
VOTING MEMBERS ABSENT: Abdel-Motaleb, Blecksmith, Chandler, Deng, Fang, Farrell, Gaillard, Greene, Gupta, Johnston-Rodriguez, Kapitan, Kolb, Kowalski (on sabbatical), Lee, Lopez, May (on sabbatical), Middleton, Mogren, Mohabbat, Munroe, Poole, Rheineck, Shortridge, Walker

OTHERS PRESENT: Bak, Bryan, Griffin, Haliczer, Hansen, Latham, Small, Sunderlin

OTHERS ABSENT: Freedman, Prawitz, Quick, Rintala, Snow, Waas

I. CALL TO ORDER

A. Rosenbaum: Okay, is this working? People can hear me? This is our latest technological development. I don’t have to like lean into the microphone. Okay. Welcome.

Meeting called to order at 3:03 p.m.

II. ADOPTION OF AGENDA

A. Rosenbaum: We have our first order of business is the adoption of our agenda and for the first time in as long as I can remember, I don’t think we have any walk-in items. So, I need a motion to adopt the agenda.

A. Lash: So moved.

A. Rosenbaum: Very good. Second?

C. Downing: Second.

A. Rosenbaum: All in favor?

Members: Aye.

A. Rosenbaum: Opposed? Abstention? Okay, the agenda is approved.
III. APPROVAL OF THE MINUTES OF THE AUGUST 31, 2011 FS MEETING

A. Rosenbaum: Next item, we have the approval of the minutes for the August 31st Faculty Senate meeting. You all should have had an opportunity to look at the minutes. I need a motion to accept the minutes.

J. Novak: So moved.

A. Rosenbaum: Okay, second.

W. Pitney: Second.

A. Rosenbaum: Okay, any changes, suggestions, corrections, problems, grammatical errors? Nobody?

A. Lash: No, it’s good.

A. Rosenbaum: Editorial comment that they are good, okay, excellent. All in favor of adopting the minutes say, “aye.”

Members: Aye.

A. Rosenbaum: Opposed? Abstentions? Okay, the minutes are approved.

IV. PRESIDENT’S ANNOUNCEMENTS

A. Rosenbaum: I don’t have a lot of announcements to make. I’m going to just mention two small items and then we’ll move on to our reports and save enough time for us to deal with the Academic Misconduct Policy, which is possibly the main course for today.

Two things: One is the President has approved the expenditure of a few bucks to buy those clickers that some of you are using in class, and we’re going to be able to use those clickers for voting at both Faculty Senate meetings and University Council meetings. I thought this would be a good thing for us because #1, it gives us an instant tally of the votes so we don’t have to bother Ferald and Pat to count all the hands and sort of reconcile the differences in their counts and #2, it will give people who want to vote “no” but don’t like being the only one raising their hand an opportunity to express themselves. So, we may have more close votes than we have had in the past if people have the opportunity to vote privately. So, we will not issue the clickers to people because that way we would be able to know who you are. So, we will have a box of clickers at the door, and you’ll pick one up as you come and nobody will know it’s you and then you’ll drop it in the box on your way out. We’ll try that. It seems like a good way to do business. They have been ordered and, hopefully, we will have them in place by the next meeting.
The second item I just wanted to mention is I keep posting things, although not in the last week or so, on Blackboard. We have a number of new Senate members. I don’t know if all of you have been successful in getting into our Blackboard, into the Senate Blackboard community. I know that when I post something and track the number of views, it is very disheartening. So, I would like to think that people aren’t having much success getting in there as opposed to they’re not interested in going in there. At any rate, if you have tried and can’t get into the Blackboard community, let Pat know and she’ll figure it out. It’s a little tricky sometimes to get the right ID# for faculty members. Many of you have more than one number. We’ve had our stuff sent to people who are not on the Senate and we’ve had to correct that.

A. Lash: I was looking for the minutes of several meetings behind. Do you remove them? I couldn’t find one set of minutes. I was looking for May I think. I couldn’t find them. Do you take them off?

P. Erickson: No, they should be there all the time. I can help you find them.

A. Lash: All right, thanks.

A. Rosenbaum: There are a lot of, if you do look at it, we are now keeping up very well. I should say Pat is keeping up very well with also posting the minutes of every committee that reports to the UC or the Senate, well no one reports to the Senate, but if you go to our UC website, you can very easily find a lot of the minutes. So, in one of the postings that I gave you on Blackboard, we posted the minutes for the UCC for their March 3rd meeting, which is of importance to us today. But even if we had not posted those, you could have found those minutes by going to the University Council website and looking at those informational items that we post. So, we’ve really got a lot of stuff posted. As you can see, each month in the agenda under Informational Items, you can see all of the things that we have been posting and anything we post is archived. So, all of this stuff is accessible from month to month. So, if there is something you are interested in, you can usually find it there. If you have any problems, then you can call us and Pat will sort of help point you to whatever it is that you need to find. Okay? Yes?

S. Martin: I would like to go back to your first item. I’m just confused. Are Faculty Senate votes and principles supposed to be anonymous?

A. Rosenbaum: Faculty Senate are supposed to be anonymous? You mean does it specify? I don’t think it specifies. I think there is a choice. I think there are certain votes that are supposed to be by closed ballot. So for example, when we vote each year for the Executive Secretary, that is supposed to be a closed ballot vote and you’ll remember that in most of the previous years that we can recall, the Chair of the Elections and Legislative Oversight Committee generally first calls for a motion to forego the closed ballot. So, we won’t be doing that anymore. We will be doing that by closed ballot. There doesn’t seem to be anything that specifies that ballots have to be open. So, Ferald, do you know of any requirements in that regard?

F. Bryan: Well, since this is the first I have been informed of clickers, I was looking over the voting procedures of the University Council, which are in 3.3.1. The question of whether roll
call vote shall be taken may be incorporated in a motion or a motion to amend may be offered. So, we’ve always had the option of having a roll call vote. They have been very rare, but if a roll call would be necessary for whatever reason, that could be incorporated in the motion itself.

A. Rosenbaum: Okay, so we can still continue to do that if we have to, but there is nothing that says you can’t do a closed ballot on every vote, right? Does that answer your question? Okay, so it would seem to me to be more appropriate that people should have the right to vote how they see fit without having to worry about people looking at them and saying, “Why did you vote that way?” Of course, if you want to know how people are voting, call for a roll call vote and we’ll vote on it. Any other questions?

V. ITEMS FOR FACULTY SENATE CONSIDERATION

VI. CONSENT AGENDA

VII. REPORTS FROM ADVISORY COMMITTEES AND COUNCILS

A. FAC to IBHE – Earl Hansen – report – Pages 3-9

A. Rosenbaum: Moving along, we have nothing on the Consent Agenda. We have Earl Hansen’s report on the FAC to the IBHE. Earl? You’ve got a microphone?

??: Inaudible.

A. Rosenbaum: No, not yet. Go ahead.

E. Hansen: Is that better?

A. Rosenbaum: No.

??: Inaudible.

A. Rosenbaum: We didn’t pay our electric bill this month, hold on a second.

?? Inaudible.

A. Rosenbaum: Wait, we have to get you a mic that works, otherwise, you won’t be in the transcription.

??: Inaudible.

A. Rosenbaum: Well, you have Earl’s report. In a moment, we’ll get to Earl. Pages 3-9, Earl what did you go nuts on this?

E. Hansen: All right, this is going to be a brief report. You can read it at your leisure but what I did do in the report that I haven’t done in the past is I went back and got the transcripts, and we
had a lot of discussions there. If you read the report, you’ll see that a number of people chimed in on the items that we were discussing and I thought for your input, you might just want to read that to see what’s going on with the Faculty Advisory Council. We met at Western Illinois on the 16th of this month, and we had a presentation given by one of our members on the performance funding issues. Later on, the legislatures came in and we had a panel discussion. Bob Pritchard, our representative from here was there. We talked a little bit about retirement and the funding situation is not good, but you already knew that. Like I said, I’m trying to be brief with this. The components of the evaluation metrics for the funding have broken the four-year institutions into three categories: Comprehensive four-year universities, research universities, and community colleges. The real issue on the pay-per-performance thing is what it’s going to do in regards to the quality of education. They’re going to be asking for us to graduate more people and the question then becomes, “Are you watering down the curriculum or are you watering down another type of criteria for getting people into school?” The Western Illinois University added an ex-officio faculty member to their Board of Regents, or their University Board, and not have much luck with that. Later on, after at the conclusion of the meeting, Robert Rich, the Director of the Institute of Government and Public Affairs at the University of Illinois at Champaign/Urbana and his research assistant, Jordan Shaffer, came in. They got to talking about the PBF and had a handout on their performance-based funding models, and an assessment was passed out. Basically, there’s no best practice out there. The last paragraph on page 8 gives you a little brief update on that. They talked about the funding and “Was there going to be any funding for this and new money?” There’s no new money to fund this and they’re talking about if you’re not passing the, if you’re not doing, what the legislature is going to want you to do, they’re going to be taking two to four percent out of your budget, out of your university budget as a fine I suppose for lack of a better word. The thing I found – and most of us found – really frustrating is that this Robert Rich has been studying this for a number of years, and he’s never been asked by any legislator to put his two cents in on what they should be doing on this particular issue, which probably doesn’t shock a lot of you. But anyway, it is what it is. You can read this. If you have questions you want to ask me after you read it, feel free to shoot me an email or give me a phone call or something like that.

A. Rosenbaum: Okay, anyone have any questions for Earl? Yes?

D. Goldblum: It sounds like it’s sort of like merit pay, that kind of scale. We’re talking about a few percent on top of the budget. Is that the scale we’re talking about here?

E. Hansen: Yes, they are going push this. Texas has just gotten it in. We’ve gotten some notes back internally on our committee that I’ve shared with the President’s Office here as to what the other universities have said to this legislative body that’s looking at implementing this performance-based funding. John has sent a letter down there to them also, and I don’t know whether that has been out for observation by anybody else other than myself, getting it through the Faculty Advisory Council, but I have no problems sharing anything with you; if you ask me, I’ll bet glad to get it to you. We’ll post it on the website or whatever you want to do with it.

A. Rosenbaum: David, if I understand the question you’re asking, it seems like the statistics that I’ve seen indicate that the amount of the budget that’s allotted to performance, to the performance-based component is generally less than five percent?
D. Goldblum: It’s analogous to merit pay for faculty, and the base budget for the university would be 97 percent of what we’re getting and they would quibble with the top two percent.

A. Rosenbaum: And I think there are also questions on whether that would be extra money or money that comes out of the original budget. Knowing the State, it’s probably not going to be additional money, but that still is undecided. Any other questions for Earl? Yes, Sue?

S. Willis: I have a remark and/or questions. I guess one is that there is a sense in which monkeying around with the University budget on the few percent level is not really quite like merit pay in the sense that some vastly large fraction of the University’s budget, like 95 percent or something, is personnel. At least the departmental budgets are like that, I don’t know about the University as a whole. You have a lot of fixed expenses and so cutting at the margins can be more significant than just tiny changes might suggest.

The other comment or question that I wanted to make was that speaking of Texas. I have noticed that one thing that has come up recently in the State of Texas is that they are proposing that physics departments, something that is near and dear to my heart, who graduate fewer than 25 majors over a period of five years be phased out, or at least that the major be phased out and they remain service departments or they teach the introductory courses, but that they not have majors. Is that, are we looking at, is there a chance that we’re looking at something like that here, not necessarily with physics, but with departments that have small numbers of majors? Once you start talking about performance-based funding, are they at risk?

A. Rosenbaum: Okay, other comments? I’m certain that we’re going to be watching this like a hawk to make sure that things like that don’t happen. So, we’ll certainly have something to say about it if those sort of things start to develop, but nobody has given us anything to sink our teeth into as of yet. Earl, have you heard anything about that type of conversation?

E. Hansen: No, I’ve heard what they were doing in Texas, but we have not heard anything of what they’re going to do here. The legislature is being quite quiet on the whole front. They’re not doing anything in the open where anybody can see what’s going on, and every university has somebody down there watching them like a hawk.

A. Rosenbaum: Okay, any other questions for Earl? Okay, thank you Earl.

B. Student Association – Austin Quick, Speaker – report – Page 10-11

A. Rosenbaum: Next we have our Student Association report. I think I saw Austin. Is someone else giving that report? I can’t see who you are. Grab a microphone.

K. Bak: Hello, my name is Kyle Bak. I first want to apologize for Austin’s absence. He is getting ready for a Washington, D.C. trip with many members of our Executive Cabinet in the Student Association. The first things I want to touch on is that we had our Senate elections yesterday and today, so we’re going to be finishing those today and tomorrow. We will have 40 student representatives over the campus. Then, we have our meeting this Sunday at 6:00 p.m. in
this room. So I know many faculty are, faculty advisors for student organizations, which works very closely with the Student Association. So I encourage as many of you to come as possible so we can really create a bond between the student and faculty so you guys see what we are doing and that we are an actual respectable student organization. Other than that, I thank you guys for letting me be here and I yield.

A. Rosenbaum: Okay, thank you very much. Any questions?

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

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

E. BOT Legislation, Audit, and External Affairs Committee – Todd Latham and Rosita Lopez – report – Pages 12-15

A. Rosenbaum: We have only two reports. We have the Board of Trustees subcommittee on Legislation, Audit, and External Affairs. This will be presented by Todd. This is from the August meeting, August 25th meeting, is that correct?

T. Latham: That is correct. The first meeting is actually the committee discussion itself. I'll just kind of highlight it under the University report under 7.a. Lisa Freeman gave a presentation on how her office would contribute to the performance-based budgeting requirements, really discussing metrics and how we would align with the State.

Under 7.b., Vice President Cunningham gave an update on the 2012 pension status, really three criteria: establishing alternative funding choices, that’s also called, more money out of your pocket; statutory reduced benefits for employees called, less money in your pocket; and amending the constitution might mean taking your pockets. I wish I could bring you good news, but it doesn’t seem to exist. But we all need to be aware and cognitive of what might be happening soon, especially with veto session.

Congressional report – that just really reflects that there has been some reduced funding from FY12 and FY13 regarding student financial aid and Pell grants.

Under 7.d., Kathy Buettner gave a presentation about some of the communication efforts. She gave an interesting fact that two-thirds of parents and students search for universities together. The deciding factor seems to be the quality of the website. It quite often can be a deterrent to selecting that university as a choice to attend. She went on to give some other recruitment details of what her office will be doing to assist NIU in cultivating new students and retaining them.

On the next page of the report, it deals with the actual Board of Trustees itself. What I have done is I have extrapolated from the report some specific information, really laws that were passed that might be of interest to you. Those that weren’t passed, I did not report on. The 97th General Assembly in 2008 passed a Joint Resolution 69, which was the public agenda. From that and the
next item in 2010, which was another Joint Resolution 88, start identifying basically acts or
grants or qualities that would respond to the public agenda.

HB1503 was essentially the performance funding steering committee. Further down on the
bullet points, I have given you examples of what IBHE will use for those metrics. Report that on
06/30/2011, just the amount that was vetoed by Governor Quinn, it’s Public Act 970069. It
essentially reduced funding for our public universities, the Monetary Award Program and
UC/LC, which NIU is a center partner. Under SB2014, it just includes the amounts that were
allocated for Cole Hall, Stevens Building and the Computer Science Technology Center. As of
06/20/2011, to give you an idea of the backlog of State bills, the controller reported it was in the
amount of $3.8 billion. SB2185 is the Illinois Dream Fund. That became a public act as well as
HB106, which creates safe havens to include police departments of public or private universities.
HB295 was a sex offender registration act, which basically said that an individual had to, if they
were in that category, had to basically register with the safety or security officer. The last
sentence is the key one, in which he or she is employed or attends.

Then, the last item I thought was important, because it specifically mentioned NIU, that gives
our Board of Trustees a right to basically allow service or the sale of alcohol in buildings over
the control of NIU Board of Trustees.

The last items that are really a little bit more information about SURS. It really talks about the
overall status of SURS regarding the contribution levels and an estimate of obligation and
unfunded liabilities.

Then finally kind of a new item at the Board of Trustees is the Freedom of Information Act
request through Kathy Buettner’s office. Just to give you an idea of the area and magnitude of
those requests. Thank you.

A. Rosenbaum: Any questions for Todd?

F. BOT – Greg Waas – report – Pages 16-17

A. Rosenbaum: Next report is the report on the actual Board of Trustees meeting itself. Since
you’ve, in various parts, heard all of the different things that have been coming up to the Board.
– this was the September 15th meeting – I’m just going to highlight a few of the things that are in
the report for you.

The first item of interest is that Cherilyn Murer was elected Chair of the Board of Trustees,
replacing Mark Strauss who has been the Chair for I think the last six years.

The Board also dealt with a number of action items, one of which was the approval of the
internal budget for the fiscal year 2012. The second one was the FY2013 guidelines for the
budget in which they have put in, as I mentioned in the last meeting, a 3 percent increase for
salaries. That will have to be approved by IBHE and also by the legislature. So, before you start
spending that extra money, you might want to wait and see what they do with it. The capital
budget was approved, remember this is the one that has to be used to replace, repair, build,
anything related to academic activities. So, the Computer Science and Technology Center, for example, is the highest rated item, highest ranked item on that budget request.

The Board endorsed the Vision 2020 resolution as the President had said that they would. They unanimously passed a resolution that approved and embraces the goals, priorities, and strategic direction articulated and established in the Vision 2020 initiative. So, they are on board with Vision 2020.

The Board has also been making a number of changes to the Bylaws, and they approved a number of those Bylaw changes at this meeting – those are the Board of Trustees bylaws, not the Constitution and Bylaws of the University. So, these are the Board of Trustees Bylaws. Only the Board of Trustees can modify the Board of Trustees Bylaws.

They also had a number of issues that they put off and that involved the election procedures, presidential selection, and presidential assessment. So, those issues were postponed until the next board meeting.

Essentially that was the report. This report, by the way, was not my report. This was Greg Waas’ report. Greg is the other representative to the FFO subcommittee along with me, and I was out of town at a convention and Greg attended this meeting on my behalf and so that was his report. I can try to answer questions if people have them even though I wasn’t at the meeting, but I have spoken to people about what happened. So, does anyone have any questions that I might be able to answer? No? Okay, good.

VIII. REPORTS FROM STANDING COMMITTEES

A. Faculty Rights and Responsibilities – Rosemary Feurer, Chair

A. Rosenbaum: Next, we don’t have formal reports from most of the standing committees. We do have some, but I would like to go through the different committees and ask the chairs just to update you on what is working through their various committees. So, first is Rosemary Feurer, Faculty Rights and Responsibilities. Rosemary?

R. Feurer: Well, the main thing that I am here to report on with great enthusiasm is the Salary Equity Committee. We actually are working toward a final report and should have one fairly soon. Let me give some background for those of you who are new or need to be updated on this. This was a question was raised two years ago from the Faculty Rights and Responsibility about the comparative equity between the various divisions on merit pay increases and salary increases in general, whether administrators in particular, the question was “Do administrators in certain divisions get a better increase when there is an across-the-board increase?” We raised that question with the University through a joint committee of Faculty Rights and Responsibilities and Academic Affairs and didn’t get quick answers. Obviously, it has been two years, but in the, to just give a short synopsis, eventually a Presidential Commission was established on salary equity and the faculty members had pressed the University to give us some data from which to draw conclusions. There was an initial report given to us, but not much data, and we continued to press for the actual data. Eventually, we started to look through the Working Papers and, at
that point, we were told that we would get some data. And in February of this year, we finally got a data set. We had asked for specific points of information. Not all of that was released and so it’s a compromised data set. Nevertheless, the members of the committee – the faculty members of the committee of the Presidential Commission – have been working on that. And I would like to praise the members, in particular Charles Cappel, he’s right next to me, and George Slotsve, and then another non-Faculty Senate member, Bala Hosmane, has worked on that, and we do have a report pending. It’s not final. What we are obliged to do is to take it back to the Presidential Commission, and that is what we are planning to do. That is the main thing. There are some other issues that the Faculty Rights and Responsibility Committee is working on, but that’s the big one.

A. Rosenbaum: And one of those would be the joint appointment policy that…?

R. Feurer: Yeah.

A. Rosenbaum: Okay, is that making any progress?

R. Feurer: No progress right now.

A. Rosenbaum: All right. Thank you. Any questions for Rosemary? Yes, Kendall?

??: Inaudible.

A. Rosenbaum: Don’t ask for a preview.

K. Thu: I can ask; I just won’t get it. Well, I’m delighted to hear that this is finally coming to fruition. Can you tell us a little bit about the process of what’s going to be done with the data besides going to the Presidential Commission?

R. Feurer: Did I tell you?

A. Rosenbaum: Did you tell me what?

R. Feurer: That this was going to be the first question somebody asked? We want to go through the process and read the part.

A. Rosenbaum: We need new microphones.

R. Feurer: I did forget one important thing. We were asked to come up with a solution to any problem that came out of this report. So, if we did see problems, we were authorized to make proposals.

A. Rosenbaum: The committee was?

R. Feurer: The committee. So that is what we will set out to do. But we’ve also agreed to go back to the Presidential Commission and so that’s why I can’t tell you anything more about what
the data set says. But we are committed to come back to the Faculty Senate and report, give that report.

**A. Rosenbaum:** Does that answer your question Kendall or did you want something else there?

**K. Thu:** It is the best you can do?

**R. Feurer:** Yea, best we can do.

**A. Rosenbaum:** Okay, any other questions, even though our lawyers have advised us to not speak publicly about most of this? Any other questions?

**B. Academic Affairs – Charles Cappell, Chair**

**A. Rosenbaum:** Okay, next, Academic Affairs, which is one of our very busy committees. Charles Cappell is our Chair. Charles.

**C. Cappell:** A brief summary on three issues before the Academic Affairs committee.

The plus/minus grading system proposed change is now being reviewed by a subcommittee comprised of two members from APASC and two members from the Senate, Steve Martin and myself. We have met once, and the concerns of APASC have been relayed to us, and we are collecting information from other universities and from within our own that can address these concerns, and we will be making progress on trying to promulgate the plus/minus grade change through the proper channels.

The second item is the online course evaluation concerns. Several issues have been identified, and a small subcommittee of the Academic Affairs Committee has been formed that will take the primary responsibility for putting together a status report on what the current policies are and responsibilities are and possibility making some recommendations. We would like to have that done by the end of the semester or the first part of next semester and we’ll try to make progress on that.

The third item is the academic misconduct procedures, which we will discuss later.

**A. Rosenbaum:** Okay, any questions for Charles?

**C. Economic Status of the Profession – Michael Kolb, Chair**

**A. Rosenbaum:** Okay, our next two committees don’t have any business, but I will recognize their chairs, and if they have anything coming up from the committee to us, they can certainly bring that to us. Economic Status of the Profession, Michael Kolb is our Chair. Is Michael here? Okay, is there anyone from Economic Status who has anything to say? Okay, good. The Economic Status of the Profession is probably not all that good.

**D. Rules and Governance – Gretchen Bisplinghoff, Chair**
**A. Rosenbaum:** Rules and Governance. Gretchen. Yes, Gretchen?

**G. Bisplinghoff:** Nothing to report right now.

**A. Rosenbaum:** Okay, Gretchen doesn’t have a mic, but rather than drag one over, she says there is nothing to report.

**E. Resources, Space and Budgets – David Goldblum, Liaison/Spokesperson – report**

– Pages 18-19

**A. Rosenbaum:** We do have a report from David Goldblum, who is the Liaison Spokesperson to Resources, Space, and Budget. David.

**D. Goldblum:** Speaking to the economic status of things, this report is much like we have given in the past few semesters. The numbers are a little bigger and things look a little bleaker, but I’ll give you a quick report. We met with, the co-chairs met with, Dr. Williams who wasn’t able to make it to our full meeting, so we met with him initially. As you may have seen in previous documents today, the State owes us about $43 million. What is different this year is they have extended the period of time to pay us. Usually they have to pay us by the end of June and now they have until the end of this calendar year, so December 31st. The State also owes us money from MAP grants, $11 million. NIU has already fronted that money to students as we are obligated to do, so we are waiting for that payment as well from the State. The State appropriation for Fiscal Year 2012 is down about $1.1 million from last year and, as we spoke to Dr. Williams about it, it has been a slow drop since 2002 and I think we’re now below 2002 levels in current dollars.

There was also a discussion about the decrease in student enrollment. We’re about 3.1 percent down for Fall 2011 over last year. And since we’re not getting much money from the State in a timely fashion, a lot of our operating money comes from tuition, so this is causing some consternation in administration. There is an awareness that we’re at risk of continuing the slide, and they’re starting to put an emphasis in improving the condition of what students see on campus like the dorms and the physical appearance of campus, the website. I just want to mention the fact that parents are looking at this as well with their students. So, there was concern about the amenities on campus, safety issues on campus, they have been hiring unfilled police positions, trying to make sure there is a lot of EMT trained officers on campus. Dr. Williams is concerned if we have a perception of being an unsafe campus or unpleasant campus to be on, we’re going to have a hard time attracting students in the future.

We talked a bit about performance contracts as well. Hopefully we can use those for some pressing issues like some roofs that are leaking on campus. There was also, after the meeting with just the committee without Dr. Williams, there was some discussion about the True North campaign. We had asked last year for a breakdown of where the money was coming from, from True North, and where it was going. Lori was given a pie chart, which gave us just percentages of amounts, no details on who was, where the money was being allocated, who was making that decision. So, we were going to try to find out more about that. Particularly if faculty are being
A. Rosenbaum: Okay, thank you. Questions for David? Well, the good thing is the State cuts back on money, they’ll be less behind in their payments to us.

F. Elections and Legislative Oversight – Therese Arado, Chair

A. Rosenbaum: Okay, Elections and Legislative Oversight. Therese Arado is our Chair and remember this year we asked Therese that perhaps the Elections and Legislative Oversight committee would do more than just elections, which is what we have done in the past. We’re going to actually try and get legislative oversight. So, we’ve been getting this from a couple of sources. You heard some of it from Todd’s report, some of it from Earl’s report and so Therese.

T. Arado: Exactly. You got it from other reports, so I’ll just hit a couple of highlights of things that you might want to have on your radar.

The traditionally called veto session in Illinois starts October 25th this year. Last year, it turned into something more than a veto session so we want to be aware of what the legislature is doing that can affect us, good, bad, indifferent, whatever our views are. So, October 25th they’re starting. There has already been one legislator from I believe Schaumberg who has put the proposal back on the table for increasing, or not increasing actually, requiring retirees to start paying some level of health benefit insurance. That was Senator Jeff Schoenberg, I believe he’s from Schaumburg. Other legislators are on board with this, so if you have an opinion one way or the other on that, you may want to get in touch with your legislators.

The other issue I came across that wasn’t on anyone else’s report that is something being considered and I believe this is coming via the City of Chicago, a way to reduce benefits is to go to the “use it or lose it” policy for vacation and sick time. So, just something to be aware of that could be coming through when the legislature is looking at benefits and issues to deal with budgeted things.

A. Rosenbaum: Okay, thank you. Any questions for Therese?

IX. UNFINISHED BUSINESS

A. Academic Misconduct Policy – Pages 20-25

A. Rosenbaum: Okay, the next item on our agenda is actually the last item on our agenda and that is the Academic Misconduct Policy, which is under Unfinished Business. For the benefit of new senators and for the benefit of others who are having some trouble unscrambling this, I will sort of do a little bit of a history of this so you know what’s going on. There may not be an issue here, but I wanted to give the Senate an opportunity to express itself in case there was.

This issue began in the Fall of 2009 and at that time, the Provost’s office expressed some concerns about the fact that we had a different language regarding academic misconduct in the
Student Code of Conduct versus the Undergraduate Catalog. The main difference centered on whether the Student Judicial Board could not only rule on the guilt or innocence of a student with regards to academic misconduct, but also whether they could alter the penalty that had been imposed by a faculty member. The Student Code of Conduct said that they could, the Undergraduate Catalog said that they couldn’t. The fact that we had different language in both of these places created a legal problem for the University and, in fact, we did have a significant case prior to this being brought to our attention that was of some difficulty to the University and could have been a financial problem to us as well.

Interestingly, neither this Student Judicial Board nor the UCC, which is responsible for the Undergraduate Catalog are under the auspices of any one organization that could tell them both, “This is the policy you have to adopt.” So, what was decided is we would bring it to the Senate, the Senate would try to agree on language that was acceptable to the faculty and then, hopefully, both the UCC and the Student Affairs Office would accept this common language and we would have the same language in both the Student Code and in the Undergraduate Catalog. That was the principle. We brought it to the Senate, it went to Academic Affairs. Charles Cappell’s committee came up with a proposed language for the Academic Misconduct Policy. That language was approved by the Faculty Senate on 04/21/2010.

Now, the last line of this, there is only one part of this that has somehow become contentious. Well, let me back off for a second. What happened after the Senate approved it is that it was sent to the Vice Provost’s office for distribution to both Student Affairs and to the UCC. Student Affairs accepted the language that the Senate proposed and, in fact, many of you have seen this handout that was included with the Northern Star. It is sort of, I guess, I don’t even know if it’s a cheat sheet, it may contain the entire Student Code of Conduct, but it’s a handout, it does? The language in here is actually closer to what the Senate suggested.

However, apparently, and if we need more of this, David Wade is familiar with what happened, UCC and APASC had some disagreement. They had a disagreement not only with each other but also with the Senate and the bone of contention was the last line and what the Senate said is, “In cases where the student feels the penalty is inappropriate, an appeal of the penalty only may be made to the College Council.” Now, the sentiment – and this is my take on it – the sentiment that I thought the Senate was trying to express is that we did not want non-faculty to have a say in the penalty and so it was thought that the College Council would contain only faculty in that college and, therefore, would remain a faculty prerogative. Now, the reason we put that appeal in was because there was concern that a faculty member could be crazy or unreasonable and ignore an innocent verdict by the Judicial Board and say, “I don’t care if the Judicial Board says the student is innocent, I’m still penalizing them.” So, just in the event we had some, you know, renegade loose cannon faculty member – and of course we don’t have any of those – we needed to have at least a little bit of a process so that the student could go to somebody and say, “This is nuts.” We wanted to keep that within the faculty.

That was sent along. Apparently UCC and APASC had some, I can see I’m already going to be corrected, UCC and APASC apparently had some disagreement about this. And you have, I posted on Blackboard, the minutes of the March 3rd meeting, and you can see some of the discussion that went on. At any rate, what was reported out from that committee and ultimately
approved by the UCC was the language that you have on page 21 in the agenda. As you can see, it is pretty much the same until you get to the last line. In the last line it says, “In cases where the student feels the penalty of less than or equal to an F in the course is excessive and/or inappropriate, and appeal of the penalty only may be made through the grade appeal process. Now, this is the grade appeal process that appears in the APPM. The wording in the APPM does not really include penalties, grade penalties as a result of academic misconduct. So the UCC also made changes in the grade appeal process to include the grade penalty that is assessed due to an academic misconduct finding. So, what we now have is the language for the Catalog, which is on page 21 under “new.” So this is the new language, and then we have the new, or I should say rewritten, grade appeal process which is on pages 21-25, and that weaves the misconduct grade penalty into the grade appeal process.

Now, the points that may be of interest to us are that students may now appeal the grade penalty resulting from an academic misconduct finding if they feel the penalty was excessive or inappropriate. The Grade Review Board that would hear the appeals regarding a grade penalty consists of two faculty members and one student from that department. So, there is a student involved, but there are two faculty members. So, in practice, the two faculty members can outvote the student if necessary and, as in the current policy, the dean may set aside the changes suggested by the Grade Review Board. So, if the Grade Review Board recommends a penalty that is different from the one the faculty member imposed, that goes to the dean. The dean can support the faculty member, the dean can support the student, or the dean can throw it back to the Grade Appeal Committee. If the dean throws it back to the Grade Appeal Committee, then the decision of that Grade Appeal Committee is binding.

Now, these are policy changes, there are two of them, they are separate. One is the change to the Undergraduate Catalog, one is the change to the Grade Appeal Policy and the APPM. Those must be reported to the University Council. Once they are reported to the University Council, the University Council has some choices. The University Council can vote to do nothing or can just do nothing, in which case, this will become policy. The University Council can send it back to the UCC and say, “We don’t like it and this is what we don’t like.” So, that’s a choice that the University Council can make. If the University Council takes that second choice and sends it back to the UCC, the UCC can either take the recommendations of the University Council and change the policy and then send it back and it must be reported. They can withdraw the policy and say, “Forget it, we’re not going to do it.” The third thing they can do is they can ignore the University Council and keep the policies the way they’re written. If they choose that, then the University Council has six weeks to veto the policy. It will take a vote of two-thirds of the voting members of the University Council to veto the policy.

So, where we stand now is this: These policy changes have now been reported to the UC, or at least they will be as of the October 5th meeting. At that point, if we have a problem with this policy, the University Council members who are senators, would have to carry the argument. So, the purpose of this is to say, “Look, you’ve read the policies, you’ve seen the changes, I’ve just outlined for you what’s going on here.” If we’re okay with it, nothing needs to be done. But, if faculty senators feel that these changes are inconsistent with what we want in this policy, then we have to ask the University Council senators to represent that position at University Council
next Wednesday. So, that’s where it is. Now, I’ll open the floor for discussion, questions, whatever. Kendall?

K. Thu: To frame the discussion, I would like to make a motion that the Senate recommend to the University Council that the proposed language change in the Undergraduate, in the Catalog be sent back to the Undergraduate Council.

A. Rosenbaum: Okay, we have a motion. That would require a second before we can have a discussion. Anyone want to second that motion?

R. Feurer: Second.

A. Rosenbaum: Rosemary? Rosemary Feurer seconds the motion. Discussion. Do you want to explain why you want to send it back?

K. Thu: Yes, I find the two final sentences in the new paragraph inconsistent. In one sentence, I’m sorry, in the final three sentences. In one sentence it clearly states that the responsibility for assigning a course grade ultimately remains with the instructor. The final sentence, as I read it, is inconsistent with that in saying that in the cases where the student feels the penalty of less than or equal to an F in the course is excessive or inappropriate, an appeal of the penalty, which is the grade, correct, may be made through the grade appeal process. I don’t understand how that jibes.

A. Rosenbaum: Okay.

K. Thu: Maybe others can explain it to me.

A. Rosenbaum: I can’t see, Millie, is that you?

M. Kostic: Yes.

A. Rosenbaum: Grab a mic. Wait a second, we have to get the mic on. Sorry.

M. Kostic: Even though English is my second language, it is clear to me. We assign grade, it’s our prerogative. But then students always could appeal it, even in this case, through the regular process. Because Judiciary Committee is not part of it, that’s why it’s written.

A. Rosenbaum: David.

D. Wade: Just as a point of reference, everything that’s up to the deleted sentence and the boldface sentence at the end of the paragraph, that’s the original recommendation that emerged from the Faculty Senate. Therefore, with that, that inconsistency has always been present. It was present when we debated this matter, it was present when we passed this matter, it was present when APASC passed it, and when the UCC declined it. So, basically, that – the sentence that you’re referring to – is dealing with the conflict if the University Judicial Board, now the Office of Community Standards, disagrees. They believe that the penalty should be different than what the faculty instructor said, the faculty instructor’s decision rules. Even though the Judicial Board
determination of responsibility and non-responsibility is the final decision, the Judicial Board could say, “Hey, we don’t believe that the student is responsible.” The faculty member could still, in their infinite discretion, assign an F in the course or anything less than an F in the course, and there would be nothing anybody could do about it. The appellate process that existed at that time was designed to address that issue.

There is also another issue and that is when the punishment doesn’t fit the crime. There are people, me included, that don’t particularly like cell phones going off in class. I could constitute that as academic misconduct and constitute an F in the course. A student accidentally has their phone go off, F in the course. They are responsible, the grade holds. So, it just was to provide some appellate process by which those questions could be addressed. The UCC, when they received it (we passed it through APASC as it was presented to us from the Faculty Senate) APASC deleted the appellate procedure entirely. APASC then took issue with that since that was a substantive change of the recommendation that went forward. The ad hoc committee of UCC and APASC ensued, coming up with this compromise, so to speak. There was also some concern that the College Council was the inappropriate body since it was a multi-departmental body and that these matters would be better considered within the context of a single department. So, we were faced with a basic choice, we could either fit this into an existing appellate procedure for grade appeals or create a brand-new appellate procedure that will only apply for penalty appeals. We opted to modify the grade appeal policy.

K. Thu: I appreciate the clarification. Then my question is, “Since a student always has the grade appeal process in front of the Grade Appeal Board, that’s always there, irrespective of what this language is, correct?”

D. Wade: I’m sorry, say that again.

K. Thu: The student always has the grade appeal process available through the Grade Appeal Board.

D. Wade: They do.

K. Thu: Why do we need this particular reference or this clause in this section?

A. Rosenbaum: It adds a new dimension. In other words, the original grade appeal process, capricious grading is the only grounds.

D. Wade: Right, and capricious wouldn’t apply here because it’s not capricious. It’s excessive or inappropriate.

A. Rosenbaum: Right, it’s excessive or inappropriate, so they’ve added a new dimension to that.

D. Wade: That’s why we had to appeal, we had to put in another substantive aspect to the Grade Appeal Policy because the term, “capricious,” doesn’t fit this issue.
K. Thu: Right, okay.

D. Wade: It wasn’t based upon standards that weren’t applied to the whole class, it wasn’t based on standards that weren’t announced in the syllabus. These are the general definitions of “capricious.”

A. Rosenbaum: Okay, we had a comment back there? Yes, I can’t see.

G. Nicolosi: Wouldn’t “capricious” apply in the instance that you were giving earlier, that if the Student Affairs Board found that they were not responsible and the instructor still went ahead and assigned a penalty, then they would be grading them for something outside of their performance in the course. So, they would have a grade appeal. The student wouldn’t be without recourse.

D. Wade: I think they still would be grading things consistent with their syllabus and consistent with the treatment of other students in the course. Because any student who had violated the same policy would have been assigned the same penalty and gone through the same process. So, I just don’t see the capriciousness.

G. Nicolosi: But it says the Judicial Affairs decision is binding.

D. Wade: On responsibility or non-responsibility.

G. Nicolosi: Right, so they would be grading them on an action that they had been found innocent of. So, they would be grading them beyond what they did, what everybody agrees that they did in the course. So, it would be capricious at that point.

D. Wade: You know, we have gone back and forth on the Faculty website about which language we feel is appropriate. I think that capricious belongs to the Grade Appeal Policy and excessive or inappropriate to the penalty appeal. But, we can agree to disagree on that.

A. Rosenbaum: The other thing also, it would seem that the example you gave, it would fit capricious, but there might be examples that would not fit capricious yet would still be inappropriate. So, the example that if someone said, “Okay, I’m going to fail you if your cell phone goes off.” That example would not necessarily be capricious if it said that in the syllabus. So, it would not cover all instances of academic misconduct that might arise.

J. Novak: I think someone already mentioned this, but I’m awfully confused by the phrase, “penalty only.” What else is there that we’re working with if not the grade? There’s not corporal punishment, so I don’t understand why we use that phrase at all.

A. Rosenbaum: That means they can’t appeal the guilt or innocence, they can only appeal the consequences.

J. Novak: Okay.
D. Wade: You don’t get a second bite of the apple on responsibility or non-responsibility. The only bite at the apple here is of the penalty.

J. Novak: Which is the grade.

D. Wade: Could be the grade. It could be something else though.

J. Novak: Like what?

D. Wade: Anything less than an F in the course, any penalty less than an F in the course.

A. Rosenbaum: The student could be thrown out of the University, but only the Student Judicial Board could do that.

D. Wade: Who knows. I think it’s a practical matter that most times would be a grade.

J. Novak: Thank you.

A. Rosenbaum: Charles, first, well Sue you have the microphone, so why don’t you…

S. Willis: So there. Just to make sure I understand this properly, if a student is found not guilty essentially, that whatever accusation was unfounded, then presumably if the, so then we fall under the normal grade appeal because now the student is just like every other student in the course. They’ve been found not to have committed any academic misconduct and so, if the professor gives them some grade that is based on something they didn’t do or where adjudicated not to have done, then that could be appealed under the existing process of being capricious. So, what we…

D. Wade: Or the new standard of being inappropriate.

S. Willis: Well absent the new standard. I mean, we don’t need a new standard to cover that instance it seems to me because that could be covered as already under capricious. So, this proposal is to cover an instance where the student has been found to indeed have committed some form of academic misconduct but who feels that the penalty, presumably a grade, is, well let’s see, although I suppose they could appeal any penalty at this point including expulsion or whatever, if they feel that the penalty itself is excessive, then that’s what this new procedure is for.

D. Wade: Correct, expulsion would be a whole different issue because anything beyond an F in the course is off the table. I mean, that’s handled by a whole different situation. So, the only thing that’s really here is…

S. Willis: Okay, it does say, “Less than or equal to an F in the course,” okay.

D. Wade: Yeah, taking it above that, it kind of confounds the issue a little bit. But, to be honest with you, the argument about capricious in the case that you site, when you look at the standards,
the assignment of a grade to a student other than performance in the course, you could argue that it is performance in the course, there’s just a disagreement between the faculty member and the Judicial Board as to their performance in the course. That doesn’t make it capricious; it just makes it a difference of interpretation or difference of opinion. It’s not more exacting standards for one than any, they do this to anybody, and it’s not inconsistent with the syllabus that was promulgated during the coursework, it’s consistent with that. So again, I just, I personally believe that they are different things. It doesn’t, it’s a square peg, it’s forcing something into something that it wasn’t designed to do. That’s primarily why we amended the grade appeal process to deal with this issue was that we didn’t want to seem, try to jam the square peg in the round hole, is we felt it would be more appropriate to carve out this separate track.

S. Willis: In that case, I think the language is a bit ambiguous because this sentence follows. It says, “In cases where there is either a finding of responsibility or an admission of responsibility by the student, any recommendations are nonbinding on the instructor…” Then it says, “In cases where a student feels the penalty of less than or equal to an F in the course is excessive, then you can do the grade appeal process.” So, it seems to me this still doesn’t address the situation where the student has been found not responsible because, in that case, there is no penalty because I haven’t done anything.

D. Wade: It would only be a penalty if the faculty instructor, despite the Judicial Board’s determination of non-responsibility, decided to impose a penalty nonetheless, because they had the right to disregard that finding of responsibility offered by the Judicial Board and put the penalty in anyway. It’s dealing with that issue.

S. Willis: Well, to my mind, it doesn’t say that here.

D. Wade: Yes, it does.

S. Willis: Well, it says, “With regards to finding the student either responsible or not responsible, the ruling of the Judicial Hearing Board shall be binding,” it says.

D. Wade: Correct, and then read the next.

S. Willis: “In cases where there is either a finding of responsibility or an admission of responsibility by the student, any recommendations by the Hearing Board regarding the course grade are nonbinding on the instructor.” But, that’s not cases where there’s a finding of non-responsibility, that’s where there is a finding of responsibility or the student has admitted responsibility.

D. Wade: Okay, but if they say they’re not responsible, again, there’s nothing that stops a faculty member from imposing it.

S. Willis: Right, anyway, to my mind, that would fall under capricious.
D. Wade: The old policy would permit it. It would allow the dean to come in here and change that situation based on the Judicial Board’s determination and this does put that final grade determination in the hands of the faculty.

A. Rosenbaum: I think Sue’s point – which is I think reasonable – is that – and this is Gina’s point as well I think – that if a faculty member would ignore the finding, in other words, if you give that F even though the student has been found innocent, unless that student’s performance on the exams and all that is failure, then it’s a capricious grade and it would be covered under the original capricious grading. You wouldn’t need this new description for it. I think that’s, is that the point you’re trying to make?

S. Willis: Yes, and I guess the other point, the other side of that point is that if you say we do need this new thing in that case, then this doesn’t cover it.

A. Rosenbaum: Right.

S. Willis: So, I don’t think we do need it in that case, and I think we’re fine. So, I would make the argument that, with this new language, that, actually with either language, the question is just how the appeal is handled and not whether there should be one. I think we’re covered in either case, but I think if you’re going to argue that we are not covered in the case where there is a finding of no responsibility, then this doesn’t cover it either. So, it think we’re covered.

A. Rosenbaum: Okay, Charles?

C. Cappell: I think the, I think I agree with the lack of inclusiveness of all alternatives and what. I originally was going to vote against Kendall Thu’s motion that we send the language back because I’ll explain that in a minute, but I think now I’ll vote in favor of it. I would recommend that what we really, what would benefit the clarity of this is a simple flow chart, which I tried to construct out of the appeal process. And indeed, that is a branch that’s missing out of the appeal process is what are the rights of appeal at every decision point and where does a faculty have a right of recourse or appeal and a student, depending on the outcome. Now, I think it is implicit that there’s not a problem here, that if the situation that Professor Willis described, there is an appeal for the student if the faculty wants to retain a grade of F even though the student has been found not responsible for the academic misconduct, there is a chart. But it could be made clearer so that in every case of a decision, all parties know what the next step that is open to them. So, I think there is some clarity there that is needed.

Now, with respect to the original concerns of the Academic Affairs Committee on this issue, the kind of ultimate issue for us was that the faculty have control and power over the ability to issue grades and the sense of ultimate responsibility and right for that. I think this accomplishes locating the primary responsibility with the faculty and, while it may increase the appellate rights a little more than some members of the committee expressed, it keeps it within the faculty community. It narrows the group to the faculty members, the department chair and dean. So, in that respect, I support the kind of change in language. I think that allowing the grade appeal based on an academic misconduct to follow the procedures of a normal and otherwise capricious grade appeal makes sense because that apparatus is in place. The final stage of appeal to the dean
I think makes sense and so I probably would support the main body of this and find that it’s consistent with the Academic Affairs sentiment.

The other point is where there is a concern with faculty authority – is where the dean in power to actually change a grade when the faculty member says, “I really disagree. This student has violated the norms and ethics of my course, and this student deserves an F.” I think that needs discussion. To what extent are the faculty willing to relinquish ultimate authority when they’ve been through this process, have been subject to review by their chair and by a Grade Appeal Board and then a dean and still see that they want control of their grade.

A. Rosenbaum: Charles, I think that has been part of the policy. That isn’t a change that was put in by the UC, was it? It was originally part of the policy.

D. Wade: No, currently the Grade Review Board sends forward a recommendation from, then the dean can either agree with that or send it back to the Grade Review Board for reconsideration. If the Grade Review Board, upon reconsideration, decides to dig their heels in and say that, then that’s the decision that the dean enforces. In other words, it’s not a discretionary decision on the dean’s part.

A. Rosenbaum: Well, it is at the beginning.

D. Wade: What?

A. Rosenbaum: It is at first. The dean doesn’t have to send it back to the Grade Appeal Board.

D. Wade: My understanding is that it can concur with the decision of the Grade Review Board and take appropriate action or request the Grade Review Board to reconsider its decision. Upon reconsideration, the Grade Review Board’s decision is final.

A. Rosenbaum: No, it doesn’t do that. It says, “The dean shall consult with the instructor if requested. If the decision of the Grade Review Board is that the grade should stand, the dean shall consult with the student. The dean may consult both the instructor and the student, either individually or collectively on the basis of the review and the meeting with the instructor and/or the student, the dean may, (a) concur with the decision of the Grade Review Board, (b) direct the instructor to make the change, (c) or notify the instructor that the original grade stands. Either of these decisions shall be final. If the dean…” and then it says, “or the dean may request the Grade Review Board to reconsider the decision.”

D. Wade: Right to either concur and enforce.

A. Rosenbaum: He doesn’t have to, though. He can make the decision himself, but if he chooses not to and instead sends it back, then the Grade Review Board decision is final.

D. Wade: A says only, the dean only can either concur or send it back for reconsideration.

A. Rosenbaum: No that’s not true.
D. Wade: Okay, “(a) he may concur with the decision of the Grade Review Board and take appropriate action or send to the Grade Review Board for reconsideration.”

A. Rosenbaum: No, or notify the instructor that the original grade and grade penalty stands. The dean can choose to do that.

D. Wade: Right because there are two possible decisions that the Grade Review Board could have made, either it stands or it doesn’t stand, and they’re going to refer it to the right person whichever way it goes.

A. Rosenbaum: No, but the referral back to the Grade Review Board is an either/or. He doesn’t have to do that. He can instruct the instructor to make the grade change, he can tell the instructor that the grade stands, or if he chooses not to do either of those things, he can send it back to the Grade Review Board.

D. Wade: Okay, my understanding is the dean has these choices: Concur…

A. Rosenbaum: I am just reading it.

D. Wade: Concur and do whatever the Grade Review Board encourages him to do or send it back for reconsideration.

A. Rosenbaum: Yeah, but that’s not what I just read from the policy. Yes, Millie?

M. Kostic: I am 23 years here at Northern. I never knew the deans assign the grade or have power to do so. I was thinking administration is in charge of resources and faculty are in charge of teaching and grading and awarding the degree. On commencement ceremony, the President says, the degree is awarded by the faculty not by the administration. I think what you read is instruct the faculty to change the grade but does faculty have to accept the request or not. Then the faculty has to change it, but what if faculty refuses to do it?

A. Rosenbaum: The dean can change the grade.

M. Kostic: It doesn’t say there, and I don’t think it’s in line with the ethics of the higher education. Because in my judgment, a grade could be changed only by faculty or peers who teach that subject, which is a Grade Appeal Board, not by administrators.

A. Rosenbaum: Okay, Millie.

M. Kostic: I mean, it would be very dangerous if they are treating us how to grade or teach.

A. Rosenbaum: Let me read you what the policy says. I mean, the policy is very clear. It says, “In the event the instructor declines to make the grade and/or the grade penalty change, the dean shall authorize the registrar to make the grade and/or grade penalty change and such a decision
shall be final.” So, it’s already in the policy that the dean can instruct the penalty. This is not a matter of do we think it’s true, it’s stated in the policy. So, the dean can do that. Sue?

S. Willis: What the dean is doing is enforcing the decision of the Grade Review Board. He’s not making an independent decision.

D. Wade: That’s my understanding.

A. Rosenbaum: Right, but the dean can do that.

S. Willis: Right, but the dean’s not deciding. The Grade Review Board is deciding. The dean is the mechanism through which that decision is enforced.

A. Rosenbaum: Okay, but we have two different things here, the top part of it, the first part of that under 4 on page 24 implies that the dean can support either the faculty member or the Grade Review Board.

D. Wade: I don’t think it says that, Alan.

A. Rosenbaum: Okay.

S. Willis: Well, the dean can agree with the decision of the Grade Review Board.

D. Wade: And they are going to notify them, it either stands if the Grade Review Board says it stands or they change it, whichever way the Grade Review Board came down.

S. Willis: Yeah, he can either agree with the Grade Review Board.

D. Wade: And take the appropriate action.

S. Willis: Or not.

A. Rosenbaum: Or not.

S. Willis: And if he doesn’t, then it goes back to the Grade Review Board for reconsideration and then, after they reconsider, that’s it.

A. Rosenbaum: I really don’t see it saying that.

D. Wade: Yeah, that’s exactly what it says.

A. Rosenbaum: All right, well that’s not exactly what it says.

D. Wade: Yeah it is, Alan. I mean, you’re just reading it wrong. Ask Tim. Tim deals with these kind of things, student issues all the time. Let’s ask him.
S. Willis: He can (a) concur or (b) request reconsideration. I don’t see any c.

D. Wade: I agree with you on that, Sue.

A. Rosenbaum: Well, it’s A and B. Let me read this again. “If the decision of the Grade Review Board is that the grade or grade penalty should be changed, the Dean shall consult with the instructor if requested by the instructor. If the decision of the Grade Review Board is that the grade or grade penalty should stand, the dean shall consult with the student. The dean may consult both the instructor and the student, either individual or collectively.” Then it says, “On the basis of the review and the meeting with the instructor and/or the student, the dean (a),” these are his two choices, “may concur with the decision of the Grade Review Board as appropriate and as appropriate direct the instructor to make the grade and/or grade penalty change or notify the instructor that the original grade or grade penalty stands.”

D. Wade: Because the Grade Review Board can make either decision.

S. Willis: But that’s if he agrees with their decision. So, he’s either agreeing.

D. Wade: Either up or down.

S. Willis: So, if he agrees, then he says, “Here, do what they said.” If he doesn’t agree, he says to the Grade Review Board, “Think again.”

A. Rosenbaum: Well, I don’t know if I want to, it seems to me that then they’re saying, “or, he may request the Grade Review Board to reconsider its decision or he can either do (a) support the faculty to change the grade or not or if he doesn’t want to do that, he can request the review board to reconsider.” It’s an either or, and he has, the dean has both choices on the A side and if he decides, “No, I don’t want to make this decision, I want to let the Review Board get back into it,” then that’s what he does. I don’t know what to do with this. I mean, I’m reading it differently than you are. I don’t know how other people are sort of reading this. Millie?

M. Kostic: I think if it’s so ambiguous, this body should initiate now discussion and recommended that would be very clearly in the Bylaws that the dean cannot reassign the grade as he decides. It must be done by a faculty or faculty peers. I’m surprised even to hear ambiguities.

A. Rosenbaum: Okay, that’s certainly something that we could certainly ask. Again, we can’t direct the UCC to do that, but in sending it back, if the University Council decides to send it back with that recommendation, then the UCC will be able to reconsider that or take one of the other choices. Yes, Kendall? We need the mic for Kendall.

K. Thu: I understand the general point and I agree that students need to have recourse. I don’t think there’s any question about that for the crazed faculty member, even though they don’t exist. I think what we’re finding out here is that the language in the UCC’s version is ambiguous and I agree with Charles who agrees with me, that it needs to be sent back with clarification. I like the idea of the flow chart, it’s kind of what you do in your academic life too, to create clarity. I actually agree with him that the dean doesn’t have the autonomy here in the second
part to unilaterally assign a grade that goes against the Review Board’s recommendation but again, I think given what we’ve been saying, there’s some lack of clarity there too. Now, the extent to which we can send that part back, because it’s not in the original UCC’s revisions is unclear to me, but certainly we can do it for the first part.

A. Rosenbaum: Okay, other comments?

D. Wade: After we send it back to the UCC, what do you want the UCC to do with it? Because they’ve already considered by body and ad hoc committee, the alternatives in terms of that. My suggestions might be, you can do whatever you want in terms of encouraging the UC to send it back, but perhaps Academic Affairs or some other body of the Faculty Senate could embark upon the grand adventure of rewriting the Grade Appeal Policy to be more clear and/or identify an appropriate appellate procedure that is neither the College Council nor the Grade Appeal Policy that would address this issue on the table because we are going to have students out there in a need for an appellate procedure and we can’t just leave it in a vacuum.

I’ve worked two-and-a-half years on this, three if you count Faculty Senate. I’ve done the best I can folks, I really have. To resolve all ambiguities in bureaucratic documents is a study in futility, I’ll tell you, over the years I’ve been dealing with this kind of issue. We do the best we can. I believe this is the best we can. It addressed all concerns, granted maybe capricious, but it covers that situation too, and I really have to tell you, if you want to look back at the UCC minutes, I have a long discussion there. I also have posted on the Faculty Senate website if you want to familiarize yourself, but there’s just no place else to go with this. We need to get something in the record and this is the result of shared governance. We can go back and restart the clock again and do another two years and we’ll come here and there will be another ambiguity. There always is. Language is not finite. It just isn’t. I wish it was, but this is, I believe, a policy that addressed the concern of the Faculty Senate in having an appellate procedure in place. It keeps intact virtually the letter and certainly the spirit of the original recommendation from the Faculty Senate.

The UCC, if I can just simply remind you, is the body that struck the appellate procedure entirely. That was their response to it, and therefore referring it back for a clarification of an ambiguity that at one point, they didn’t even want the policy, is not necessarily in the interest of the Faculty Senate if the Faculty Senate’s interest is in having their original spirit at least, if not literal letter of the policy, proceed through channels. So, as I did on the Faculty Senate website, I encouraged the Faculty Senate to encourage the University Council to pass this and if we want to embark upon an adventure of trying to clean up the language or the ambiguity of the Grade Appeal Policy, do that next, but don’t suspend this situation to do that because I’m not sure you’ll ever get everything.

A. Rosenbaum: Okay, let me ask one question, we’ve kicked this around probably as much as we need to. I guess the question I would ask is clearly there are some ambiguities in the language of this policy. The question is, “Can we think of a way that these ambiguities might lead to a negative outcome, either for a student or a faculty member?” In other words, “Is there a danger in this language or is it just sloppy language?” So, if there is no danger in this, in other words, if this is not going to disadvantage faculty or students in any appreciable way, then
perhaps I would agree with David that, although it’s not great language, it’s not going to hurt anything and it will at least resolve the problem that we’ve had of different language in the various places. So, if someone can think of a way that this will somehow blow up in our faces and end up with a faculty member getting screwed in some way or a student being disadvantaged, then let’s hear it. Gina?

G. Nicolosi: I have a case right now that’s going through this, so I’m biased.

A. Rosenbaum: I can’t hear.

G. Nicolosi: I have a case going through this right now who a student has been found responsible twice of academic misconduct and now is going through the Grade Appeal Board. There is a student on that board now so now I have a separate student deciding whether or not I should be failing another student who is responsible for plagiarism or whether or not that penalty is excessive. So, I think that could be a danger where we retroactively have a student say, “You know, I don’t think cheating requires such a harsh penalty as failure of a course.”

A. Rosenbaum: But there are still two faculty members on that as well.

G. Nicolosi: Correct.

A. Rosenbaum: So, the two faculty members, assumedly if they agree with you, will outvote that student. So, that would not be an example of where you will be disadvantaged.

G. Nicolosi: Well, there wouldn’t have been student input to the decision.

A. Rosenbaum: Right, but you still get the same outcome if the faculty agrees with you. Sue, you had something?

S. Willis: Okay, so independent of the language, I think the procedure itself is unambiguous. It is clear to me what ought to happen in any particular case. So, I will be happy to make a flow chart. I don’t see any fundamental flaws in this the way it is. I think it may be that the, well, the fact that there is a student on the Grade Appeals Committee and might have some input into a faculty member’s decision about a grade is already there. So, I don’t see a fundamental difference between that situation and one where the appeal is, instead of being due to some alleged capricious activity on the part of the instructor, is due to the result of an academic misconduct finding. To my mind, the idea that we use an existing procedure that we already have, I think is fine. As I say, I do not see any actual ambiguity. I see clear paths here. It’s clear to me what needs to happen. As I said, I’ll be happy to make a flow chart. I would support just sending this on.

A. Rosenbaum: Okay.

D. Wade: Just one last comment. Judicial Review Board also has student reps. So, realize that all review bodies in the University have student representation. They’re all predominated by faculty. So, it’s not unusual to have student reps on a decision making.
**A. Rosenbaum:** It’s not a change. So, this is what we have, we have a motion on the floor that has been seconded to send this back to the University Council. We’ve had some discussion around that.

**D. Wade:** You’re not sending it back to University, oh you’re encouraging University Council to send it back to UCC.

**A. Rosenbaum:** Yes, correct. Yeah, we started out with the idea that we don’t have the power, we can only work through the University Council reps. So, one option would be, Kendall, do you still want to vote on that motion or do you want to withdraw that motion?

**K. Thu:** No, I still want the motion.

**A. Rosenbaum:** You want the motion to send it back to the University Council, or the motion to suggest that the University Council send it back to change the ambiguity in the language.

**K. Thu:** Yes.

**A. Rosenbaum:** So, if we vote yes on this, then the resolution will go to the University Council and Faculty Senate members who are University Council members will still be able to vote how they wish, but it will be expressing the Senate’s wish to send this back to the UCC and the University Council will have that information. Okay, so voting “yes” on this we’re going forward with the resolution. If you don’t feel that we should block this, you would vote “no” on this motion. Everyone clear? Okay, so I’ll call the vote. This is Kendall’s motion to send this, to suggest that the University Council send this back to the UCC. All in favor, raise your hand. Got the number? All opposed, raise your hand. We’ve got the vote? What is it?

Yes – 12; No – 22.

**A. Rosenbaum:** All right, the motion is defeated.

**D. Wade:** Thank you, it’s been a long haul. I agree that it’s not perfect but please, I’ll work with anybody who needs to fix it.

**A. Rosenbaum:** You weren’t recognized. I forgot to ask if anyone abstained. Were there any abstentions on that vote? Let’s count the abstentions please. Thank you, we’ve got the abstention, we have the vote?

Yes – 12; No – 22; Abstain – 6.

**X. NEW BUSINESS**

**XI. COMMENTS AND QUESTIONS FROM THE FLOOR**
A. Rosenbaum: Are there any other comments or questions from the floor? Anyone have any business that they want to bring to the Senate at this point? Tim?

T. Griffin: I would like to make a brief offer of assistance, having worked with hundreds of grade appeals here in the last 20 years and dozens of those subsequent to a finding of not in violation of academic misconduct. If I can be of any assistance to any of you in the process of proceeding with this, please do not hesitate to ask.

A. Rosenbaum: Thank you.

XII. INFORMATION ITEMS

A. Alternate Policy – Page 26
B. Annual Report, Athletic Board
C. Annual Report, University Benefits Committee
D. Minutes, Academic Planning Council
E. Minutes, Admissions Policies and Academic Standards Committee
F. Minutes, Athletic Board
G. Minutes, Campus Security and Environmental Quality Committee
H. Minutes, Committee on Advanced Professional Certification in Education
I. Minutes, Committee on the Improvement of Undergraduate Education
J. Minutes, Committee on Initial Teacher Certification
K. Minutes, Committee on the Undergraduate Academic Experience
L. Minutes, Committee on the Undergraduate Curriculum
M. Minutes, General Education Committee
N. Minutes, Honors Committee
O. Minutes, Operating Staff Council
P. Minutes, Supportive Professional Staff Council
Q. Minutes, Undergraduate Coordinating Council
R. Minutes, University Assessment Panel
S. Minutes, University Benefits Committee

XIII. ADJOURNMENT

A. Rosenbaum: I’ll entertain a motion to adjourn.

All: So moved.

A. Rosenbaum: Everyone moves. Any seconds?

Unidentified: Second.

A. Rosenbaum: We are adjourned. Thank you.

Meeting adjourned at 4:30 p.m.