
Parliamentarian Ferald Bryan was present.


I. CALL TO ORDER

II. ADOPTION OF THE AGENDA

President Willis: Could I have a motion to adopt the agenda? Okay. Are there any amendments or additions to the agenda? If not, all those in favor? Opposed? We have an agenda.

The agenda was adopted.

III. APPROVAL OF THE MINUTES OF THE OCTOBER 30, 2002 FS MEETING (Pages 3-7)

President Willis: May I have a motion to approve the minutes of the last meeting which are on pages 3-7? Second? Okay. Any changes or additions to the minutes? If not, all those in favor? Opposed? Okay.

The minutes were approved.

IV. PRESIDENT’S ANNOUNCEMENTS

President Willis: President’s announcements. Steve Cunningham is here and will have some things to say in a minute after I get done saying what I’m saying. Let’s see, I actually don’t have too much to say. I spoke to Donna this afternoon and she is doing quite well. She’s tired and needs to rest but she said she’s not in too much pain anymore. She got her staples out yesterday, so she’s doing well. She sounded good so that is good news.

M. Morris: Will there be a card in your office we could sign?
President Willis: I should organize that and I have not done that so – yes, let me do that. I will have that organized by next week at the Council meeting. I will have it in my office and anyone who wishes to can come around and sign the card. That’s an excellent idea.

Other than that, I don’t have too much to say. I have been talking with the President about what the situation in the state is; right now it is quite uncertain, as you might guess. We’re trying to get to a point where we understand what our situation is going to be but we are not at that point yet. I don’t think we’re going to know anything until well into the New Year.

Okay, other than that, I don’t have any particular announcements, so Steve, if you’d like to come up.

A. Steve Cunningham will attend the Senate meeting, and will answer questions.

S. Cunningham: With my coffee?

President Willis: Yes, with your coffee. I have mine; you can have yours.

S. Cunningham: Sue, I have a couple of handouts – do you want me to just start them going around the room?

President Willis: Sure.

S. Cunningham: Well, thank you for bearing with us on the handouts and for helping with that. This is the, as usual, just in time procedures. There were two handouts. One was an agenda of some things that Sue had asked me to be prepared to talk about and also a copy of what we call the Excellence 2003 Human Resource Services Operation and Service Initiative that I wanted to talk to you about as well. That’s the first thing on the agenda. Do you want to follow in that order, Sue? Is that okay with you?

President Willis: That’s fine.

S. Cunningham: We in the year 2000 initiated what we call the Excellence 2000 Strategic Plan for Human Resources. What that was was a way to communicate and to frame what our key strategic objectives were and, at that time, it included the People Soft systems implementation, implementation of Affirmative Action and Diversity Resources, communication, phone call answering and things like that. During the meantime we implemented People Soft and, as you well know, and I’ve talked to the other councils about this as well, that involved, as it does in any organization, a great deal of change and updating with respect to the policy framework – new forms, new policies, new procedures, new screens – a lot for the campus to adapt to in a very quick timeframe and that’s the nature of so-called Enterprise Resource Planning Software Systems. We are now preparing for the first upgrade of the People Soft, moving to version 8.5. We’ll start that upgrade right after the New Year. In order to begin to update our strategic plan we implemented the Excellence 2003 program; associated with this summary is a fairly detailed list of what each staff member does with respect to fulfillment of these objectives. So I wanted
you to have this to inform you as to what the different areas of emphasis are. Many of these are in response to feedback that we’ve received from the campus and from our academic departments and from you and from our council leadership. Any questions that you have about this, you can feel free through Sue or directly with me to follow up with me through e-mail or phone calls. I also have here Kim Hensley who is our Director of Operations who’s largely responsible for many of these initiatives especially in the information systems area and People Soft. Deborah Haliczer who is our Director of Employee Relations who is really our specialist in terms of working with the faculty and with our academic departments and she also supervises the insurance area. We have that on our agenda as well. So Deb and Kim are back there if you have any questions. I was going to go through each item and update where we were with that, but I won’t do that unless you have specific questions about any of the items that you see on here. Again, you can also communicate with me independently about any of these items as well.

So, we’ll move right into the CMS summer insurance issues. As we go through these items, if any of you have any questions or comments, I would welcome them. I have been informed and was informed earlier this year of some, and Sue has informed me of issues that some faculty members had with respect to summer insurance and these are specifically people who are on 9/9 contracts. So you’re on your 9-month appointment and you have elected to be paid over 9 months instead of 12 months. About 230, I believe, of our faculty members are on the 9/9 option. The reason that is significant for health insurance is because CMS has in its policy framework, and we’ve questioned this on several occasions, one of their standards is that the employee must be in pay status in order to pay premiums on a pre-tax basis as opposed to being billed for premiums after tax, and also to be eligible for the medical care assistance plan, MCAP, and the dependent care assistant plan, DCAP. These are accounts that you have the option of electing to participate in each fiscal year for dependent care or medical care that’s not otherwise covered by the CMS benefit programs. You can elect to defer a certain amount of money, pre-tax, each payroll period into this account and then when you incur expenses you can apply to be reimbursed. The idea is that you can, therefore, fund these expenses on a pre-tax basis as opposed to after-tax. However, if the amount of the account is not exhausted during the contract year, then what is left in the account is forfeited to the State, so that there is a heavy penalty if you don’t spend down that account. The issue that we run into during the summer is that people who are paid on a 9 month basis look to CMS as if they have run through the end of their contract on May 15; employees paid on a 12 month basis, however, never run into that situation. So we had, I think, 20 cases that fell into this this year. Sue asked me to think about what we could do about this issue to avoid problems like this in the future, and one thing that we have done is to send a letter out to all employees who are participating in the MCAP/DCAP programs, and to any employee who would participate in those programs, informing them that they have to have the account fully obligated by the end of the contract period. If they’re paid on a 9-month basis, it has to be fully spent down by May 15. So there’s clarity and we avoid any issues in the future with that. More importantly, we’re looking at other options because we know that at least 230 faculty members want to receive their 9 month pay over 9 months and not reduce the monthly pay and have it paid over 12 months. Because of that, we’re looking at new options where we can fulfill the CMS policy requirements but also give faculty members the option of remaining in pay status at a level just enough to fund those insurance payments during the summer timeframe, thereby having it, for all practical purposes, appear to CMS that they’re still in pay status and, therefore, still eligible for all of the pre-tax benefits. So that’s what we’re
working on. How we’re exactly doing it – we have four proposals right now. Kim has been working with a group on this and our goal is to have an option like this ready for the next academic year. So we’re on the task. We have made several efforts – because CMS considers completion of the academic year to fulfill all other requirements for a full year of service, regarding insurance status, service credit in the SURS, etc. so why not also allow full 12-month participation in the pre-tax benefits? They won’t budget on that. We’ve made at least four or five attempts at different levels and so we’re going to try another option and we’ll let you know later in the year what that will be.

Other CMS health plan issues relate to the local provider network. Sue informed me recently that she learned that there were only half a dozen or so preferred provider caretakers in the local area; five of them are podiatrists, so if you need podiatry services you’re in really good shape around here. CMS annually sends a notification to licensed physicians and medical care networks and facilities informing them of their PPO specifications, which are the amount that they will reimburse for the services, and seeking voluntary participation in the CMS PPO program. Obviously, the incentive for a local practitioner to be named and designated as a PPO is that they should get more business, because that means that they’re going to provide services at a certain rate and employees don’t have to be concerned with being charged beyond what CMS will reimburse for usual and customary expenses. It would appear that there has not been as much interest on the part of local medical providers in being PPOs. In fact, CMS has gone to significant lengths to try to recruit preferred provider type organizations and practitioners in this area and haven’t been real successful, obviously, because we see that reflected in this list. Sue has informed me that Kishwaukee is a PPO with the State but may not be recognized by Cigna. Is that what we were ----

**President Willis:** I called Kishwaukee Hospital this afternoon and asked them because I noticed that they did not appear on the list of preferred provider hospitals - which I thought was interesting - and so I called their head insurance person and said, what is this? She told me that they have a contract with the State and not with Cigna, so they are a preferred provider but they don’t show up on Cigna’s information. She also thought that perhaps Kishwaukee Medical Clinic and also the DeKalb Clinic might be in a similar status, but you would have to ask them.

**S. Cunningham:** This is consistent with what I believed was the case. We’ve had some difficulties and I’m going to ask Deborah to elaborate on this just a little bit as well. We’ve had some difficulties with Cigna processing different things; it may be that there are other PPOs that the State has recognized that Cigna hasn’t recognized for whatever reason and so we’re going to work to clarify that. Yes?

**President Willis:** By the way, since Donna is not here if you would be so kind, even though you know who you are and I know who you are, if you would just say your name.

**P. Henry:** Patricia Henry and this is something that affects people who are mostly in the HMO version of the plan rather than the open – no, it’s everybody? Yikes!

**S. Cunningham:** Yeah, HMO is a little bit different where you can only go to the HMO but when you go to the HMO the coverage is totally covered. There are no out-of-pocket expenses.
You can also elect to go outside of the HMO but then you would incur additional costs and Deborah, you might be able to elaborate a little bit on local HMO verses PPO options as well at our conclusion here.

President Willis: Would you say your name?

R. Meganathan: My name is Meganathan. Doctor’s private practices are in essence now owned by HMO organizations. Even though you call and make an appointment with the doctor, all his billing, employment of staff and everything is controlled by someone else. So that’s one of the reasons doctors don’t volunteer to be on PPO because they get just salary – whatever has been agreed upon.

S. Cunningham: Yes, there is a lot of interesting literature about HMOs and the fact that these types of organizations in relation to insurance companies have – in terms of the medical services we all have access to – that’s a national issue and it’s very true and it does affect services in different ways. Some say positively; some say negatively, but there are definite effects. We work with a group of medical administrators locally that includes the heads of the different clinics and other local area leaders who have an interest in the medical establishment; we plan on having a meeting with them to discuss this issue after we’ve clarified the Cigna versus the CMS lists. I may ask you, Sue, if a representative of the Senate is interested in participating in that. That might be a positive thing. Deborah, do you have anything to add?

D. Haliczer: Okay, we’re talking about two different things. We’re talking about the PPO hospital network, which is a well-established network of hospitals, and most of the local hospitals have been participants for years. This is different from the PPO physician network which is a new program through CMS as of July 1. Because it’s a new program and because doctors often have some reluctance to sign up for HMOs and other kinds of cost containment networks, there’s been little participation. So we’re talking two different things. If you go to a PPO hospital, the reimbursement is more favorable. It’s 90% of the negotiated rate. That doesn’t necessarily imply that the physicians who see you at the PPO are going to be paid at a more advantageous rate. So really you’re looking at a new program just in the start-up phase, this PPO physician network and I’m hoping there will be more participation over time. It’s not encouraging. The printout that I gave you is the list of physicians as of today who’ve contracted through CMS. The contracts for PPOs are through the State; through Central Management Services, not necessarily with Cigna. Those are two totally separate things. So, I hope that clarifies a little bit.

S. Cunningham: We will put together a list of Cigna practitioner PPOs and also CMS organizational PPOs and transmit that to you. We can do that, right, Deborah? To clarify who is who locally. Yes.

P. Henry: Is there some website that lists these?

D. Haliczer: Yes. I can send the reference; it is in the member handbook that you all got. The State Benefits Handbook has the address and the website of the physicians’ network. I don’t think I’m going to repeat it. It’s really long.
S. Willis: If you send it to me I can e-mail it to everyone.

D. Haliczer: Okay, I’ll do that.

S. Cunningham: Good.

C. DeMoranville: This may be a stupid question, but if I’m seeking medical care what’s the difference if it’s a PPO from Cigna versus a PPO from the State and would that affect payment?

S. Cunningham: I believe the difference is Cigna is the administrator for the physician, the individual physicians, whose practices are recognized as PPOs, the doctors, the health care providers, whereas CMS is the administrator for the organizations, the health care organizations like Kishwaukee and so forth. Deborah, am I correct on that?

D. Haliczer: Yes, it’s the State that contracts with the Preferred Provider Organization hospitals and physicians. Cigna is just the carrier.

S. Cunningham: As you probably know, you’ll get a doctor’s bill and then you’ll also get a hospital bill if you have to go to a clinic or stay in a hospital; PPO rates would apply to both of those depending upon their membership in the CMS program. So, we’ll follow up on that and I will let you know, Sue, when we get a meeting with this group. It will be early next year.

SURS – we’ve made a lot of progress with SURS over the last six or seven years with respect to benefits and policies. The retirement system, as they all are throughout the State, is suffering greatly in terms of unfounded liabilities again due to the economy. We are still in better shape than we would have been under the old book value versus market value of assets but the funding ratio has gone from about 91% two years ago down to 59% in the most recent valuation. That triggers a lot of things. It does not effect your benefits. Your benefits are constitutionally guaranteed. It does effect the money purchase long term – it can effect the money purchase percentage that applies to accounts. Last fiscal year it was 10%. This year it’s 9% and while that’s a somewhat – it’s a robust percentage, it is protected in a lot of ways. The market can swing a lot and it won’t greatly effect the posting that SURS makes to the money purchaser – the interest rate that SURS applies to your accounts. It will begin to have some downward trends instead of the more upward trends that we’ve had in recent years. A 9% rate of return on an account, especially in a defined benefit program like SURS is exceptional and I believe next year’s recommendation will be 8 or 8 ½ so it’s still going to look pretty good. Another effect that we see is that the public act that relates to SURS funding requires the State to make certain contribution to the retirement system to bring it to a 90% funding ratio by a certain year and that’s the year 2025 and so as the relative status of funding goes up and down each fiscal year, the required State contribution is driven by that and it almost disappeared two years ago. It is back now to a level approaching – over 300 million dollars for FY04 it will – it is projected – to exceed 600 million by FY08 so long-term, this has substantial implications for us for State funding like everything else. There is a SURS policy that you would have read about in the Advocate. That’s a publication that you receive from SURS relating to sick leave. I want to
bring this to your attention and talk about it just a little bit so that you understand the context of it and where it is.

There are two formulas, primary formulas, in the SURS and I’m sure all of you are aware of these. The general formula, which is 2.2% of your high 4 year average per year of service and the money purchase formula which is an alternative calculation which takes your account value in SURS, plus interest – right now it’s 9% - State and employee contributions – and divides that by an annuity factor when you retire and that annuity factor is a decimal that varies by age. That provides an alternative calculation which is 60% to 70% of the time greater than the general formula so that becomes the pension calculation. The general formula is effected in a big way by changes in compensation during the high 4 years of employment and that’s usually during the employee’s last 4 years of employment and recently the SURS announced a new policy that stated that the value of compensible sick leave paid during the last two years of employment – for us it’s the last year because that’s when we’re eligible for the payout. Some community colleges it can be paid out earlier. It can be applied to the general formula which if you – those of us and those of you who have payable sick leave in the bank – could benefit substantially from that provision. From a public policy standpoint it’s not good because if I’m a person that’s had to use my sick leave because of illness and Sue doesn’t have to use any just because of chance, she’s going to have a significantly higher pension based upon the general formula. Normally, we would like to see pension policy be more or less even based upon – and not necessarily driven by life experiences like that. Nonetheless, it did get enacted in the final stages of the FY03 budget. The interesting aspect of this is that it applies to employees covered by collective bargaining agreements if the employer and the union agree to it and there is only one such agreement in the State and that’s the Chicago city colleges and it applies to roughly 60 employees there and that is the limit of application of this right now. So we are working and going to be working with the other public institutions in the spring legislative session to make this provision apply to all employees regardless of a collective bargaining agreement and we’ll update you with that and I will let you know if it becomes applicable to other faculty in the State by virtue of the collective bargaining process which it has not. So, any questions you have about that feel free to let me know.

H. Rubin: Yeah, a quick technical one. Given sewer limits raises that count to 20% and if you’re in, you know, fully vested with the sick leave that would be a 35% raise basically.

S. Cunningham: The sick leave does apply to the 20% limitation. So all else being equal you would be limited to a 20% increase in sick leave. So that’s the update on that but I wanted you to know about this. You’ve read about it and also that we will keep you very informed with respect to it’s status.

With Affirmative Action, Diversity Resources soon are a new Affirmative Action plan will be posted on the website. That’s the first of a number of new policy updates that will appear on the website and Admasu Zike is the Interim Director of that program and I think we can look forward to a lot of really positive initiatives under Admasu’s leadership, this being the first one of those. So stay tuned for that and I will give Sue copies of the new policies as they appear.

That’s as short as I can make it.
D. Wagner: Does the faculty have any input into changes in Affirmative Action policies and how?

S. Cunningham: The answer is yes and through this system and we also have an advisory committee with people on it from throughout the University. All of these policies are a combination – they’re compliance documents so there’s a certain content to these policies that the University has to have in place. Basic things, like non-discrimination statements, complaint procedures, an affirmative action plan and a system of analysis. In terms of the procedures the University undertakes to implement diversity in a strategic way, that is where we need and want to have a lot of input and would welcome any input that the Senate has with respect to these policies as they implemented. They aren’t static documents. They are evolving documents, all of these are and our goal is to get started with the basics of what we need to be both in compliance and to take a very proactive stance with respect to diversity and then move forward and perfect the policies, like any other policies, as we move ahead in time.

President Willis: Any other questions for Steve?

S. Cunningham: It’s a great opportunity.

President Willis: Thank you for coming.

S. Cunningham: Thank you. I appreciate it.

V. ITEMS FOR FACULTY SENATE CONSIDERATION

President Willis: Okay, moving on we have nothing under items for Faculty Senate Consideration.

VI. CONSENT AGENDA

A. Faculty Privacy Policy – see memo from Sue Willis. Refer to Faculty Rights and Responsibilities (Page 8)

President Willis: We do have one item on the Consent Agenda. Do I have a motion to approve the Consent Agenda? Second? All those in favor?

The Consent Agenda was approved.

VII. REPORTS FROM ADVISORY COMMITTEES

A. FAC to IBHE – Patricia Henry – reportt (Pages 9-10)

President Willis: Let’s move then to reports from Advisory Committees, Pat Henry.
P. Henry: This is a report from the meeting that was held November 1 in Carbondale. There’s another meeting that is going to be held this coming Friday and I’ll tell you about that later. In Carbondale we basically met with the Chancellor of SIUC and had very intensive gripe session concerning problems with the budget and so forth and I’ve summarized those there. He also is of the opinion that the IBHE concerning its measuring of undergraduate learning in quantitative terms might be somewhat unhelpful in terms of adding another layer of bureaucracy but that this is, indeed, something that the IBHE continues to see as an effective tool to justify higher education to the legislature. We talked – we broke into committee and I’ll talk about the separate committees – that’s listed on the second page. In the Business Meeting, actually sort of a reconstruction of the October 1 meeting that we had had with the IBHE, and there was I think generally just a certain amount of frustration as to how difficult it is for us to get our voice heard – the FAC to get its voice heard through the IBHE. The IBHE wants sort of shorter and shorter reports and executive summaries of these position papers that we try and develop and there is a lot of competition for IBHE’s attention on this. One of the aspects that we’re going to try to address is that we’ll try to get a faculty position on the IBHE itself. At present there’s a student member of the IBHE but there is no faculty member per se and we think that’s something that would help give us a little more presence there. We’ll try and set up – the FAC will try and set up more meetings with individual board members because that aspect of the meeting where the actual board members came and after lunch had sort of a general discussion session with us, was very helpful. There are several websites mentioned in the paragraph at the bottom of page one where faculty diversity is a concern that the IBHE is going to be addressing and there are places to register your input via the web and if you go to the websites there they’ll tell you how to do it.

Briefly, the committees – the sub-committees – that are a part of the FAC, their appointed tasks I’ve listed there on the second page, the Personnel Committee will try to monitor impact of the budget crisis and collect reports on faculty layoffs and program closings. It would be helpful; by the way, if you would forward information of this sort to me and I can forward it to the FAC. This is sort of in regards to the ongoing budget situation. In particularly, again, this is a matter that has been sort of percolating along for the last year, the question of whether non-tenure track and part time faculty are being used to a greater extent and in a way that is having an impact on the quality of education – that’s something that the Personnel Committee has been very interested in.

The Quality Committee is also going to be looking at gen ed requirements and discussing the fact that – or looking at the report card that is put out by the National Center for Public Policy in Higher Education. We ranked as number 3 this time. We were number 1 last time. We’ll be looking at the implications of that.

The Technology Committee is working on getting publicity out for support for technology.

The Budget Committee will have its hands full talking about various problems and budget cuts and their impact.

The Public Policy Committee, the committee I’m a member of and actually we’re going to meet in Springfield tomorrow with a couple of people that the member from Northwestern University has sat up meetings for us with – David Tretter of the Federation of Independent Colleges and
Carlene Wrensh who’s Northwestern’s State Relations person – what we’re going to do is meet to discuss how we can best have an effect on the legislature. They would be able to give us some input into that we think. I’ll report back to you after that happens.

**President Willis:** Okay, any questions for Pat? None of the Board of Trustees sub-committees have met. They were actually scheduled to meet a couple of weeks ago but did not. The Board of Trustees is meeting tomorrow and so I’ll have a report from that next time. All right, so we can move on to reports from the committees. Academic Affairs, Jody?

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**

A. Academic Affairs – Jody Newman-Ryan, Chair

**J. Newman-Ryan:** Hi, the Committee has been working on the All-Faculty Matter, Study of Non-Tenure Track Faculty at Illinois Public Colleges that Pat Henry told us about and we prepared a draft report about our concerns about the impact of those people on the academic mission of the University and we’ve received the draft of Steve Cunningham’s report to the IBHE was is due by the end of the year and, as expected, I think the IBHE only wants information showing that they’re not exploited and a lot of salary and number information and that’s basically what his report says. I just received that yesterday and we’ll look at that as a committee and I don’t think our recommendations overlap. The Committee will probably recommend that we’d like somebody at the University to look at the academic impact of using so many temporary faculty. There is one line in here saying the quality of instruction so it’s there, but I don’t think that – I’d like to see the University seize on this opportunity to actually look at the impact on our academic mission particularly since it seems like we’ll have more temporary faculty. So we have a nice description of the different types of temporary faculty and numbers and it does seem, indeed, that they’re not exploited which I think is what the IBHE wanted, but we would also like to recommend that they be trained in University policy and there be some study to look at the academic mission – the impact.

**President Willis:** Okay, questions for Jody? Pat?

**P. Henry:** Is the draft in a finished enough state so that I could have a copy of that to take with me tomorrow?

P. Henry: Cool.

J. Newman-Ryan: I just asked Steve if I could share this and I just got it yesterday so I can give you his as well. I’ll give this to my Committee tomorrow.

President Willis: Okay, any other questions for Jody?

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

President Willis: Economic Status, Jim Lockard?

J. Lockard: No report.

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

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

C. T. Lin: No report

D. Faculty Rights and Responsibilities – Mark Cordes, Chair

President Willis: Faculty Rights and Responsibilities, Mark – by the way Mark I took the liberty of putting John’s report to the University Council in there. I hope that was all right.

1. Response to IRB issues – memo from J. Wolfskill (Pages 11-12)

M. Cordes: That’s okay. It’s the same report. We do have a report. It’s on pages 11 and 12 of your handouts. As you’re probably aware, the Academy Policy Committee of the University Council has been meeting with the Faculty Rights and Responsibilities Committee over the fall. I think we’ve had three fairly long meetings talking about the issue of the IRB on campus. We met with representatives from the IRB. We met a second time to talk about specific complaints and concerns that had come into the Committee that we had solicited. We then drafted some possible recommendations. We met a third time for another long meeting talking about those and how they might be refined. We made those changes and what you have before you is our final report. This report is being forwarded to the Vice-Provost for Research and Dean of the Graduate School as the appropriate person to receive it and it’s also being given to the Graduate Council as the appropriate body to be looking into these issues and so these are recommendations to that body but it’s also in the form of a report back to the Faculty Senate. The actual report itself begins on the second paragraph. The first one is just an introductory paragraph for the memo but I think it’s fair to say that on the one hand, we felt that the work of the IRB on campus is extremely important. Their task is a hard one; they work very hard and the ultimate goal that they’re trying to achieve which is the protection of human subjects, is a very important one. On the other hand, I think that we recognize that there needs to be sensitivities to academic freedom and that the work of the IRB needs to be flexible and responsive to different
types of methodologies and different types of research and we tried to affirm both those things in the first paragraph and then we do have the eight recommendations that follow – that touch upon a number of matters. I won’t go through these. I think that hopefully you’ve looked at them but a lot of the recommendations I think, again, go to the issue that there are different research methodologies and the IRB review needs to be somewhat sensitive to those different methodologies. It’s not suggesting that there are research methodologies regarding human subjects. That should have absolutely nothing to do with the IRB. That was not the Committee’s position but, again, there needs to be flexibility on how those are reviewed. So I would submit this to the Faculty Senate and receive any comments that you might have. One other issue that we did not include that we think needs to be looked at a little bit more but we didn’t think it was necessarily appropriate for this document was to set up some system where faculty that have experience working with the IRB could mentor those who do not have very much experience because at times, if you just go to the information they provide or their website that was communicated or perhaps difficulties that might not actually exist in practice, although sometimes there are difficulties that exist in practice that aren’t communicated on the website I suppose. But try to work out some sort of system where those with experience can be working with those who don’t have experience to kind of facilitate the process. Again, I submit this to the Faculty Senate. We’ll take any comments you may have or any questions.

President Willis: Okay, thank you. Herb?

H. Rubin: I move for acceptance.

President Willis: Okay, Herb’s moved that we accept this report. Okay, discussion? Herb?

H. Rubin: I’m very pleased. I like the report. I do want to comment on seven of the eight elements were things that were presented informally, in private, well over a year ago to the respective administrators responsible for these things and it took shared governance to at least get them on the table and the other item was something that came up through the hearings that people such as myself who are complaining about the process were unaware there were even more problems and it seems like a very sensible solution so I’d like to commend the Committee for its work and I’d also like, maybe informally, to get into the record that maybe people running – that life would be so much easier if we had some better communication between faculty and some of the staff that are running these programs so we don’t have to have people, very competent people, spend a lot of time working out what should have been self-evident to begin with.

President Willis: Okay, any other comments? Yes, Carol.

C. DeMoranville: I have to agree with Herb. I think that the recommendations in the report are excellent but I have a question about the process that the committees use and I could be wrong here, but it was my understanding that this was referred to a committee in the Faculty Senate and in the past the process has usually been one where the committee brings a report to the Faculty Senate where it has been discussed and approved and then that report is then disseminated to appropriate people. It looks to me like this report was disseminated before the Faculty Senate saw it and obviously before the University Council saw it as well. My concern is that, I mean, at
the moment, I don’t have a problem with it because I like the report, but that may not be the case with other reports and I was just wondering why the typical procedures weren’t followed.

**President Willis:** Okay. In part that was a decision of mine in order to facilitate the resolution of this. I talked — well, for one thing, it was referred to two committees. It was referred to both the Faculty Senate Committee and the University Council Committee. They’ve been giving us updates and drafts and all that kind of thing and so I felt that both groups were being kept reasonably well informed. They decided to go ahead and give the report to the appropriate groups. Now, that’s not to say — it’s just a way of keeping the process moving as I see it. Certainly, if there are comments that this group wishes to add or changes that this group wishes to make, those can also be communicated. It’s not intended to preclude that.

**M. Cordes:** Sue?

**President Willis:** Yes, Mark?

**M. Cordes:** That’s a good point and we actually had a brief discussion about that at our last meeting — the process — and I don’t recall all that was said. If anybody that was on the committee wants to add anything, but I think part of it was to facilitate the process moving along. Part of it was the unique fact that this is a joint committee and it seemed a little bit awkward for us to take this back to the Faculty Senate for them to have final approval, make changes when, in fact, it was a joint document also from the Academic Policy Committee of the University Council and I think for that reason — plus also we thought that the ultimate body on campus that had the most to do with this was the Graduate Council — so I think for all those reasons we decided to send it forward and report back realizing, of course, that the Faculty Senate can decide to come out with a statement of its own saying that we agree with something or disagree with something or want to refine something. I think the primary reason though was the fact that it was a joint committee instead of simply one committee of the Faculty Senate.

**President Willis:** I guess my concern was to keep the process moving and not to bog it down with, you know, coming to this group and getting approval, then you have to go to that group and get approval. Not that I want to keep anybody from having their say and clearly, if anyone wants to add to this, that’s perfectly fine, you know, I think we have good enough communication that it doesn’t have to happen just once, you know, we can communicate repeatedly.

**R. Meganathan:** Sue?

**President Willis:** Yes?

**R. Meganathan:** I mean we can write all this but they must agree with the federal regulations and they change it instantaneously like this year I filed a report saying that I don’t work with this organism, there’s a whole list and when the list comes we don’t have time to go through all these committees, you have to file or else your grant funding is held up. So, we can keep debating, writing rules that will be instantaneously nullified on there. So we have to simply follow the federal guidelines.
President Willis: Right ---

R. Meganathan: Whether it’s diplomatically, undiplomatically – whatever you want to do, you are to follow the federal guidelines.

President Willis: I think the issue had to do more with interpretation of the guidelines because they’re certainly subject to interpretation and these particular laws which the IRB is charged with ensuring that the University adheres to are written with a fair amount of flexibility in them which the IRB may or may not take advantage of and so part of what we were trying to do here was to encourage them to take more advantage of it then perhaps they had been. Mark?

M. Cordes: One other thing I forgot to mention which did not come out of this process, but they are forming a second IRB board that will, hopefully, expedite their decision making substantially. They’re going to be meeting I think every other two weeks and hopefully that will speed up the process which has been one of the problems and that was already in place before we began our review.

President Willis: Right. Carol?

C. DeMoranville: I appreciate the sort of explanation about why this was different than the other ones and I guess I would have a question that if there are future joint committees, are those reports also likely to get submitted to other bodies before they come back to the Senate?

President Willis: Well, I think it depends on what they are. In this case, the Graduate Council is technically a committee of the University Council and so it seemed appropriate to send it from one University Council committee more or less to another one with the oversight of both bodies but I think if it were to be submitted outside of, you know, to some outside group, that would be different.

C. DeMoranville: My concern is that it’s a slippery slope, that in this one instance it may not be a problem but it may set a precedent and I think that would be a very dangerous precedent because it would really sort of do an end run around shared governance.

President Willis: Right. As I said, one of the other considerations is that the Graduate Council was, in fact, a committee of the University Council and so that also seemed appropriate for that reason. Yes, Herb?

H. Rubin: A simple suggestion – maybe you could work out language and when such things are done again that it’s part of the sending the problem to a joint committee, you also put in the mandate how it comes back and then life will be simple. That’s all.

President Willis: That would be very sensible.

H. Rubin: Yeah.
President Willis: Okay, let’s see, we’ve had a motion and a second to receive this report. Are there any other comments or any other discussions? If not, all those in favor of receiving the report say aye. Opposed? Okay, we have received it. Okay, do you have anything else Mark?

M. Cordes: No, nothing else.

The report was received.

E. Rules and Governance – Gretchen Bisplinghoff, Chair

President Willis: Rules and Governance, Gretchen?

G. Bisplinghoff: No report.

President Willis: No report, okay.

F. Elections and Legislative Oversight – John Novak, Chair.

President Willis: John Novak tells me that – I don’t know if he’s still here or not – but he had no report. Okay, that concludes all of that and I have nothing under either Unfinished Business or New Business.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

XI. COMMENTS AND QUESTIONS FROM THE FLOOR

President Willis: I would entertain any comments or questions from the floor. Yes, Herb?

H. Rubin: I should have asked this when you gave your report but Steve was here so I didn’t want to delay that. You were talking about the finances with the President. Okay, have we put aside the money for anticipated rescissions? I mean, you know, the longer we have to wait, the harder it gets to find money during any one fiscal year. Are we safe on those issues, do you know?

President Willis: I believe – I don’t know the answer exactly because I didn’t ask exactly that questions. My impression from talking to him is that we are getting close to the edge. There’s not a whole lot more that we can – you know, we can’t take really much more of a cut without getting into some significant difficulties but we’ll just have to see. Yeah, I think it’s getting a little thin. Yes, Kevin?

K. Miller: Yes, thank you. Good afternoon. Kevin Miller. I just wanted to give you all a heads up – there will be a resolution from the Student Senate I believe headed either your way or the University Council’s way, maybe both, regarding online syllabi. That should be coming up at the next meeting. I don’t know if its already been transmitted or not. I think it might have
missed. Okay, I’ll check on that. Also have a wonderful holiday season and be merciful when grading finals, especially if it’s mine.

**H. Rubin:** Is that a motion?

**K. Miller:** I don’t know, can I make motions? I’ll do it if you want.

**President Willis:** David?

**D. Wagner:** At the last University Council meeting the issue of Thanksgiving vacation I brought up and I intend to take it off the table at the next meeting and I hope that next year’s calendar will not have Wednesday classes but I don’t know if that is going to have to be debated all over again by the Senate or what but I am alerting the Senate that I am going to do that at the next meeting.

**President Willis:** Okay, the University Council has the authority to determine the academic calendar and so clearly if the Senate wants to discuss it, it can, but that’s something that the Council can do.

**D. Wagner:** One other thing. I didn’t understand the input of the faculty into Affirmative Action policies as was stated but I didn’t want to push it. Are we actively going to be involved in that? I have a degree from universities – both cases on undergraduate and graduate education are being brought before the Supreme Court and this is a really critical issue and it seems to me that the Faculty Senate should be actively involved in it and I couldn’t quite see how we would be from the answer to my question.

**President Willis:** I think the answer is that the Faculty Senate as such is not directly involved. There is Affirmative Action and Diversity Resources Committee but it is one of the committees which is listed as being not normally within the jurisdiction of the University Council and so it’s one of those committees that’s just kind of off there. We could certainly – I can talk to Steve and see if we can get some kind of formal representation on that. I’m looking at who’s on it. Sorry?

**H. Rubin:** It’s very heavily staffed.

**President Willis:** Well, the Faculty Personnel Advisor is on it. So you can always complain to Malcolm. But yes, other than that there really is not faculty on it. Yeah, I mean there – well, okay, I guess I don’t know everybody.

**T. Griffin:** There are representatives from the Presidential Commissions on some of which are faculty.

**President Willis:** Okay, some of the Presidential Commission members I suppose. The only one who has to be a faculty member would be the Faculty Personnel Advisor on that committee. So perhaps that’s something that the University Council take up looking into modifying the committee structure somewhat so that we have more faculty voice in those kinds of things. Yes, Herb?
**H. Rubin:** I have some real concern, I mean, what Steve said and what David’s saying, this is a committee at least if I understand it, that’s trying to make sure we’re not in violation of different affirmative action policies of the fed---

**D. Wagner:** It’s sort of ---

**H. Rubin:** No? Okay, would it be – let me pose a question. Is it the appropriate committee if people have construction suggestions such as spousal policies and things like that that really do promote affirmative action? I mean, is that the appropriate committee? I mean---

**M. Morris:** When Provost Zike – this is Malcolm Morris in his role as Personnel Advisor – when Provost Zike took over his new duties and he now chairs that committee, he made it clear at his first meeting that he expects to hear initiatives from members of the committee and so I – Tim, would you agree that that was stated?

**T. Griffiths:** Yes.

**M. Morris:** So I would suspect that faculty could contact Provost Zike directly if they had initiatives for diversity issues or they could contact any one of the committee members whose names are listed in the Committee’s Book, but I do not believe that – I don’t have the sense that, having been on that committee for a couple of years, that it is truly an action oriented committee. It is more of a discussion, trying to develop ideas and then, I think the ideas are ultimately implemented by Central Administration. Would you say that’s right Tim?

**T. Griffiths:** Yeah.

**President Willis:** I’m just looking at the committee description in the Committee’s Book and it doesn’t say anything about ensuring compliance with any regulations or anything like that. It says that it will advise the Director of AADR in the development and implementation of policies and programs designed to improve the campus environment, yada, yada, consider issues and problems on campus that may be relevant, provide form for highlighting events that address diversity issues, and will file a year end report. So, yeah, talk. Yes, Ferald?

**F. Bryant:** As many of you know, I rarely say anything unless I’m asked to but to quote a past president of this body, this body – the Faculty Senate – it’s main power is the power of persuasion, moral suasion is our main hammer that we have and I would encourage all of you to think, especially into the new year because there are some very serious federal matters and from courts. Resolutions from a member voted on by this body can certainly be forwarded to any appropriate committee or group to the President himself and certainly to the Council if clearly the will of the body wishes it. I mean, if you generate a resolution and debate it and forward it, then this is the body that can at least have that kind of impact if we want it to. So, on a matter like affirmative action or diversity I know it does concern many of you, but any other issue that is of concern to this body, we have the power to make resolutions seeking the sense of the Senate if you will, and then forward – we would empower, therefore, Sue to forward that resolution to
whatever body or individual on this campus that can receive it. So, I’ll just make that kind of friendly reminder.

**President Willis:** By the way, let me second that. Occasionally I hear from people “well, the Faculty Senate, you know, really can’t do anything; it’s just advisory” but being advisory is doing something. I think we should not lose track of how much impact our voice can have if we really use it. We cannot make policy as such in the sense that we can’t sit around and write the Constitution and that kind of thing, but we are listened to and particularly if we speak with one voice, it has an impact. So don’t discount that. Yes, David?

**D. Wagner:** I was on the Rules and Governance Committee that made the famous statement about moral suasion and I tried to argue last year that having a power of initiative does extend that power and so it’s more than just reacting. I think we should have the power of initiative and I think affirmative action is something we should take initiative on. I don’t know how it would best be done, but I think it should be done.

**President Willis:** Well, I would suggest – we certainly have committees which would be appropriate to consider things along those lines and as far as I know, committees can take up things on their own, you know, they don’t have to be formally referred by the body. If a committee sees something that it thinks is worth looking into, it can do that and so – or if anybody has somebody that they’d like to be looked into to just, you know, bring it up and we’ll refer it to somebody. Our committee chairs are out there gnawing on their fingernails I’m sure. Yes, Herb?

**H. Rubin:** Yeah, but I think in this case it’s particularly important because we really have to look at the bureaucracy and the structure of the situation. Okay, we’re in a retrenching university, at the same time this particular office has gotten new space on campus because it’s important. Last year it had some pictures in HRS’s newsletters of new hires, expanded hires, you know, in the particular office and now has as head of it a long time, skilled, very nice academic bureaucrat – in the University, he’s a very skilled person – and all we have in the book is an old wording of the what the, you know, the Committee’s old powers used to be. I mean this is a changed circumstance that is just asking for comments and, you know, we can’t have as was suggested an individual go up and suggest something. I’m really totally in support of what Ferald and David have been saying.

**President Willis:** I guess that what I’m saying is that the action has to come from you.

**H. Rubin:** Yeah, sure.

**President Willis:** And ah, you know, I can facilitate it and if this body says something, I will instantaneously communicate it, but yeah, you know, you want to see something done, you know, let’s do it. Figure out what it is. Okay, any other comments, questions? Yes?

**S. Nord:** Steve Nord, Economics. A quick question on the IBHE. Does it become reconstituted under the new governor?
President Willis: That’s a good question. I do not know the answer but I will find out. Pat may know the answer.

P. Henry: I don’t know the complete answer but I will check on the – the IBHE has a web page and it gives the times when different – the lengths of times that different members are on so I think the ones that are on there now are on there for the time being but at the end of the year some of them will step off and the new governor will appoint new members.

President Willis: By the way, the same is true of our Board of Trustees. They’re also appointed by the governor. Oh, yes, David would like me to remind the Faculty Grievance Committee that you will be meeting right after we are done, which I believe we are, if no one has anything else. Yes, Herb?

XII. INFORMATION ITEMS

A. Minutes, Academic Planning Council
B. Minutes, Athletic Board minutes
C. Minutes, Campus Security and Environmental Quality
D. Minutes, Committee on Initial Teacher Certification
E. Minutes, Committee on Undergraduate Curriculum
F. Minutes, Graduate Council
G. Minutes, Undergraduate Coordinating Council minutes
H. Minutes, University Assessment Panel
I. Minutes, University Benefits Committee minutes

XIII. ADJOURNMENT

H. Rubin: I move adjournment.

J. Newman-Ryan: I have a question I thought of. With Ken Davidson taking over, could we invite him sometime in the spring to come and talk to us about his idea of that office.

President Willis: Sure, absolutely.

J. Newman-Ryan: Thank you, that’s all.

President Willis: Okay, have a good holiday if I don’t see you next week and the Grievance Committee is meeting with David.

The meeting adjourned.