters: We’re adjourned.

X. INFORMATION ITEMS

A. Alternate Policy – Page 37
B. Annual Report, Athletic Board
C. Annual Report, University Benefits Committee
D. Minutes, Academic Planning Council
E. Minutes, Admissions Policies and Academic Standards Committee
F. Minutes, Athletic Board
G. Minutes, Campus Security and Environmental Quality Committee
H. Minutes, Committee on Advanced Professional Certification in Education
I. Minutes, Committee on the Improvement of Undergraduate Education
J. Minutes, Committee on Initial Teacher Certification
K. Minutes, Committee on the Undergraduate Academic Experience
L. Minutes, Committee on the Undergraduate Curriculum
M. Minutes, General Education Committee
N. Minutes, Honors Committee
O. Minutes, Operating Staff Council
P. Minutes, Supportive Professional Staff Council
Q. Minutes, Undergraduate Coordinating Council
R. Minutes, University Assessment Panel
S. Minutes, University Benefits Committee

XI. ADJOURNMENT

Meeting adjourned at 4:20 p.m.