
T. Smith attended for R. Butler.

Parliamentarian Ferald Bryan was present.

THOSE FACULTY SENATE MEMBERS NOT PRESENT: Baker, Bisplinghoff, Clayton, Creamer, Cummings, DeMoranville, Goldberg, Kamens, Kolb, Loubere, Mehrer, K. Miller, Mohabbat, Munk, Musial, Payvar, Pritchard, Robertson, Schneider, Shumaker, S. Song, Spear, Turner, Wade.

I. CALL TO ORDER

The meeting was called to order.

II. ADOPTION OF THE AGENDA

President Willis: Since Ken Davidson is here and will be speaking to us and answering questions, Mark Cordes and I agreed that it would make sense to have his Committee’s report come right after Ken finishes, since Ken has had some input into the privacy policy, which is what Mark will be discussing. I’d like to move VIII, D so it’s right after item IV A. Does anybody have any other changes or anything that they would like to make to the agenda? Okay, if not could I have a motion to approve the agenda? Second? All in favor? Opposed? Okay, we have an agenda.

The agenda was approved.

III. APROVAL OF THE MINUTES OF THE JANUARY 15, 2003 FS MEETING
(Pages 3-6)

President Willis: The minutes of our last meeting you will find on pages 3-6. Could I have a motion to approve the minutes? Second? Are there any changes or corrections to the minutes that need to be made? Pat, yes?

P. Henry: Just to change the FAC meeting to January 30, I’m sorry, 31 rather than the 30.
President Willis: Right, okay. Okay, I got that. Anything else? Okay, if not then all of those in favor of approving the minutes say aye. Opposed?

The minutes were approved.

IV. PRESIDENT’S ANNOUNCEMENTS

President Willis: Okay, I have a couple of remarks that I want to make then I’ll turn it over to Ken. Let’s see, first David Wagner would like the members of the Grievance Committee to meet with him right after we are done here. There were some questions about what exactly the Grievance Committee can do, so I have printed out some information and given it to him. I will be there right after the meeting also in case anybody has any questions that I can clarify. So, Grievance Committee, you should know who you are, meet with David right after.

The other thing that I wanted to talk about a little bit was the budget. Now I’m not talking about the state budget or even the University’s budget, but my budget, or our budget. We have been, as you know, we have already downsized our cookies and refreshments and the packets, you will notice, are much thinner. The cookies were in direct response to the budget; the packets were spurred by the budget but I thought not actually printing out the transcripts for everybody was a good idea anyway. In any case, we have saved some money doing that. We have been requested, however, given the budget situation in the state, to identify another 5% of our budget that we could cut this year and then another 3% for next year. Now that’s cutting our total budget, most of which consists of Donna’s and my salaries, but that’s not where we can cut. We can cut the rest of the stuff but there isn’t much left. So, let me tell you what we’re thinking of doing and then if anybody has any thoughts or discussion we can get to that later. We’ve saved most of what we need to cut this year by reducing the packets – this saves us on our printing budget for the rest of the year – so we have quite a bit of savings from that. We’re probably going to have to cut out the refreshments completely since there just isn’t any money. We’re going to drop the office fax line. We seldom get faxes so we really don’t use it very much anyway and there are offices around us that have faxes that we can use if necessary. There’s more in our budget for long distance telephone calls than we use so that would be our savings for the rest of this fiscal year. Next fiscal year we still haven’t quite sorted out yet but it looks like again that, presuming these maximal cuts take place, then we still wouldn’t have any refreshments and we still wouldn’t have our fax machine and we would also quite printing the Committees Book entirely. We’re already printing a lot fewer than we used to but we would go to having it just be purely on line. Now, this is our thinking at the moment. Actually, it’s mostly Donna’s thinking because she takes care of the budget, but as far as the Committees Book goes, that’s something I would bring to the Senate and the Council to make sure that that’s okay with people. We would certainly still create the Committees Book and still have it on line but that’s $1,800 it costs to print the ones that we printed this year and so that’s a substantial chunk of change. All right, so that’s the – and we still need to find more money in next year’s budget if we have to stick to the cuts that we’ve been given. So that’s that I have to say about the budget.

A. Ken Davidson, Associate Vice President and General Counsel, Office of University Legal Services
President Willis: I’d like to introduce Ken Davidson, whom I know pretty well but most of the rest of you probably don’t know at all. He is, since the retirement of George Shur, now the Associate Vice President and General Counsel in the Office of the University Legal Services, which means he’s the head lawyer for the University. I’ve asked him to start by making a few remarks just explaining what his position is about and how the reorganization of the legal department, which happened when George retired, might affect faculty, and he’s more than willing to answer any questions people might have.

K. Davidson: Thank you Sue. Thank you for the opportunity to come and get acquainted this afternoon. Often I sit in this chair at the Board of Trustees meetings and tell the world about how we’ve complied with the open meetings act and how we’ve posted everything, and the chair always kids me about do I ever say anything else. I don’t usually get many speaking lines, so this is a new adventure for me to be in this room when I actually get to speak. Just for a little background so you know, I am in my thirty-third year of legal practice as a licensed attorney and in my twenty-seventh year as a counsel for higher education. I’ve been in the state of Illinois practicing since 1990. I was general counsel at the Board of Regents until 1995 when I transferred up here, and I’ve been on campus since late 1995 with the initiation of the Board of Trustees, which has been in place since January 1, 1996. My areas of practice have included assistance to the Board of Trustees and my campus responsibilities have been primarily in the area of risk management and claims defense, insurance arrangement, academic affairs – particularly in the affiliation areas where we have had our internships and externships contracts. There are hundreds of those that we have out there throughout the University and they have been a major area of responsibility.

I would like to tell you a little bit about what we intend to do and what the President has asked me to do in the time that I have to serve the University. The President has asked me to modernize the legal function for the University, in a phased way because we’re all in the same kind of a budget crunch situation, to staff, organize and deliver services in a comprehensive, integrated way to the University and this I am to do within five years. So the vision I have developed is to identify the practice areas where we can have depth in the servicing of these needs of the University and build the skills, rebuild the skills. With George gone we’ve lost a great deal of experience, a lot of institutional history and so we’ve got to go into a rebuilding mode and build towards continuity so that it will be seamless in the future as we all move along in life and our careers. It’s best for the University to have some continuity and the representation and understanding of customs and practices.

The first area that I personally am responsible for, of course, is the Board of Trustees. I am an officer of the Board of Trustees under its bylaws and I hold the office of Parliamentarian. I have a number of other hats that I also have worn and will continue to wear for the foreseeable future. One of those roles will come up in a few moments when you talk about the privacy policy for University offices. I am the designated Privacy Officer for the institution. The President has assigned me to that role. I’m also the Institutional Ethics Officer and a position I’ve inherited in the new organization is Freedom of Information Act Officer. So there’s a number of duties that come with all those but I won’t bore you with all those details. I just want to tell you there are a number of hats that I wear because the President has assigned me to do these different things.
In preparation for today’s meeting, I asked Sue “what would you like to know about me” and – I’m not sure you need to know about me personally, but there was some information that Sue thought would be useful for me to share with you; that is in the area of risk management and claims control - what would happen should someone be sued, are there protections there for you. I want to outline, if I may briefly, what some of those protections are. There’s no need for people to go and buy personal liability insurance in my opinion. If that is good sleep insurance for you and you want to buy that and it was inexpensive, I do not advise against it but there is a very useable system that the State of Illinois has provided for the entirety of state government, which includes us. They begin with an act called the “State Lawsuit Immunity Act” and immunity is a big word. They used to have entirely sovereign immunity for everything and then they had a constitutional convention in the 70’s and they rewrote the entire state constitution and they got rid of sovereign immunity but they put in its place what I would call a “qualified immunity system”. They created a court of claims system so that if you are a citizen and you had harm at the hands of a state agency you weren’t without some remedy but the place to take it is to the court of claims. The court of claims is constituted by commissioners, lawyers, who sit in two different places. There’s one place in Springfield; there’s also one in Chicago, just like the Attorney General’s Office also has two locations, one in Springfield at the seat of government and the other in Chicago. We utilize the services of the Attorney General’s Office for our defensive claims. We do that because it doesn’t cost us anything, and they’re also very good lawyers. It does cost us for the overhead for cases that are brought. We have to pay for the depositions, we have to pay for the travel expenses, expert witnesses, things like that – things I would call “case overhead” but we do not have to pay for the high-end costs and that would be the legal services component of defending a case. That’s not to say we don’t have discretion. We could, in a case where it was necessary and it would be an exceptional case – I don’t have a budget for this to tell you the truth so that’s really why we don’t – we’ve never had a failure in the adequacy of these legal services. I’m in my thirteenth year of doing this kind of thing for the State of Illinois and for higher ed. I have a lot of confidence in the Attorney General’s Office so we use them all the time. In fact, we have a number of cases that are going right now. There often is turnover in the Attorney General’s Office because people come and go in public services and particularly in the legal ranks but we are defending those successfully. I can’t think of when we have had a case that we lost. We have settled some cases because of reasons that involve the peculiarities of particular cases but we typically will defend cases vigorously and unless there’s some specific kind of an evidentially reason, we do not settle. We do take cases all the way to judgment and the cases we’ve taken to judgment we’ve won.

So, if you should be the unfortunate recipient of a summons someday, by all means please come to our office. We can get you free legal services, we can arrange for your representation and if you should also have a subpoena for records – sometimes if you are the custodian of records, in the flow of things you might get subpoenas for your records. Let us know about those things too because we will help you manage that. Sometimes we will produce these things pursuant to the subpoenas and sometimes there are reasons to resist them and sometimes there’s a need for involvement of the Attorney General in these matters as well. Sometimes there’s depositions where we’ll need to – because you have particular information, and you’re professionalized with the University, you might be a fact witness for something and there might be a reason why you would be asked to be a witness in a court proceeding of some kind. If there’s a need for it, we can arrange to get you assistance from the Attorney General’s Office to accompany you and
advise you under the State Employee Indemnification Act. That’s the same act that we utilize if any one of us should become named as an individual defendant in a matter. I think I’m talking too long and too technically. The other thing we rely on besides the Court of Claims Act is the 11th Amendment of the United States Constitution and that is a great protection for state employees and elements of the states. Except for a very narrow range of claims, that is what protects us from being sued in Federal Court. There are exceptions in employment matters and I won’t go into that all with you now but I do want to offer you words of assurance about the nature of these immunities. There’s a very strong cloak of protection for you both at the State level and at the Federal level should you become the subject of litigation and I would like to reassure you that you should not fear in the way you perform your duties. If you’re acting in the scope of your employment and you’re exercising due care and good faith, there shouldn’t be a problem. That’s not to say you can’t get sued but we are in a position to successfully defend you should that happen.

The other thing I wanted to mention are the practice areas. The practice areas are going to involve, for myself, the Board of Trustees area; that’s where I’ve got the Open Meeting Act, compliance and governmental agreements that we deal with. I interpret the Board of Trustees’ bylaws and regulations, along with the President, and I do that principally by myself at this point. I need to bring someone into that group, though, so that I can build that institutional memory in someone else’s head as well as we go along. The next group alphabetically would be the Academic Affairs, Student Affairs and Research Practice Group. My goal is to have three attorneys in each of these groups so I’ve got depth in there so if one of us is gone or sick or whatever or if we’ve got an open slot we’ve got some depth. It’s not just one person trying to handle all these balls at once. I don’t have everything defined yet that will be in these various areas. I’m still figuring that out. There are things that George Shur did that I never knew was being done simply because he did it alone and I’m now becoming more acquainted with some of the duties that George had plus doing my old job and trying to train a staff so I’m asking for a little indulgence and patience until we get everything sorted out and organized but this is the main thing that I’m aware of at this point under Academic Affairs. The affiliation agreements I mentioned before, we’ve got the duty to deal with that. Academic appeals and to assist the deans and the officers in the Provost’s Office who may have their hands on those matters. Something I’m very familiar with is the IRB. You’re familiar with that too from recent history. The Human Subject Research Board – I’m bringing two younger lawyers into that now to help build and strengthen that so there are three of us that will be working with the Human Subject Institutional Review Board areas. As you know, there’s going to be a split and there’s going to be two IRBs in the future because of our growth in research functions. There are residents status appeals on the business side of the house in Academic Affairs we have to deal with. There are student conduct issues that we deal with and there’s the Study Abroad Program which is a frequent user of our office. There are going to be employment matters which would also, of course, be in both camps but that’s going to be treated in a different practice group. The other practice groups – I’m just going to throw these out because I think I’m getting too long – Administration and Governance is the next practice group that we’ll have. The next practice group beyond that would be Business Affairs. The next one would be Employment and Labor Law and the last would be Risk Management Claims and Litigation. So, by combination I think we are covering the lawyer front for all the needs of the institution in these various practice groups. So, with that I think I will stop and open for questions.
President Willis: Okay, does anyone have any questions for Ken? Yes?

R. Butler: What was the group you listed before Business Affairs? It was Academic Practices?

K. Davidson: Administration and Governance?

R. Butler: Oh, thank you.

K. Davidson: The topics that this group would focus on would be the needs of the Senior Cabinet, the University’s Shared Governance systems and review of general operations policies and procedures. That’s what I have staked out for that group at this point. These will grow I’m sure as I understand and define exactly what needs to be treated in each of these respective groups.

President Willis: Okay, are there other questions for Ken? Yes?

J. Newman-Ryan: It seems like about a year ago we had a rather lengthy discussion about the Faculty Personnel Advisor and who could and should act as advocate for the faculty. Do you have any opinions about that now that you’re in this office?

K. Davidson: Well, I think you’ve already decided that by your own policy action so it wouldn’t be my place to disagree with that and whatever is in place is what we’ll continue to do. You wanted me to say something different, Jody?

J. Newman-Ryan: No, I guess I didn’t think that we resolved that exactly.

K. Davidson: Oh, I thought you had.

J. Newman-Ryan: Well okay, then that’s my mistake.

K. Davidson: Well, I had a concern and I’ll be frank with you about the concerns I felt at that time if I can recall them. I think that the concerns that I’m remembering was about having a lawyer be the personnel – the Faculty Personnel Representative – Advisor – I’m sorry. I think I felt some apprehension about that. I think others – I’m not in the Senior Cabinet but there were people in the Senior Cabinet who had apprehensions about that because we have tried to “de-legalize” so many of our internal processes and, of course, we always end up making them very legalistic anyway. I think that was the issue as to whether or not an attorney who was a licensed attorney ought to be the personnel – the Faculty Personnel Advisor. Was that the issue?

President Willis: That was part of it. There were a number of issues. I think the one Jody’s referring to is where we debated – in the job description of the Faculty Personnel Advisor right now, it says that this person will advise and assist people who are experiencing difficulties of one sort or another and I’m not remembering the exact phrasing correctly, but there was a proposal to add that this person would advocate for the faculty member as well. That was approved by this
body and passed on to the University Council, where it has fallen on harder times. The Council has actually not, at this time, voted on it but there’s considerable resistance I would say. Sue Mini is the Chair of the Council’s Rules and Governance Committee so she’s probably as familiar with this as anybody.

**K. Davidson:** Well, I always worry about negligence claims. I’m your paid worrier, and as part of my old – continuing actually, risk management hat and responsibilities I’m concerned about potential claims for errors and omissions that give rise to claims of negligence. When you take on the duty of being an effective advocate and you fail or you’re perceived as failing, then you’ve laid the groundwork for claims so for that reason I’m apprehensive. I’m not an advocate against that but I’m apprehensive about the implications of that. If I were Malcolm Morris and I had this duty to advocate for someone and had a difficult set of facts to deal with, maybe even a difficult personality that I was asked to represent, I would feel some anxiety about whether I was going to be a defendant soon or not if I didn’t carry the water successfully on the matter so, those are some general comments I would give you about that paradigm.

**President Willis:** I can tell you a whole lot more about that later.

**K. Davidson:** Okay. Maybe I’ve said too much.

**President Willis:** No, that’s fine. It’s just that it’s a complicated issue that’s been discussed at great length.

**K. Davidson:** Okay, I have not been involved in those ---

**President Willis:** I know you haven’t. Yes?

**J. Lockard:** Hi Ken, I don’t think I ever thought about the size of staff we have for legal affairs here. Can you pinpoint that for me after your discussion of various ideas – I knew about you and George and that was pretty much where it stopped.

**K. Davidson:** Well, it’s been small and it’s been limited and I’m doing everything I can to help make us grow and be more of a service agency for the institution. It was my recommendation that we call it Office of University Legal Services. This organization has a great appetite for legal services. It’s not because any quirks of the University itself or the individuals that comprise it, it’s been imposed upon us. Since I began university practice in 1976 when I came out of the Air Force as a JAG officer - I was legal council for Oklahoma State University for their Board of Regents and actually, there were a couple of days where I had time to read the Chronicles. Cool! You could actually build your knowledge base and you weren’t learning on the run all the time. There were brief moments – I can remember in 1976 and early 1977 when the walls weren’t closing in on the academy. Today, it’s a different world and I tell people that I feel that we’re as regulated as atomic energy at the state and federal level and that requires a lot of legal services. That’s expensive. It takes staffing. It takes lawyers. We do not have any fully trained paralegals at this time. I wish we did, and that’s in my plan. I would like to be able to put some elasticity in the lawyers’ reach for the institution, the licensed lawyers to put some paralegals into the picture and we need more clerical support. At this point, we’re all expected to
do everything on our own. Do our own word processing, do our own legal research and that stretches us rather thin. The President has allowed me to promote two people to assistant university counsel, and I’m beginning to create career ladders for the office to have that kind of continuity in the office that I talked about before, which I think is critical for the institution’s needs. I have two assistant university attorneys now. The nomenclature is Assistant University Counsel. Norden Gilbert is the other senior attorney in the office and he’s in a rank that parallels the professorate assistant/associate. He is a full university counsel and that’s where I’m going with that. We are in the recruiting stage to get another senior experienced counsel that could help me with litigation and help me with some of the really complex things. I need another seasoned attorney that can help me with things that George and I used to do together. We’re in a search right now. Sue is on that committee. We have a great committee. We had our first organizational meeting last week. We had a report that we have about forty applicants. We’re on a national search for that. We’re working towards an improvement in the diversity of that and we are using the commissions for their advice – Presidential Commissions and we’re out making the extra effort to make sure we have an adequately diversified pool before we start the screening process. The screening process will actually start to occur about February 21.

**President Willis:** Yes, David.

**D. Wagner:** Can I just go back to this question about the Personnel Advisor? If the Personnel Advisor accompanies an appellant and gives them advice and even states the facts of the case to the Grievance Committee, why is he in less danger than if he’s an advocate? What’s the difference between being an advisor and an advocate is what I’m asking?

**K. Davidson:** Forgive me for not knowing more of the history of how that’s worked but does the advisor actively participate in those proceedings in the way of presenting cases? Is that the way that works?

**D. Wagner:** We don’t know.

**S. Mini:** I believe he participates if the person who has the grievance asks him or her to.

**President Willis:** But not functioning as legal counsel, that’s clear.

**K. Davidson:** In the models from my past in these kinds of representation or assistance in these proceedings it has really been a more passive role where the advisor would be whispering advice or helping give advice to the faculty member who is presenting the complaint or the grievance or whatever it is, given them counsel on how to structure and present but not actively be the out-front representative. That’s the difference in my history and what I think we’ve been talking about.

**D. Wagner:** Could the committee ask the advisor questions or not in your interpretation?

**K. Davidson:** On fact matter or procedural matter?

**D. Wagner:** Factual matters that the advisor was aware of but the committee was not aware of.
President Willis: I think that the committee can ask anybody factual questions but – why don’t we look into the details of this and I can bring Ken up to speed on some things because I know this is new to him and I know it’s not new to us so why don’t I bring him up to speed and then we can come back with some answers later on that particular issue. Yes, Carole?

C. Minor: I have a question – I’m like Jim, when I first came to the University I think George Shur was maybe the only attorney.

K. Davidson: Norden was downstairs.

C. Minor: He was downstairs, okay. You talk about these practice groups and there are maybe six of them? It sounded like you were going to have groups of attorneys in each areas. Is that your plan or do you plan to have an attorney in each area or paralegals or are we talking about twenty-five lawyers here.

K. Davidson: No, no not that there isn’t plenty of work for half a dozen or so but five lawyers is what we are targeting for the staffing of the office; I do have some notes about how I’m going to staff that. Probably in the Academic Affairs group there will be five lawyers. Every one of those lawyers is probably going to be in that group simply because the complexity of things is going to come in and the readiness and ready access needs that the Provost and everyone on the academic side of the house have. You put off some of the business affairs, maybe, but my experience in just the month or so that I’ve been in this role, you need correct answers now or yesterday and so I think each of the attorneys needs to be in that group. I would put three in the Administration/Governance group. Three is the model I started with. Actually, I’ve grown it for the academic affairs side with experience.

President Willis: You should make it clear it’s all the same people in these areas.

K. Davidson: There’s a universe of five if I get fully staffed and they will move around and have multiple roles and different practice groups, but I’m trying to keep a focus and some emphasis on people’s training and their updating. We have to keep everybody current in these various skill areas so there would be three in the Risk Management/Claim Litigation. I have a Risk Management Coordinator, Clair Williams. Clair is not a lawyer. He came up through the business affairs side of the house. He has been assistant to the controller. He’s terrific in insurance arrangement, property insurance. If you have something unusual that you’re putting on at your college or an art exhibit, there’s all different kinds of different insurance procurement things that we have to go to our broker and arrange so that we can conduct some of these specialized activities. Clair is terrific at that and Clair is a member of the Risk Management group. We’re going to have three in the Employment Labor Law Group, three for the Business Affairs group, three for the Board of Trustees Group and, as I said, three in the other and five in the Academic Affairs.

President Willis: And then three, plus three, plus five makes five, right?

K. Davidson: There’s never more than five.
President Willis:  Okay.

K. Davidson:  There’s only four now.

C. Minor:  Thank you for clarifying.

K. Davidson:  I’m sorry if I confused you.

President Willis:  Other questions for Ken?  All right, if not then we can move on to Mark’s Committee report which if you recall we moved up to this point in the Agenda.

VIII. REPORTS FROM STANDING COMMITTEES

D.  Faculty Rights and Responsibilities – Mark Cordes, Chair – report – walk-in

M. Cordes:  Thank you Sue.  Sue and I thought it would be appropriate to move it up so Ken would be here to answer any questions about privacy policy at the University.  If you recall, at the December meeting Sue had attached a privacy policy, a proposed one, which Ken and she had worked on.  Sue had an original draft; Ken had rewritten it.  It was given to the Faculty Senate in December.  The Faculty Rights and Responsibilities Committee was asked to look at this policy.  We have looked at it and what you have before you, as the first page of the walk in, is our recommended policy, which I would assume we’re bringing forward to the Faculty Senate to be approved.  This policy is almost identical to the one that we were given in December.  In fact, there’s only two words, “supervision” and “control”, that have been taken out.  The one change that we did suggest, and I talked to Ken about this after the Committee met and he was very open to it, was, in the second paragraph, the first sentence, that sets out the reasons the University may assess offices and other areas, supervision and control were given as the first two reasons before efficient operation, cleaning and inspection and so forth.  The Committee had no general problem with the reasons that were set out for the most part here, that they’re all reasonable business reasons why the University would need access to an office.  Supervision and control were two words that just seemed a little bit too broad, too vague for us and didn’t necessarily limit it to more reasonable business concerns.  So again, we’ve taken those two words out but we’ve left the rest of the statement the same.  We think as a general matter this reflects a very reasonable balance between the privacy rights of faculty and other workers at the University and certainly I think it stresses pretty well that we do have privacy rights.  At the same time, it recognizes that the University has legitimate reasons why they might need to be in our offices at times.  Advance notice will be given to faculty and others if possible and I think that’s quite reasonable.  The one other question we had was the unauthorized material sentence – the second to the last paragraph, the second sentence there says unauthorized material that might be observed during such access – the authorities might be given notice of that material, possibly.  We weren’t so much opposed to that sentence as just curious about what it meant.  Our own conversations assumed that this really only meant things like illegal drugs, firearms, things of that sort and if that was what it was about, and that’s I think the only reasonable reading of it, we had no problems with it.  I talked to Ken about it and he basically agreed that that’s what it’s talking about.  It does say “may”.  It doesn’t create a duty on the part of the University to report
it but they may do it. If nothing else, it serves as a warning to us that we’d better not have these things there because the authorities might be given notice of it. So again, for the most part this is identical to the one that Sue and Ken had come up with earlier except that “supervision” and “control” have been taken out of it. I would bring this before the Senate for any discussion and would recommend its adoption.

**President Willis:** Okay, thank you Mark. Are there questions for Mark? What I would foresee doing with this is, if this body approves of it, I would then take it to the University Council so that it would become official policy. We wrote it so it applies to both faculty and staff so the SPS Council and Staff Council might want to look at it also. That’s the path that I foresee for it. By the way, at the moment there is no privacy policy. There was an issue that came up last fall and I went on the web and looked all over the place and the only thing that I could find that involved University personnel having access to private offices was from the Property and Management people - the ones that come and do inventory - that essentially said that they can come in whenever they want and everything in your office belongs to them and if you have personal stuff in there then you ought to have your name on it. George Shur was a little taken aback when I pointed this out to him, because like the rest of us he had plenty of stuff in his office which doesn’t have his name on it. In any case, we felt that having something like this in writing would be a good idea so here it is. Yes?

**L. Kamenitsa:** Mark, I’m wondering – the language “efficient operations” seems awfully broad to me. What’s intended there? Or Ken perhaps.

**K. Davidson:** I’ve forgotten what your original language was.

**L. Kamenitsa:** It just seems like it could cover almost anything.

**K. Davidson:** Where is it? Well, I think the history on this, as I shared with Mark, collective bargaining is one of the things that I have done as part of my duties. When you’re at the bargaining table there’s a management rights clause that’s typically a part of any collective bargaining agreement, so I think what I was trying to be was descriptive of what the retained management rights were for the institution. That’s how that control and supervision piece got in there, because that’s boiler plate language that you would have in any management rights covenant in a collective bargaining agreement. That’s how this language got built, using that as a model, because I knew that I couldn’t curtail what the University’s rights were without causing some serious problems. I was trying to be descriptive of what the University’s retained rights were, so it would be informative and descriptive all at the same time; I can’t tell you it’s not vague too, but to be brief in a document, maybe that’s why we have so many legalistic looking documents. You can’t say things briefly if you want specificity and spell everything out but that’s the history of that language.

**President Willis:** I would guess that where that seems a bit disturbing to faculty might be that they’re not particularly interested in having say their department chair coming in and saying hey, you’re not being very efficient in here, you know, depending on what you’re doing. You know, that falls under the academic freedom – we have a lot of latitude in how we perform our functions.
M. Cordes: I think personally I would have no problem deleting those two words either although at some point we can’t delete everything. I had assumed it had to do more with just the operations of the office itself, whatever it might be, the maintenance, the mechanics, those sorts of things, as opposed to the operations of the person sitting in the office which, of course, would be quite problematic. It is somewhat vague and we did have a concern with supervision and control, as again being way too vague and going beyond what was necessary to make sure the office was clean, maintained, those sorts of things. Now there were some issues too that Ken brought up, that if a faculty member or some other staff member, if their employment ends they’d have to vacate their office. There have been situations where people have basically refused to vacate, or at least have not taken the steps necessary to vacate; the University certainly has the right at some point after having tried to work with the person, to get the person and their personal items out of the office. Efficient operation might tie into that part too, but I’m certainly not tied to that language either if people have a problem with it.

L. Kamenitsa: Yes, I’m not frankly worried about the monitoring of my own efficiency, it just seems to me like waffle language that could be used to justify all sorts of uses of your office - well, this would be in the interest of the department’s efficiency to use your office for other purposes when you’re not there, being able to have graduate students have office hours there without your permission. We routinely do it with permission in our department but not without. The other things that were mentioned all seem to be covered under very specific language in the rest of that sentence so I was just wondering if there was anything particular in mind or whether anyone else sees this as possibly opening us up to any kind of intrusion.

K. Davidson: Could I just follow up with that? This is about privacy, it’s not about use. That was what I understood this policy was to be about. Access, entry, walk in, look around, what do you see – you know, that’s what I understood this would be.

J. Stephen: I wonder – our electronic storage is also a University provided feature and it’s pretty clear-cut, or fairly clear-cut, what’s appropriate use of your computer and what’s inappropriate but is there any application of access to that here?

President Willis: We actually have a computer privacy policy which I ---

J. Stephen: There is a computer privacy policy?

President Willis: Yes, I modeled my original draft of this on it. Your computer is more private than your desk at the moment.

R. Meganathan: I really don’t have any problem with that but the person entering the office should consider his or her own safety. Like you take C.T. or me, I can have things sitting on my desk, things that are perfectly safe for me, but the person entering climbs on my desk and let’s say, changes the light bulb, while there are working, knocks it down, it is no longer safe. So this kind of addresses, you know, a very narrow kind of way. In a legalistic, lawyerly kind of way, that’s what I have a problem with but I don’t have any objections to it.
President Willis: Yeah, I think that hopefully, that kind of thing would be covered if somebody notifies you that they’re going to be changing your light bulbs that you’d have the chance to warn them that there’s something on your desk or else move the thing off your desk so it wouldn’t get knocked off or whatever. I think that’s the intention of providing – or at least part of the intention of providing for notification so that you’re aware that people are going to be coming in. Of course, you get janitorial service anyway but they probably wouldn’t be bothering the top of your desk. Yes?

M. Engel: Mylan Engel, Philosophy. I’m a little curious – I’d like a little more information about this language “unauthorized material” because, for example, I don’t ever remember receiving any authorization to bring my books into my office. In fact, I’ve never been given any authorization to bring anything into my office, so in a certain sense, everything in my office is unauthorized except for the computers that were put there by the University itself. That bothers me, and if you mean specific things like guns and drugs, well thank goodness I don’t have those in my office. Then I would like a list of the things that – unauthorized doesn’t seem like the right language. It seems something like forbidden or illegal or something like this and then there ought to be a list so one knows that one’s in compliance or not but this is vague language and frankly I would like to know exactly what’s intended.

M. Cordes: If I can just briefly answer and won’t say a whole lot but we had this same conversation to a certain extent. I raised the question about the fact that I have a lot of family pictures in my office. No one has ever authorized that. I have a CD player and no one’s ever authorized that and I agree that no one’s ever told me what I can and cannot have there. On the other hand, the context of the statement basically doesn’t say whether we can or cannot have it, it simply says the authorities will be notified about it. Basically, I think that the context indicates that it’s going to be limited to illegal sorts of activities or firearms, forbidding objects, whatever. Perhaps to substitute illegal or forbidden might make more sense. I think it might be problematic to try to come up with a list but my impression from the Committee was we felt okay about it as long as the understanding was the one that we had; Ken agreed that’s essentially what it’s going to be limited to. Again, the context is simply that – it’s simply saying that the authorities might be told about this and if there’s nothing wrong with the books that you bring in or the CDs that I bring in, then I don’t see what the problem is that someone else is going to be notified about that.

M. Engel: Just to follow up briefly, since this is a somewhat legalistic document, why use language – if you mean illegal materials, why not say illegal materials. Why leave it open to, you know, somebody could start saying well yes, this person has a CD player or other kinds of things that somebody might complain about. Here’s another example. If you’re running a lab, there might be some substances in your lab that could be used to build bombs even though you’re not using them to build bombs and it would be helpful if you knew exactly what things someone might be holding you accountable for.

K. Davidson: I don’t have trouble substituting illegal.

President Willis: Okay, how about instead of saying unauthorized material, how about something like evidence of illegal activity that may be observed? Yes, Bill.
**B. Tolhurst:** I don’t see what purpose is served by this language. I take it that if evidence of illegal activity were observed, it could be reported to authorities regardless of what this document says. If there were no language at all in there we wouldn’t be giving anybody permission to do anything or encouraging them to do it nor would we be providing them with the assurance that appropriate action like that would not be taken. So it seems to me that this part of the policy has caused far more discussion than it deserves and, indeed, I’m concerned about some of the other language. Okay? It says except for routine cleaning or other limited access, faculty and staff should normally be provided with notification. That seems to me to be a bit weak. It seems to me that it should say something like except under unusual circumstances, faculty will be provided – to provide a stronger expectation that unless there’s some emergency or some other reason why access must be gained when it’s not possible to notify those who are using the space, that notification will be given. If you just say it should be given, that’s very weak and it doesn’t create a strong presumption in favor of notifications I think we need.

**President Willis:** Yes?

**R. Caughron:** I guess I would like to have instead of “unauthorized”, “inappropriate for a university environment” because that brings in both illegal and inappropriate. I could have a legally registered gun but it is inappropriate for a university environment. I like the word inappropriate a little better because I think it goes to the standard practices that we have as a university to what do we do that’s right. You don’t bring a gun to the school even though it’s legal. Either illegal and/or inappropriate, something like that.

**President Willis:** Right, right. Okay, let’s see.

**D. Smith-Shank:** Can I say something? Well, I hate to argue because it just takes longer but appropriate is really a waffle word because some things that are appropriate to some people are not appropriate to other people. For instance, I have some art in my office that I use that would be considered pornography by Jessie Helms but that I use in class, and if Jessie Helms were the gatekeeper here he would probably send me to jail.

**R. Caughron:** That’s appropriate, but if I brought it in, then it would be inappropriate because there’s really no reason for me to have that.

**J. Kowalski:** I was thinking that another possible wording that gets to an issue like guns, you know, are they appropriate in your office versus appropriate in a gun locker in your home where they’re clearly legal, might be “illegal or hazardous” – some wording of that sort that makes it clear that if they think there’s something that may be dangerous – posing a potential danger in your office.

**President Willis:** Some of us have hazardous stuff in our offices as part of our stuff. You know, in biology, chemistry, physics, that kind of area – things will be in there. Do we want to have the Committee munch on it a little more instead of trying to write it here?

**B. Tolhurst:** I was just going to move that we amend it by deleting the stuff that we’ve been talking about.
President Willis: There is no motion on the floor, that’s true.

M. Cordes: My own preference is to get a sense of the Senate right now and see what changes they might want to make and I think that if there’s agreement we can just adopt it with the amendments. If there’s still controversy and people think we have to talk some things over, it can go back to the Committee. I might want to invite a few of you to the meeting to give us more insights but, if possible, I’d just as soon have it resolved right now with amendments.

President Willis: Okay, that’s fine. Sue?

S. Mini: Just one quick comment. When it’s done here in the Faculty Senate and it’s been passed, it goes on to University Council? Is that correct?

President Willis: Yes.

S. Mini: Then we would want it to be as complete as possible before it gets there. So, if you’re asking should it go back to committee ---

President Willis: Because it’s going to land in Sue’s lap. That’s what she’s saying.

S. Mini: Then I would suggest that maybe it goes back to committee. Get a sense of it but make sure it’s perfect before we send it on.

President Willis: Yes?

J. Stephen: I’d agree with Bill that that last sentence has to go. Neither one have provided a descriptive list of what’s authorized nor a proscripted list of what’s unauthorized. I mean, can I store gasoline in my office or mercury or — well; I’ve got a thermometer in there. I’m already storing mercury. So, ---

President Willis: Actually, Ken put that in and I asked him about it and he can speak to that himself. His intention was that it would serve as a bit of a warning; my feelings are like Bill’s on that. I’m not really sure it’s necessary. It’s the sort of thing where, you know, you really ought to know.

J. Stephen: I’ve got a ten-year-old bottle of beer on my bookcase. I think I’ve broken that rule.

President Willis: Probably, yes.

K. Davidson: If I might throw this out, I was trying to get classifications described in a short amount of space and not get into listing. We can do listing. That’s your prerogative of course, but the things that you would perhaps have to put on that list would the racially offensive, the sexually offensive, the national origin offensive, the religiously offensive. The things that give rise to claims of hostile environment that was also in the sweep of things I was trying to include as to what people should be aware of what they — could be seen if they had that in their work
area and this isn’t just about faculty offices. This covers everything on the University and it wasn’t about faculty only that this was written for. The breadth of this goes much further.

President Willis: Is that something we could leave out?

B. Tolhurst: It seems to me regardless of what our privacy policy says, those things are problematic from a legal point of view and people can be asked to remove materials that are in violation of legal policy regardless of what our privacy policy says nor is it necessary to give people that if they’re behaving in ways that create a potentially hostile environment and it’s noticed by an appropriate person, those behaviors will be reported to authorities so they can be remedied. I don’t see why this has to be in our privacy policy at all.

President Willis: Yes?

J. Stephen: I’m still agreeing with Bill. I think that under some of the topics that you specifically brought up, both the investigation of the sacred and profane is part of our duty and there are going to be people with drawers full of what’s considered by whoever profane and we cannot limit that. That is what we look at, some of us – not in mathematics.

President Willis: Yes?

M. Engel: I worry about some of the things you just listed that people would find offensive. I know one of my colleagues in another department has pictures posted all over his door of animals that he’s killed while hunting – dead carcasses all over the place. I find it deeply offensive, but it’s not clear to me that I should have any recourse to forcing him to take those things down so what sorts of – and what worries me when you start talking about offense is that what offends one person does not offend another so, you know, I would like to have slaughter footage posted in my office because I want people to know where their food comes from but other people on the other hand take pride in having killed animals. So these are sensitive issues. Where do you draw the line?

President Willis: I think I agree with Bill and Buck that this is covered adequately elsewhere in other University policies. The issue of a hostile workplace and what constitutes offensive material – that is an issue, but I don’t think it needs to be addressed in the privacy policy. Presumably it’s dealt with if someone complains or grieves about it as a hostile workplace; then you deal with it. If nobody is bothered then you don’t need to bother.

K. Davidson: It’s the expectation of privacy that we’re trying to describe? It’s the expectation of privacy that we’re trying to describe and if it’s undefined, who is to know what the limits are? It’s very treacherous territory to describe the expectations of privacy.

President Willis: But if we just took that sentence out – I would think it would be understood that if evidence of illegal activity or whatever is observed, that it may very well be reported but I don’t think we really need to say that.
K. Davidson: I don’t disagree for a moment. I think that the record that you’re making now of the intent for this policy will help. You make a record – if that were in your minutes, somehow it gets recorded in your minutes that this is not intended – you don’t have to put it in the verbiage of the policy itself, but if there’s some historical reference as to what legislative intent was on this, it would really help us and so if you – we could certainly live with that.

President Willis: I can put it in the minutes.

M. Cordes: I can’t speak for the rest of the Committee. I have no problems deleting that sentence. To me its main purpose was to serve as a warning. I do think it serves some purpose with that unless don’t look at – if you have something that shouldn’t be there, whatever that might be and unauthorized is extremely vague I agree – but I’m not sure there’s any better way to go about it. It serves as a warning to people but other than that I don’t really think it serves any significant purpose and I personally would have no problem deleting the sentence if the Senate wanted to.

President Willis: Yes?

D. Rusin: I didn’t know if unauthorized was supposed to be treated very broadly and I was thinking about issues like unchecked out library books. Because, realistically, as far as I know we don’t have anybody who’s storing guns and drugs in their offices but we frequently have someone who has walked off with the copy card or the latest issue of such and such a journal, that’s, I think, when we’re going to have to use this office privacy policy. I can foresee a situation in which most of the rest of the department is really sure that it’s Professor X who has the thing that everyone else is looking for and Professor X really doesn’t want people wandering into his or her office and I’m not clear – it’s not clear to me where exactly where the boundary is supposed to be in that case. If you treat unauthorized as meaning, in the case of the library book, you’re not allowed to remove that unless you check it out then I guess that means – I don’t know what that means exactly – I’m not sure what the intent was, what the intent of the Committee would be in a case like that.

President Willis: Well, it seems to me that if you have something which is missing, which is not where it ought to be and you’re trying to find it that that would be covered under property inventories and similar business or operational purposes up in that first sentence so eventually someone like the department chair would go to Professor X and say we would like to come into your office and see if we can find whatever it is. It strikes me as being very similar to an inventory. This last sentence about the unauthorized material – they say “may be incidentally observed” so I think the idea there is – the janitor is in your office emptying your wastebasket and he notices that you have a big stash of whatever, you know, you can put your own favorite illegal substance in there, there’s a possibility that he or she may tell somebody about that. That’s what they’re talking about there. Now, it seems to me that reasonable people would expect that to be the case anyway so that we don’t have to say it, but I’m a physicist, not a lawyer. Yes?

J. Engstrom: John Engstrom, Accountancy. Would it be possible to make a motion that I think captures the sense of most of what has been done and if somebody makes a second to this then
we can make the amendments from there. I’d like to move that we adopt the policy with the following changes: deleting that last sentence in the next to last paragraph. Secondly, moving up to the paragraph above that, after the word accesses put “or emergencies” and the one, two, three, four, fifth line down after the word accesses put “or emergencies” – if there’s a fire going on in there I think they should be able to go in and then take out the word, in that same line, replace “should normally” with the word “will”.

**B. Tolhurst:** I second it.

**President Willis:** Ferald should be happy. We now have a motion on the floor. Let’s see, there is a motion and a second. Let me read that whole second paragraph.

**J. Engstrom:** Let me just read that one sentence. It’s the only thing I’ve changed. “Except for routine cleaning or other limited accesses or emergencies, faculty and staff will be provided notification of such access and, whenever practical, notification should proceed access”. I’m sorry, will be provided – “faculty and staff should be provided notification of such access”, etc. That leaves open the issue of efficient operation, which I’m not as concerned about. If a person is the only person that knows when a particular thing is taking place and somebody wants to try to figure out when it is and it’s on your desk, that one doesn’t bother me.

**President Willis:** I suspect they’re thinking more of efficient mechanical operation although it seems to me that would be covered mostly under repairs and maintenance. Anyway, yes?

**M. Engel:** Is the second “should” also being replaced by “will”?

**President Willis:** Notification will precede access?

**M. Engel:** Is that the motion?

**President Willis:** That was not included in the motion but did you want to make that as an amendment, as a friendly amendment?

**J. Engstrom:** If my seconder agrees with this ---

**B. Tolhurst:** I do.

**J. Engstrom:** “The faculty member will be provided an opportunity – faculty or staff member”-

**President Willis:** We have three "shoulds" in here. Are we talking about all three of them? We have “notification should proceed access” and we’ve got “the faculty or staff member should offered an opportunity to be present”

**J. Engstrom:** Make them all "wills". The word except is there so ---
President Willis: And ah, okay, “whenever practical notification will proceed access” and “the affected faculty or staff member will be offered an opportunity to be present during access unless circumstances provided would make it impractical or unsafe” so they can go in and put the fire out in your office and then let you know about it later. They don’t have to wait for you to show up. All right, any further discussion? Are we ready to vote on this? All those in favor of the privacy policy as amended say aye. Opposed? All right, we will take it on to the University Council. Okay, thank you.

The motion passed as amended.

V. ITEMS FOR FACULTY SENATE CONSIDERATION

President Willis: We have no items for Faculty Senate Consideration.

VI. CONSENT AGENDA

A. Non-Tenure-Track Faculty – see memo from Sue Willis – refer to Academic Affairs Committee (Page 7)

President Willis: I would like to – Ken had expressed an interest in observing our meetings because he has never been to one. I don’t know if he’s observed enough of it by now. So, I’d like to extend my thanks to him for coming and welcome him back at any time that he’s interested.

K. Davidson: Thank you very much, I appreciate this.

President Willis: All right, I would entertain a motion to approve the Consent Agenda. Is there a second? Okay. All those in favor? All right.

The Consent Agenda was approved.

VII. REPORTS FROM ADVISORY COMMITTEES

President Willis: We move on to Reports from Advisory Committees. I think you’ll be happy to hear this is almost the last thing we have. Pat Henry?

A. FAC to IBHE – Patricia Henry – report – walk-in

P. Henry: I’ll try to make this brief but there was a lot of information that came my way in the context of this. I’m very grateful to Donna for having to at the last minute put it all together and make this a walk in. The format that I have adopted this time is to list one, two, three, four, five major items that were covered during this meeting and I’m also blending in some of the information that I’ve since gotten about yesterday’s IBHE Board meeting. I think I’ll let you read for yourself item one. Item two, there’s some websites there for you to provide testimony for the IBHE’s Committee on Affordability. The case is continuing to be made to get a faculty
The third item is the information item that we usually get from the IBHE staffer, Doug Day, who’s Deputy Director of Policy Studies at the IBHE and his report focused on four major things: budget, affordability, faculty diversity, and assessment and this includes, by the way, the assessment plan that I distributed to you all by e-mail last week. I did get some feedback on that so I wanted to make sure that we have a chance to answer questions. The budget situation is fluid, as others have remarked, and there are many rumors. Doug Day is hopeful that postponing until April provides us more opportunity and the IBHE more opportunity to educate the new administration. A rescission is probably in the works. Part of the problem with capping tuition and administrative bloat, as the expressions go, is that it’s apparent that this is not just a campaign issue on the part of the Governor but is going to continue to be an issue. There’s some attempt to try to explain that some of this bloat is not as bloated as it looks like because it’s actually additional tax support. Still a rescission is probably coming and the IBHE wishes it would happen sooner rather than later because later it becomes very difficult to make sensible cuts. There are various other matters under discussion and that’s also true with the affordability. Again, you’re urged to add your testimony to this. They’re doing a lot of consultation with focus groups with the matter of diversity as well on the top of page two there. They’re holding off to see what happens with the University of Michigan versus the Supreme Court’s ruling on Affirmative Action.

Coming to assessment, there’s two main parts of this. One is assessment of student learning. There’s two parts of that. One is the kind of assessment that we’ve been doing, many of us in many departments and the IBHE is interested in making sure that that is happening across the board. The second part, and the somewhat new part, is a study that is going to be done by the Pew Charitable Trust on college level learning. It’s a pilot project. Illinois is, I think, one of four or five states that’s going to be participating in it. I’m not sure which institutions within Illinois are going to be participating in it. It’s underway and this is something that the IBHE did in fact agree to at the meeting yesterday. In addition to those matters of assessment of student learning, there’s also the question of performance indicators and there’s some material on that as well. So, I realize that there’s a lot of assessment stuff going on here but --- I do refer you to the websites there to get a full sense of what’s going on with the assessment of student learning. They will be calling for, especially at the end of two years and at the end of program, assessment of student learning and the emphasis is – again, this is multiple qualitative and quantitative measures – can include Capstone projects, portfolios as well as performance and it would not replace course assessment through instructor administered tests and so forth. They’re also interested in feedback gathered from key stakeholders which are current students, alumni, employers of graduates, graduate schools, etc. as to satisfaction with the job that is being done by the individual institution. Back to the Pew Charitable Trust, their project is to develop a test model for collecting and analyzing comparable college level learning information across states for the purpose of benchmarking; this potentially could be quite significant in as much as the IBHE and others have been interested for some time in getting something that provides a common metric of assessing what students learn at universities. This might well be, I believe, in the report from the IBHE meeting. This will be something that is used to form the statewide performance indicators, getting back to performance indicators. There’s three kinds, the
statewide kind may well end up being based on what comes out of the Pew project. Okay, so that was the report from the IBHE.

Number four, the committee that I’m on, the Public Policy Committee is going to be looking at ways to communicate or talk to our individual legislators and there’s six questions that we’re going to ask them. I have started looking into this in terms of both Senator Burzynski and Representative Wirsing. I’ve talked to some people in the President’s office who also deal with legislators so as not to surprise anyone or do anything too weird, but the idea here is not so much to lobby either for NIU or for faculty interests in general but rather to get feedback from the legislators as to how we can best improve our image with the legislature. I would very much appreciate having feedback or input from you concerning this.

Number five has some resolutions that the FAC formulated to be presented to the meeting. I should mention by the way, the addendum that is on page 3. It says “excerpts from HE0308 report” and that should also include that this is actually from the FAC President, Ken Anderson; it’s his report to University of Illinois at Champaign/Urbana to their Faculty Senate. So this is not a document from the IBHE, this is a document from a member of the FAC and it does do, I think, a very good summary especially of certain items. So the concern that the FAC has with assessment in general is that it does come down to being an unfunded mandate; it requires effort and time and energy and, dare I say it, administrative bloat that then we are blamed for because we can’t teach as much as we should be or something like that. So the push is on to try to express this concern and I think the IBHE is certainly going to be made aware of it.

The Quality Committee also had a resolution which was adopted which is summarized there. I believe I also passed that on to you by e-mail. It’s basically in support of faculty governance and points out that faculty governance also entails being – keeping informed, being informed of the various issues that are going on.

At the top of page 3, again concerning assessment, the FAC adopted the following resolution. This goes back to the three kinds of performance indicators that we had mentioned earlier. There’s state-wide common indicators for all institution and mission specific so the statewide as I mentioned is probably going to be developed from material from the Pew Charitable Trust Program. The common indicators, that is to say for all institutions, have been developed. There was a survey, a web survey, I don’t know how much effect it had, but at any rate the IBHE has come up with these common indicators. They include such things as quality and effectiveness from alumni surveys, pass rates on licensure and certification programs, description of good practices and evidence of the institutional commitment to academic quality. The third kind is mission specific and that’s what each individual university or public institution has to come up with. That’s what is unique to each institution. The FAC is concerned that these may be developed without enough faculty input, so the concern here is that there should be appropriate faculty participation in refining, especially the mission specific indicators because these are, again, the means by which we will be assessed by the IBHE, assuming there still is an IBHE. There’s always the possibility that the governor may just combine it all into one big board but for the time being, the IBHE is very much involved in this concern and the FAC would like to make sure that faculty stays participatory in it.
I think that covers most of it. Again, there’s an addendum there that does give you some more detail about what went on at the IBHE meeting in February. I note also by the way, that Kevin O’Kelley who’s the Northern Illinois University undergraduate member of the – let’s see, what is the official title there – I’m not quite sure, but the student member of the Board was there at this meeting. Judy Cox was the previous student member. Any questions?

**President Willis:** Yes, Mylan?

**M. Engel:** I have a question about the sixth set of questions that you have on part four. It’s somewhat related to this last point you were making about mission specific indicators. If I’m understanding this set of questions, number six, you want to ask legislators what they think the mission should be of two and four year institutions and I’m curious. Suppose they say that they think the mission of four year institutions is that they should be basically glorified trade schools to get their students employment in the state of Illinois rather than say institutions of liberal learning, what are we supposed to do with that information? Is the idea that we might try to educate the legislators that these institutions have other important functions or should we just – is the idea that we’ll just kowtow to whatever mission they think we should be doing? So I’m wondering what the point of those questions is?

**P. Henry:** Basically it’s to find out what we’re up against. It really is to get information as to what the perception is in order to better formulate as you were mentioning, the education and perhaps changing the mind of legislators. It’s not to take this as the received word but to find out what the thinking is so that we have a better picture of how we should deal with it.

**President Willis:** Yes, John?

**J. Wolfskill:** John Wolfskill from math. Pat, I have a question I’d like to ask about the affordability issue and I cringe every time I hear this brought up. I hesitate to ask this question but I’d really like to know. I’m going to bring up an issue that I believe might be connected with affordability. I have to caution that what we see in my department may or may not be representative of what we see in the University as a whole. I would like to ask the following: if any study has been performed or even any data collected, either NIU or state-wide on the extra cost students incur themselves due to failing and/or repeating courses?

**P. Henry:** I don’t think I can answer that question. I will look into it. As far as I know, the affordability – and there is actually quite a bit of information that was gathered as sort of part of the whole affordability study – I don’t know if its been formulated in terms of that. I know the fifth year MAP grants were seen, and one reason they were eliminated, was because they were seen as needed by people who have not completed their degree in four years but I’m not sure if they’ve ever separated it out quite that precisely. Can I get back to you on that?

**J. Wolfskill:** Sure.

**President Willis:** Yes, David?
**D. Wagner:** Besides failing or repeating, how about people who withdraw halfway through? Isn’t that contributing to the expenses as you visualize it?

**J. Wolfskill:** Sure, I would include that.

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

**C.** BOT Finance, Facilities and Operations Committee – Sue Willis and Jim Lockard – no report

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

**E.** BOT – Sue Willis – no report

**VIII. REPORTS FROM STANDING COMMITTEES**

**President Willis:** Okay, are there other questions for Pat or comments? Okay, thank you Pat. Let’s see, the Board of Trustees and its subcommittees have not met since our last meeting so we’ll move to Reports from Standing Committees remembering that we already did Faculty Rights and Responsibilities.

**A.** Academic Affairs – Jody Newman-Ryan, Chair

**President Willis:** Academic Affairs, Jody?

**J. Newman-Ryan:** I don’t have a report but I have a question I was going to ask you privately but with everybody’s indulgence I’ll ask it here because it seems to relate to this privacy policy.

**President Willis:** Sure.

**J. Newman-Ryan:** I have a lot of stuff in my office, some of which is authorized, I assume. Somewhere in the Mesolithic layers there could be faculty handbooks but I frankly don’t remember getting one since the first year I came here. Are those issued yearly or – because we have all these policies and they never seem to be collected in any form and some of the things we talked about with just what is authorized material and isn’t, I mean some of that could be explained better it seems to me in some kind of handbook that we would get every now and then because I frankly can’t remember these policies or where they are. So, we don’t have an annual handbook, right?

**President Willis:** It’s actually on my list. I could show you my Day-Timer and it says faculty handbook in there. I think the last time we had one was 1990; at least that’s the most recent one we were able to find in our office. What I’m thinking of, since we have no budget any more to print anything, what I was thinking of was making an on-line version where I would extract – it’s easier anyway – because most of the relevant stuff is on-line so what I would do would be to
extract the relevant things and assemble them all in one place similar to what the existing faculty handbook is. No, we have not printed one in the past twelve years and it is on my list.

**J. Newman-Ryan:** Do you happen to know whose responsibility that would be rather than yours to put this together?

**President Willis:** Well, it came out of this office.

**J. Newman-Ryan:** Because as, I mean, if we’re going to be given this non-tenure track faculty thing again, one of the things the Committee talked about before was putting together some kind of handbook and I was amused to see the other day we got a memo saying that there’s a handbook for faculty who want to teach abroad but I don’t know that we have one for faculty who want to teach here so, all right.

**President Willis:** It is on my list.

**J. Newman-Ryan:** All right, thank you.

B. Economic Status of the Profession – Jim Lockard, Chair

**President Willis:** Economic Status, Jim?

**J. Lockard:** No report.

C. Resource, Space and Budget – C.T. Lin, Chair

**President Willis:** Resource, Space and Budget, C.T.?

**C.T. Lin:** No report.

E. Rules and Governance – Gretchen Bisplinghoff, Chair

**President Willis:** Rules and Governance? Is Gretchen here? She was not going to have a report.

F. Elections and Legislative Oversight – John Novak, Chair

**President Willis:** Elections, John?

**J. Novak:** Next month at this meeting we’ll be taking nominations for Faculty Senate President for the upcoming academic year.

**President Willis:** Okay, you will find information relevant to that on pages 8, 9 and 10 which says what we need to do and lists who is eligible to serve but we’re not going to do anything until next time.
IX. UNFINISHED BUSINESS

President Willis: I have nothing under Unfinished or New Business.

X. NEW BUSINESS

XI. COMMENTS AND QUESTIONS FROM THE FLOOR

President Willis: Are there any Comments or Questions from the Floor?

XII. INFORMATION ITEMS

A. Letter from Sue Willis announcing the procedures for electing the Executive Secretary, with a copy of the Bylaws and a list of who is eligible (Pages 8-10)
B. Minutes, Academic Planning Council
C. Minutes, Athletic Board minutes
D. Minutes, Campus Security and Environmental Quality
E. Minutes, Committee on Initial Teacher Certification
F. Minutes, Committee on Undergraduate Curriculum
G. Minutes, Graduate Council
H. Minutes, Undergraduate Coordinating Council minutes
I. Minutes, University Assessment Panel
J. Minutes, University Benefits Committee minutes

XIII. ADJOURNMENT

President Willis: Okay, if not let me remind the Grievance Committee to meet with David and I would entertain a motion to adjourn. All right, we’re adjourned.

The meeting adjourned at 4:35 p.m.