

**Minutes**  
**Indiana University**  
**BLOOMINGTON FACULTY COUNCIL**  
**March 6, 2006**  
**Ballantine 008**  
**3:30 – 5:30 P.M.**

**Attendance**

**MEMBERS PRESENT:** George Alter, Moya Andrews, Julie Bobay, Maria Bucur-Deckard, James Capshew, John Carini, Richard Carr, Robert Eno, Alyce Fly, Dennis Groth, Patrick Harbison, Robert Hatten, Barbara Hawkins, Amy Holtzworth- Munroe, Kevin Hunt, Laura M. Jezewski, Elizabeth Johnson, Owen V. Johnson, David MacKay, Terrence Mason, Grant McFann, Theodore Miller, Theresa Ochoa, Paul Rohwer, John Scott, Jeanne Sept, Robert Shakespeare, Sarita Soni, Jerrold Stern, Alex Tanford, Robert Terrill, Herbert Terry, Neil Theobald, Larry Thibos, David Waterman, William Wheeler

**MEMBERS ABSENT:** Eric Arnold, Katy Borner, Keith Clay, Angela Courtney, Les Coyne, Aurelian Craiutu, Luis Davila, Paul Elliott, Betsy Henke, Christina Kuzmych, Andrew Lauck, Eric MacPhail, Murray McGibbon, Michael McRobbie, Lisa Pratt, Sara Pryor, Amy Reynolds, Elyce Rotella, Maxine Watson, Cara Wellman, James Wimbush

**GUESTS:** Roland Cote, Clare Nisouger, Julie Knost, Steve Hinnefeld (Herald Times), Shannon McEneny (IDS), Lloyd Kolbe, Kelly Hall, Kelly Kish (BFC), Robin Murphey (BFC)

**Agenda**

1. Approval of Minutes

January 30, 2007: <http://www.indiana.edu/~bfc/docs/AY07/minutes/01.30.07.htm>

February 6, 2007: <http://www.indiana.edu/~bfc/docs/AY07/minutes/02.06.07.htm>

2. Agenda Committee Business (10 minutes)

(Professor Theodore Miller)

3. Question / Comment Period\* (10 minutes)

(Professor Theodore Miller)

4. Domestic Partner Benefits Program [ACTION ITEM] (15 minutes)

(Professor Theodore Miller and Herbert Terry, on behalf of the BFC Agenda Committee)

5. Faculty Governance Representation for Non-Tenure Track Faculty [DISCUSSION] (30 minutes)

(Professors Kevin Hunt and Theodore Miller, co-chairs, Faculty Affairs Committee)

<http://www.indiana.edu/~bfc/docs/AY07/circulars/B21-2007.rtf>

6. Academic Appointment Policy: Research Appointments [DISCUSSION] (30 minutes)  
(Professors Kevin Hunt and Theodore Miller, co-chairs, Faculty Affairs Committee)  
<http://www.indiana.edu/~bfc/docs/AY07/circulars/B22-2007.doc>

7. Review Procedures for Campus Administrators [FIRST READING] (15 minutes)  
(Librarian Julie Bobay, chair, Constitution and Rules Committee)  
<http://www.indiana.edu/~bfc/docs/AY07/circulars/B20-2007.rtf>

8. Labor Day Holiday [FIRST READING] (30 minutes)  
(Professor Theodore Miller on behalf of the Calendar and Schedule Committee)  
<http://www.indiana.edu/~bfc/docs/AY07/circulars/B23-2007.rtf>

9. Standing Committee Reports

10. Old Business

11. New Business

### **AGENDA ITEM #1: APPROVAL OF MINUTES**

**MILLER:** Good afternoon. Welcome to this meeting of the Bloomington Faculty Council. I believe it is the third to last meeting of the council this year. We have one more meeting in March and one meeting scheduled in April. There is a potential for a second April meeting if we get to a point where we absolutely, justifiably need have another meeting. By right now beyond this meeting, there are just two more meetings scheduled.

The first item on the agenda is approval of minutes. Would someone care to make a motion to approve the minutes of January 30<sup>th</sup> please?

**O. JOHNSON:** So Moved

**MILLER:** Is there a second?

**STERN:** Second

**MILLER:** Any discussion? All those in favor in approving the January 30<sup>th</sup> minutes, please say aye [Aye]. Opposed? Thank you. February 6<sup>th</sup> minutes, motion please?

**HUNT:** So moved.

**MILLER:** Second?

**O. JOHNSON:** Second.

**MILLER:** Any discussion on the minutes of February 6<sup>th</sup>? All those in favor approving those minutes say aye [Aye]. Opposed? Thank You.

## **AGENDA ITEM #2: AGENDA COMMITTEE BUSINESS**

**MILLER:** You may have noticed that our presiding officer is not with us today. He is undertaking a large program of visiting across the state and so forth and so on. Seeing people who need to be seen, I am sure you all appreciate that. So we will have the Agenda Committee report for today.

One of the items to report to you is your Agenda Committee chairperson is not feeling overly well today. I am here and I am pressing on. If I sort of faint and fall off my chair, Julie will take over.

Agenda Committee Business: I just want to report on a couple things that came up at the Trustees meeting last week. These things primarily have to deal with healthcare. Things that I have—you may have all heard about this before. It was news to me, when Dan Rives made a presentation on various related issues. One of them was the no smoking thing that the President is interested in and Dan is convening a group to work on a no smoking policy regarding the Bloomington campus. This is something that we knew about of course, but in making this presentation, he also indicated that the administration is studying the possibility of differentiating the cost of healthcare benefits between those who smoke and those who do not smoke. I am not sure exactly how and when this is going to happen. This is something that the administration appears to be discussing seriously. I am not sure if the faculty, my sense is that the faculty really has not been involved in any of these discussions. I am hoping that we can get a little bit into this as the discussion goes forward.

The additional thing, that again something I had not heard, the administration is seriously considering a health care clinic for the Bloomington campus for faculty and staff who work on the Bloomington campus. I am not really sure how quickly that initiative is going to develop. It was the first time that I had heard about it really in that presentation on Thursday. So those are things that I expect we will hear more about as we go forward. Does anyone that was at that meeting—Neil, Jeanne, do you have anything to add to those ideas?

**THEOBALD:** I know more about the latter topic, than the former, the discussion of differential health insurance rates for smokers and non-smokers. That discussion has gone on strictly within the university-level. I was just surprised as you were on that.

The clinic, we have actually been involved in those discussions for at least a year. The goal there also is—where my interests really comes into it—is a way to be able to provide services to graduate students, particularly dental care and other services that are very hard to provide in a small community—that's the reason for putting it into Bloomington. We would look at preventative care at a clinic, care that graduate students could access, families of graduate students could access, as a way to broaden access but obviously there is a cost containment piece on the faculty/staff side. You would not be required to use it, not mandatory.

**TERRY:** I would add one thing. There was a concrete proposal. I think it is no more than that on how this differential charge for healthcare costs would work. What I understood them to say is that they were looking at uniform charge. Faculty and staff would pay the same charges

regardless of whether they smoke or not, but non-smokers would apparently get something contributed by the university to their tax savers benefit plan. So assuming that the non-smoker had some healthcare costs before they paid off a deductible, they would be able to pay that out of university contribution to their tax savers benefit plan. Questions came up as to how you would differentiate smokers from non-smokers; basically what Dan said is that most companies simply rely on a declaration by the employees as to what they are. Of course they have some way to check on that if the employee comes in later with smoking-related illnesses or something like that. That is what I can add to that.

I guess I would add that the healthcare clinic that was described is relatively comprehensive. It was indicated that it was not necessarily the case that we would construct this clinic. We might go out and contract—I think they mentioned IMA and several others—might go out and have them work for us rather than independently pay for it through Anthem and others. There were no concrete projections on the amount of money to be saved. Neil did you mean graduate students or graduate employees to whom might have access?

**THEOBALD:** You mean SAAs?

**TERRY:** Yes or all graduate students.

**THEOBALD:** I am thinking of all graduate students.

**TERRY:** The convenience to the graduate students and the cost would be good. And dental care would apparently not only be offered to graduate students but faculty and staff through this.

**MILLER:** Julie?

**KNOST:** I don't know if anyone else received this. I got two emails this week about public forums on these two issues. I would encourage people to attend and if you haven't received them, I don't know why you haven't received them. I think they may have come to directors in RC units and I am thinking that maybe I should send that to Kelly and at least some people from the Benefits Committee should attend these. I was at that meeting and there hasn't been a lot of introduction and especially on this differentiation. My understanding of the proposal was Herb's and that is that everyone's health insurance premium would go up. There would be a contribution into a TSB account. If you do not use that TSB account, then of course that is forfeited either way and that whole scheme about differentiation about smokers and non-smokers is very interesting one. Why don't I send what I know about the informational meetings to Kelly and then she can do whatever she wants to make sure it gets to the necessary people. I think one is on the 27<sup>th</sup> of March is what I remember.

**MILLER:** Thank you, Julie.

### **AGENDA ITEM #3: QUESTION/COMMENT PERIOD**

**MILLER:** Question/Comment period.

**HATTEN:** Would it be appropriate for the Faculty Council to make some comment about our new President? Some statement of support? I am not prepared to draft it but I just thought it would be nice.

**ENO:** I think that is a very good idea. I think we can seize the opportunity of the chair of the council being absent right now to do this with a minimal amount of headache and problems. I think that is a really nice idea. One sentence would be a very nice thing to do, one or two sentences.

I presume that the Bloomington Faculty Council joins in congratulating Interim Provost, President-Designate, President-Elect

**MILLER:** President-Elect seems to be the term that is being used.

**ENO:** Is that how we get presidents now? We are a democracy. Members of the Bloomington Faculty Council join in congratulating President-Elect McRobbie on his appointment and looks forward to working with him in the future.

**MILLER:** We look forward to a long-fruitful working relationship.

**ENO:** Long and continued, fruitful, continuously fruitful.

**MILLER:** Do you think we need to do this exactly today or could we? [Right now]

**ALTER:** Why not?

**KISH:** Members of the BFC join in congratulating President, either Designate or Elect, McRobbie on his appointment and look forward to working with him in the future or continue working with him in some long and fruitful way.

**ENO:** Can we get enthusiasm in there somewhere?

**KISH:** Enthusiastically join in congratulating the President.

**SONI:** And working with him, I think that says it.

**KISH:** Members of the BFC enthusiastically join in congratulating President-Elect McRobbie on his appointment and look forward to working with him in the future.

**HUNT:** I think we had a move to adopt that. I will second it.

**MILLER:** Okay, so Kevin you are moving to adopt this.

**HUNT:** Well, I thought someone else did.

**HATTEN:** I'll move it.

**MILLER:** Move and second. Any discussion of that?

**HARBISON:** Do we want to add the rest of his title in addition to President in other words his relationship to the Bloomington Campus.

**FEMALE SPEAKER:** President of the Bloomington Campus?

**ENO:** Do we really want to use Chief Executive Officer in a faculty document? End of discussion.

**SONI:** I would say leave it off because it is going to be an aggravating thing for Indianapolis faculty.

**MILLER:** Ok, any other comments about this? Ok, would you like to read it to us one more time, Kelly?

**KISH:** Members of the BFC enthusiastically join in congratulating President Designate McRobbie on his appointment and look forward to working with him in the future.

**MILLER:** Ok, all in favor of this please say aye [Aye]. Oppose? Unanimously adopted. Thank you very much. Good idea.

**CARR:** Question, Ted, does he have to read the minutes in order to get these congratulations?

**KISH:** I will send it to him right now. He will write back before we adjourn.

**MILLER:** Any other questions or comments, please?

#### **AGENDA ITEM #4: DOMESTIC PARTNER BENEFITS PROGRAM**

**MILLER:** We go to item number 4. Item 4 is an agenda item that was added to the agenda by the Agenda Committee over the last 30 minutes or so, something along those lines. Herb Terry will present this on behalf of the Agenda Committee.

**TERRY:** Thank you Ted. Yes, I do apologize for getting to you Circular B24-2207 to you only at the meeting, as Ted pointed out this is something that the Agenda Committee developed really quickly. Over the last few days, we received questions from numerous members of the faculty and staff of Bloomington, if whether or not the BFC could do anything about the proposed constitutional amendment that is now pending in the General Assembly. As I think probably most of you probably know if you have read the newspapers, what is going on is that the General Assembly is considering for the second time an amendment to the Constitution in the state of Indiana that would define marriage as only a union between a man and a woman and further more would go on to prohibit the interpretation of Indiana law or Indiana Constitution to “require that marital status or the legal incidents of marriage be conferred upon unmarried couples or

groups.” This amendment passed the last General Assembly and under the terms of the Indiana Constitution if it passes with exactly the same language in a second General Assembly—in other words this one—it would go on the ballot in 2008 for a vote of the electorate and if it passes with a simple majority there it would amend the Indiana Constitution with that language.

The nature of the concerns that people have expressed has been kind of multi-faceted. We have heard from some people who don’t want the Constitution amended to incorporate bigotry. We have had people who simple want to see if we can clarify in some way or another to see if this amendment if adopted would alter the domestic partner benefits that have existed for almost six years here at Indiana University. In the end sort of focusing on the question of what the impact of this amendment might be on the policies of the university we drafted the resolution that is before you.

In 2001, this council and the IUPUI Faculty Council, both adopted documents urging the Trustees to adopt the Domestic Partner Benefits Policy; Same-Sex Domestic Partner Benefits Policy. In September of 2001, the Trustees did that. The resolution that you have before you as B24-2007, where it includes quotations, it includes quotations from that Trustees policy. What we created in this resolution in other words is a reminder to the Trustees that they created this resolution in 2001. We quote the reasons why they created it then in this resolution and then we go on basically to observe that there is discussion as to whether or not this constitutional amendment, if it where adopted, might alter the domestic policy benefits.

We observed that it is our belief, and this is based on Alex Tanford’s legal note that you have before you, that this language would not prohibit the Trustees, if they choose to do so, from having a domestic partner’s benefits system. Then we adopt—recommend a two part solution, that we express our continuing support for the existing Domestic Partner Benefit Policy as defined by the Trustees in September of 2001, and we express our desire that these benefits continue to be voluntarily provided by Indiana University regardless of how this comes out in the General Assembly or if it gets that far, what would happen if it actually became a part of the constitution.

So that’s the proposal we have before you to adopt this. The head note notes, I guess I took a position on this matter, that we are sending this to the Trustees, the President, of the President designate of Indiana University. We could change that to President elect if anyone wishes to do so. But we would get this forwarded to them. Hopefully, like the constitutional amendment, if so, this would have kind of a symbolic statement, it would indicate Bloomington Faculty Council, at the very least, wants this to continue should it happen to become a part of the constitution.

I guess that’s all I have to say for the presentation.

**MILLER:** Alex, at the bottom of your packet, the white document comes from Alex Tanford. Alex would you like to say a few words about this?

**TANFORD:** Despite being a lawyer I’ll say as few words as possible. There’s a three page memo that goes through the legal concern. The legal concern with this amendment is that it would somehow legally affect the university’s ability to provide benefits. That fear is prompted

in part by, I think, two things that people may have read in the paper. One was a recent proposal in Colorado that got a lot of publicity. It got very little publicity when it died but when it was being proposed it got a lot of publicity because it contained a provision that said no tax money may be spent on providing—it doesn't say it explicitly, may be spent on providing benefits to gay couples. It was very harsh and had very specific "no money shall be spent" language in it.

Secondly, if you read the Bloomington paper in the last couple of days, it reported somewhat vaguely that a court in Michigan had construed its definition of marriage amendment to prohibit state institutions like the state universities from providing benefits to same-sex couples. None of those are of any relevance to what Indiana has done. Approximately half the states have put in a constitutional amendment since 2004, to define marriage as a union between one man and one woman, with some other language in some states and not others. The reason they have done so is that they are partly political; getting it on the ballot as a ballot initiative in the 2004 election produced a large turnout of religious conservatives who carried the day for Bush's reelection. So part of it was a very deliberate political strategy to get a bunch of conservatives out who voted for it. Almost none of them had any immediate effect. That is, these are addressing some fear of conservatives about the future. That is in the future, some renegade court, usually they think renegade federal court could decide that we must outlaw all forms of discrimination based on sexual orientation like we currently outlaw all forms discrimination based on race, and that this would be a sweeping decision. They don't want that decision, so they are trying to put in a constitutional provision to stop it.

The current US Supreme Court which has 6 republican justices on it out of 9 is not going to do that, not in our lifetimes, and besides the constitutional provision cannot override a federal or Supreme Court decision. So there is another constitutional provision called the Full Faith and Credit Clause, and this is the second fear. The Full Faith and Credit Clause requires a state like Indiana to give effect to the laws of other states such as Massachusetts and the fear is that that means that a gay couple legally married in Massachusetts would move to Indiana and would have to be considered married under Indiana law. The law that has grown up around the Full Faith and Credit Clause has an exception. The exception is that if giving effect to the out of state law would violate fundamental state policy, then the state does not have to give it full faith and credit. How do you know if something is part of the fundamental law of state policy? You look in the state constitution and that is why this provision is being put in the constitution. It is anticipating some future contingency and will have, as far as I can tell by reading it and by looking at the other states that have it, absolutely no impact on the current state of the law nor on our ability to give benefits. The current state of the law is that there is no law that says that we have to or cannot give benefits to anyone. This says that you can't require it. You already can't require it. It does not say that you much prohibit it or if there is any authority in it to read it as containing language prohibiting benefits. It merely restates half of the current law, which is that the law neither requires nor forbids benefits. It is a matter of university policy and I see nothing in the amendment that will affect or change that.

**MILLER:** Thank you very much. So we have this resolution that has been put before you by the Agenda Committee.

**ENO:** I think Alex's points are very clear and I assume that the motivation of this is to allay that the Trustees may take action not to express concern but the Trustees may take action, in which case I would suggest amending the penultimate clause on the main page where this resolution suggests that the Trustees might take action. Instead insert a phrase something to the effect of "whereas there has been expressed concern that consideration or adoption of this proposed amendment could suggest that the Trustees might continue provision". That's what we are trying to address by this resolution. I'm not quite sure that the resolution actually does address that concern. It just says we are with you as the BFC, but it's not addressed to the Trustees urging them—that's not true, the second part is addressed to the Trustees. I guess the disconnect for me comes from the fact that this does seem to indicate that we share the concern, which I don't think we should. I don't think the Trustees have given any indication that they would revoke domestic partner benefits if this provision were adopted.

**TERRY:** Can I ask Bob if this language would meet your concern, it says "whereas concern has been addressed in consideration of or adoption of this proposed constitutional amendment might require the Trustees to discontinue provision of domestic partner benefits"?

**ENO:** It's better language than what I proposed. It still does beg the question of what this action accomplishes with regard to that concern. But I don't think it harms it to do this and I think this particular policy was one of the best things the BFC was ever involved with.

**MILLER:** Well, so what are you suggesting?

**ENO:** I would support doing it so long as there is no message sent to the Trustees that would suggest that we don't trust them because I think we have good reason to trust the Trustees on this. I do like clause one, that we express our continuing support for the action that they took.

**MILLER:** Are there other comments on this? Jeanne?

**SEPT:** I should just say that in conversation and emails with the University Counsel that their opinion is fully consistent with what you've written so they agree.

**SHAKESPEARE:** I think just a slight rephrasing is required on the third whereas, inserting since April 1<sup>st</sup> 2002 and striking it from the latter part of that sentence. I think that it implies that if you've been in relationship since 2002 it is okay. "Whereas since April 1<sup>st</sup> 2002, Indiana University has ..."

**BOBAY:** So either strike or move it to the front of the sentence?

**SHAKESPEARE:** Move it or at least that is my suggestion.

**MILLER:** "Whereas, since", is that what you are suggesting?

**SHAKESPEARE:** Yes, I think so.

**MILLER:** Other comments?

**BUCUR-DECKARD:** I have a question more for Elizabeth as part of the Fringe Benefits Committee and kind of support for the larger issue with the actual coverage for domestic partners. Two years ago when I was in the Fringe Benefits Committee, I don't know if you recall, there was an issue and Elyce was chair at that point. There was an issue with the change in coverage, which if you are a regular spouse and for instance you lose your coverage at your job, or move to town, you can basically be automatically added to your spouses coverage. That was considered one of those events that allowed for coverage. But for domestic partners, apparently that wasn't the case. Do you know what I'm talking about? I wonder if this amendment in any way sort of affects that, making it worse or if there's been any sort of change along the lines of how domestic partners are covered. There was some kind of tax issue that domestic partners could not be added as a kind of change of coverage event.

**E. JOHNSON:** In the middle of the year.

**BUCUR-DECKARD:** In the middle of the year.

**E. JOHNSON:** It had to be during Open Enrollment.

**BUCUR-DECKARD:** Right. And that hasn't changed?

**E. JOHNSON:** That has changed and this wouldn't change it.

**BUCUR-DECKARD:** It would be great if at some point it did get changed.

**E. JOHNSON:** I think it has to do with federal law.

**BUCUR-DECKARD:** It does.

**TANFORD:** It does. It's a matter of federal law.

**BUCUR-DECKARD:** Alright.

**KNOST:** Ted, I'm just going to pose a question because I'm always a little bit nervous about certain situations. Obviously I always think it's great to have endorsing statements out there in certain ways about our values and our commitment to domestic partner relationships. I'm wondering whether you really want to open this conversation to the Board of Trustees. That is, is this a benign thing you are doing? Because if it's not under question, and I'm going to defer a little, Bob weren't you on when we went through the domestic partner question? We have a different Board of Trustees, Ted you have some experience there, there is other people. Is this really something you want them to be discussing versus—what's the value added of putting forth this versus opening a wide discussion to the Board of Trustees over this issue once again?

**MILLER:** Well, to me what this resolution does is simply says that we think what we are doing in this area as a university is the right thing to do and it's important to do it and we're encouraging them to continue. That's really all it is.

**KNOST:** Mine is a more pragmatic question, is that the way they will treat it?

**WATERMAN:** We can say that about anything.

**KNOST:** "Thank you for this endorsement, we intend to go forward".

**ENO:** I think that's a good point that Julie's raised and we might address it in the second paragraph and still do something if you want to. By changing the word "desire" to the word "confidence" and adjusting the grammar accordingly. So instead of saying essentially that "we want these benefits to continue" but "with confidence in the Board of Trustees willingness to continue". The second resolution, the last paragraph of the document.

**TERRY:** So you would then Bob say "as to express its confidence that these benefits will continue..."

**ENO:** Will continue to be voluntarily provided.

**MASON:** Did we make any change to the paragraph on the first page that Bob was referring to earlier, which if I understood correctly, was appearing to be slightly alarmist on the part of this council and therefore you might want to not say "suggest that"? Did we change that at all on the basis of—I didn't hear the change?

**TERRY:** It now says "whereas concerns have been expressed for the consideration over adoption of this proposed constitutional amendment might require the Trustees to discontinue provision of domestic partner benefits and..." Changing it in other words to say that we are responding to the demonstrated concern that this may have.

**MASON:** But not suggesting that they were going to.

**MILLER:** Other comments.

**TANFORD:** Following to his comments, I wonder again back to the paragraph that Bob talked about. Do we want to remove the Trustees from that paragraph all together and rephrase something along these lines: "WHEREAS some faculty and staff are concerned that the adoption of this proposed Constitutional Amendment might effect the provision of Domestic Partner benefits.." That removes the Trustees from it and clearly expresses that we are responding to the concerns of some faculty and staff.

**TERRY:** Can I make suggestions of how to make that shorter?

**TANFORD:** Absolutely.

**TERRY:** Ok, maybe it could say “WHEREAS concern has been expressed that the consideration or adoption of this proposed Constitutional Amendment might require discontinuing Domestic Partner benefits...”

**TANFORD:** And if we take out consideration of, which seems unnecessary, and then it shortens it even more.

**MILLER:** Ok, any other comments or discussion.

**TERRY:** I would like to comment on Julie’s comment for a moment. I think that there is a value in us briefly stating that we expect and hope that these things will continue. The question as to whether or not the Trustees should continue them is already in their minds and already a part of public discussion. So far they have chosen not to take any position on this bill before the General Assembly, probably because they don’t want to mix it up with things like the Life Sciences Initiative, but they are thinking about it. And I think for us to say that we stand now where we stood in 2001 is an expression of faculty sentiment. It is probably good for them to know what faculty sentiment is.

**MILLER:** Bob?

**ENO:** I’d like to remind everybody that when the Board of Trustees acted in the context of the state of the time, Indiana University became a lead institution in this regard and it was seen at the time as the Board of Trustees taking an enormous amount of heat on behalf of things that the Bloomington Faculty Council very strongly supported. Whatever we may think about possibilities for the future it would be a good idea if in talking to colleagues about this issue that it was quite clear that this was not something the Trustees did grudgingly or following-up afterwards but it was a case where the Trustees really took the lead. It was quite—I don’t want to say it was quite unusual but it was quite impressive to me at time. And it would be good to hold that in memory.

**MILLER:** Do we have any other discussion? Can we go through the amendments that we have added?

**TERRY:** I believe there have been the following amendments. The third WHEREAS is amended to say: “WHEREAS, since April 1<sup>st</sup>, 2002, Indiana University has provided benefits” and at the end of that sentence strike “since April 1, 2002”.

Next Paragraph also strikes “since April 1<sup>st</sup>, 2002”

Paragraph after that reads: “WHEREAS concern has been expressed that adoption of this proposed Constitutional Amendment might require discontinuing domestic partner benefits and”

And part 2 of the resolution on the backside now says “Expresses its confidence that these benefits will continue to be voluntarily provided by Indiana University....”

**MILLER:** Alright. Are we ready to vote on this? All those in favor please say aye [Aye]. All opposed, no. Thank you very much. Thank you, Herb. Thank you, Alex.

#### **AGENDA ITEM #5: FACULTY GOVERNANCE REPRESENTATION FOR NON-TENURE TRACK FACULTY**

**MILLER:** So then we go to Item #5 which is a proposed amendment to the Constitution of the Bloomington Faculty regarding representation for non-tenure track faculty in this body. You have circular B21-2007 in front of you. On the second page of that you will see the basic change that is proposed to in the Constitution, which is basically to create a new election unit within the context of the BFC elections. A new election unit where the voting members would be the non-tenure track faculty and this proposal would have that election unit having three representatives to the Council: one of them coming from the ranks of the Clinical Appointees, one from the Lecturer Appointees, and one from the Research Scientists/Research Scholar Appointees. There are various other minor changes that are proposed here that are necessary in order to make that happen. But the basic idea is to create a situation where three of our non-tenure track colleagues could sit at the table with us as we discuss the things that we discuss. So that is the proposal, of course there are a variety of ways in which this could be done, and this is one version of it. The idea here is that the election within this unit would be done very much like the emeritus elections are held. That is to say the people who would vote would be the people in the election unit. It would not be an election at-large as we for example elect our non-tenured representatives. We all vote on that part of that election. This election would be restricted as is the case in the other election units. The representatives from the election unit would just be those people who are in that election unit. George?

**ALTER:** I have a question about why it was decided to make the three representatives tied to these three different statuses. We recently discussed the number of people that are in these statuses. It especially seems to me that clinical ranks have changed dramatically over short periods and if the new policy is adopted will change in size again. I just wonder whether requiring in this document that it be divided in this way, might later be a problem, if the numbers shift dramatically in the three categories. That is a question.

**MILLER:** Well the reason of course that we're recognizing these three categories is that they are the three main non-tenure track fulltime appointee categories. As I say this is one way to structure it and one of the reasons that we are bringing this to you today, is to discuss alternatives that would be possible.

**ALTER:** It seems to me the alternative is not to specify the categories but give three positions to this group.

**HUNT:** We did talk about that in committee and one of the issues with that is if one of the groups is say twice as large as either of the others it is likely that all three of the representatives will come from that group. You see what I mean. You thought since the numbers maybe shifting, if we tie it to the appointments then we wouldn't have that problem. I don't know if we were thinking right, but if I remember right that is what we were talking about.

**HAWKINS:** Aren't the representations from the other units based on proportion of faculty and will it be the same kind of proportion from the NTT, like the number of representatives that we have from HPER is based on the number of faculty that we have. Would we not want to have the proportion of representation for NTT to be equated to the number of people in that rank?

**MILLER:** Well I think it is true that the number of representatives from most of the election units is in some rough proportion to the size of those election units. It is not exactly. It's kind of a rough proportionality. But with regard to the special categories, take the emeritus category, we have two representatives irrespective of how many emeritus faculty there might be there are just two representatives. We have student representatives. We have a fixed number of student representatives and so forth and so on. We were thinking about this category more along those lines.

**KISH:** I just want to amend Ted's comments a little bit. The faculty representation is proportional but in reality the only place that really matters is in the College. Every school is entitled to one representative. Any school that has less than 75 [End Tape 1, Side A] .... has about 19 people and they have one vote on the Council. The largest unit in the college has 150 and they have two because they are bigger. It is representational but only to the extent that you meet the threshold. Everybody gets at least one.

**HAWKINS:** The second part to that is that in the school we typically know our candidates. What is going to be the foundation for this large group of people across the campus to know the candidates that they are voting for?

**MILLER:** That is an issue.

**ENO:** I'd like to pick up on that I think Barb's second point is really key. I like the goal of this. I don't think the mechanism as we've got it now is going to be satisfactory for achieving the goal that we have, which is to have first of all, a representation that is representative because I don't think that the people in these categories will know one another. They are all in different units whereas we are all in a unit within a group of units, but we are not spread out throughout the whole university. Second, the non-tenure track faculty on this campus have no tradition of organization and similar investment in the institution that we have which brings them into these issues unfamiliar to one degree or another in what they are doing. A lot of things that makes this council a pretty effective council at least a pretty vibrant council as faculty senates go nationally is that we have a long tradition with being hooked up with local AAUP chapter which localizes at certain times, which organizes election activities, sends out endorsements things like that which really focuses the outcome of these ballots and makes this to some degree more representative than random. But I don't think that we have those mechanisms building for non-tenure track faculty. So I think what is likely to happen is that in an election result of this nature you are going to get three fairly random from the standpoint of the non-tenure track faculty themselves, pretty random people coming to the Council, who will be helpful to have because they will represent the perspectives of their particular type of non-tenure track appointment but won't be representative and have a sense of larger issues or not necessarily a sense of larger issues that we would expect of BFC members generally. I wonder if whether or not it will be an

effective way for them to be on the Council and an effective thing for the Council when we build those structures.

**HAWKINS:** Ted, I want to respond to both parts of the conversation here because if we have a different mechanism for electing perhaps they would be more vested. If we rotated the election to different units overtime, so if there was three representatives and three units that particular year that elected from their ranks someone to fit these descriptions and it went to three more units the next time, three more units. We in our unit—we have people in our units in our unit who are very much on top of things and who would very appropriately be represented here. And we would know who they are who are good people in our unit. Some units may not—there has to be another configuration of election process that would help us with the second probably that you raised.

**WATERMAN:** Just one comment, at least in our department in telecommunications and I thought in some other units, there are a substantial number of non-tenure track faculty who have pretty long term careers at the university and we regard them to have a stake and they well represent on committees and such within our department. I imagine that there are a significant number of people. And the people that likely end up serving on the BFC would be those who have served for a long-time in non-tenure track positions and they could represent those groups very well. I think they have a big stake.

**MILLER:** Larry?

**THIBOS:** I'd like to echo that view because we depend on the department and then the school and the unit. Because in the School of Optometry we have a tradition of at least 10 years now where clinical faculty have been treated at the same status as tenure track faculty for the purpose of faculty governance. In fact, I think probably two of last three faculty advisors who chair our faculty meetings. Two of the last three have been clinical faculty. [Tape problems, some comments lost here] Something special about the clinical rank faculty. [Tape 1, Side B ends; some comments lost due to taping problems]

**HAWKINS:** Can we vote on this but also with the recommendation that the election process still needs to be revised and then thought through, but we could in principle vote on what is here? And the second thing is we have a minor edit. Under F, I think it is suppose to be Bloomington Provost. Reverse side of the first page, minor edit. So the question is can we vote on this in principle but have the implementation procedures come back to us?

**MILLER:** Well, this item is on our agenda today as a discussion item.

**HAWKINS:** Oh it is not a voting item.

**MILLER:** We are not proposing to adopt this today. This is just kind of an initial proposal and we are trying to get a sense of how the Council feels about this approach to it. The Faculty Affairs Committee will continue to discuss it.

**HAWKINS:** Will you be bringing it back to vote this year?

**MILLER:** Well, I think in principle it would be good to get this done.

**HAWKINS:** At least you could implement it as next year. If you don't vote on it this year, then it would be the year after and you have a whole new set of people around the table.

**MILLER:** Yes. It would be good to get this done this year. A number of the other things that are on our agenda today, we may well not be able to act on this year. But this one I think would be good if we could.

**E. JOHNSON:** I have a couple of questions. One, if it stays like this and the non-tenure track representatives then the nomination process will need to be rewritten as well because it talks about a list of all persons eligible to vote, organized, etc. which are tenured and non-tenured, but you would have to include for them who belongs to each of these categories, for nomination, unless you're thinking that the nomination could only come from one of the subgroups. Do you see what I mean? If you're going to treat them all as one electoral unit, would everyone in that unit be able to nominate from all three of the categories or would it only be one category? And if they need to know that there are going to be three representatives but one from each, then you'll have to supply that information to them in the nomination process like we know now if someone is tenured or not. Do non-tenure track faculty now serve on our committees?

**MILLER:** Yes.

**E. JOHNSON:** And do their appointment terms have any negative impact on holding office on the council? Are their appointments long enough so that if they are elected they are not gone before the two years is up?

**MILLER:** I would say that maybe that's a question that could be answered in a completely general way. To the extent that the appointments are year-to-year appointments, maybe not. One of the things that is true, just to remind you, one of the things that is true is that the research scientist appointees are currently eligible to vote in the faculty council elections. They are currently eligible to hold faculty council seats from their election units. However, the history over many many years now of course is that no research scientist has ever been elected to serve on the Bloomington Faculty Council. Even though they are eligible, they are on the list of people who are eligible to be nominated and elected, no research scientist ever has been. That's one of the bits of data that leads us to think that a separate election unit of some kind is really what we need in order to make this happen. Just how it should be structured, there clearly are some issues in terms of how this is going to be put together. But I think you raised some good points, Elizabeth.

**SONI:** Ted, is this just a Bloomington issue?

**MILLER:** This is a Bloomington issue.

**SONI:** So is the UFC a part of this?

**MILLER:** Well, the UFC may want to discuss something along these lines as well but it hasn't to this point. There are people around the university who think that the UFC should talk about similar things. But that hasn't happened yet.

**CAPSHAW:** I might have missed this but how many people are we talking about in these ranks.

**THIBOS:** I can tell you that I was just calculating percentages; 56% of the faculty are tenured and tenure-track. 40% are in this category of non-tenure track, and the other 4% are librarians.

**CAPSHAW:** So how does that translate to people?

**KISH:** Head count.

**THIBOS:** It's about a 1000. Roughly a 1000 of 2400.

**MILLER:** Well, no, that's not right.

**THIBOS:** That's not right?

**KISH:** The lecturer are 169, the research scholars are 75, and the clinical are 94.

**THIBOS:** So it's just those 3.

**MILLER:** Those 3 categories are the only 3 we are talking about. There are other academic appointment categories but they are not categories that we typically associate with faculty status.

**KISH:** Like visiting, and adjunct, essentially taking those out.

**MILLER:** So there is some difference in terms of the numbers of appointees in these different categories but they are not orders of magnitude difference.

**ENO:** Just a couple of quick comments. When we elect junior faculty members, non-tenured junior faculty members, we don't check on whether their contracts, their three-year or one-year contracts are coming up for renewal. So we have a precedent of not knowing they can serve their term from that basis, we probably don't have a problem with that.

**MILLER:** We also have well-developed ideas about how to replace people if they need to leave the Council.

**ENO:** Reflecting on the comment Larry made about the situation in Optometry, which does have an extremely strong clinical rank faculty, I am still wondering about the dynamic of how this would work with an unorganized group. I forget how many clinicals there all together. There were 75, 95 something of that nature. With some clustered in very strong departments and others more isolated, the same thing would be true of lecturers and assumedly research scientists as well. Again I am worried about the fact that the individuals on campus will have very uneven familiarity with the community of non-tenure track faculty. There is just not the same socializing

mechanism that comes out of something that's based on a cluster of departments where the department members are the candidates for election. You have to think about the entire campus. Everybody there is going to be eligible for election and there will be clusters within there that no one will know well and others who don't. And I don't know how the proportionality would come out. I think in the interim before this comes back and maybe there is no way to solve this. It would be good to give thought to the fact that the Faculty Council comes out of a certain type of community, academic community that we are all apart of that produces representatives in this way. We would benefit if we could replicate some elements of that among the non-tenure track faculty. In the case, if the Optometry—given the size of the Optometry faculty its prominence and activist, I wouldn't be surprised if an Optometry faculty member were elected each time because of the strength of that core. Normally that wouldn't happen over and over again in the BFC because they are simply designed to be more balanced within the College, the At-large units, the other school representatives.

**MILLER:** Of course, we also in our BFC elections have the at-large seats to the BFC which, from some points of view suffers from the same kinds of problems that you are suggesting.

**THIBOS:** If I could make a final comment about the mechanism that you suggested that exists for research faculty is the one I was thinking might also apply to clinical faculty. That is clinical faculty could represent their unit, rather than representing clinical faculty as a whole. Simply by removing the restriction that they cannot run for election, it might be possible for clinical rank faculty to be elected to Council representing the unit in which they come from, their home unit. And I could easily imagine that happening in my unit, it might not happen in others. My suspicion is you are probably more likely to get a representative from the clinical rank than you are the research rank because they are more involved in the teaching mission of the university.

**MILLER:** Well Optometry is probably a special case.

**THIBOS:** Perhaps we are.

**STERN:** Just out of curiosity how many clinical are in Optometry?

**THIBOS:** It's around 30 or so.

**KISH:** 13 of the full-time clinicals are in Optometry. There is another major pocket in Hearing and Speech. There are a couple major pockets of clinical people. Your school is a major pocket.

**MILLER:** Ok, we'll take these ideas back to the Faculty Affairs Committee and we will work on this just a little bit more.

**STERN:** Just a couple of typos, I would like to point out. On page 1 under A1, the School of Business could be the Kelley School of Business, the School of Music, the Jacobs School of Music since the names of those appear in some of the other documents.

**MILLER:** Thank you very, very much.

## **AGENDA ITEM #6: ACADEMIC APPOINTMENT POLICY: RESEARCH APPOINTMENTS**

**MILLER:** Ok, so the next item is Item #6. This is some language that is proposed for inclusion in the Academic Handbook, ultimately anyway in the Academic Handbook, regarding policies for research scientists and scholars. If you look at the Academic Handbook now for this group of Academic Appointees, you will find just a very small paragraph which really doesn't say very much at all about how the university views this particular group of Academic Appointees. It doesn't really say very much about them at all. So what we are trying to do here is to develop some language that could be used as we administer this particular category of Academic Appointees. The structure that you are looking at here is basically the same structure that we have for the Clinical Appointees and for the Lecturers. That is to say these paragraphs—the use of these appointments—Rights and Privileges, Appointment and Advancement, Protection of Academic Freedom. This is the structure of the language that we have for the Clinical category and Lecturer category now and were basically trying to put the language together that pertains to the Research Scholars that follows that same pattern. In many ways, this document is identical to the document for the Clinical category and for the Lecturer category. In other words, many of the words are identical across these things.

The one thing that we have learned that is a little unsettled at this point and I would appreciate any views that you folks may have about this particular issue. One of the things that we have learned is that we do have on the campus two groups of Research Scientists and Research Scholars. Some of the people in this category are what you might call—well I am not sure what the right term is—I called them sort of base budget appointees. In other words, the salaries for these people are in the base-budgets of these units. And then we have another group of Research Scientists who are soft-money appointees, whose salaries are paid by grants. And this is something of a complication in the development of this particular policy here. So the language that is here now primarily is aimed at the base-budget appointees. That's primarily what this is about. There is a statement at the very top of the back side. There is a sentence there that says, "Procedures for "soft-money" appointments shall be defined at the unit level, must be written and available to the school faculty, and filed with the campus academic officer." In other words, the current version of this document doesn't really say very much from a campus point of view about how we want to deal with the soft-money appointments. And I am not sure that that's satisfactory way to deal with it. Jeanne you have some views on this I take it?

**SEPT:** I'm just shaking my head because if you develop policy it should be for everybody that falls within the category.

**MILLER:** What is, well one of the issues that hasn't been clear to us, is the issue of reappointments for people who would be on a soft-money status, we just are not quite sure how to deal with that issue.

**ANDREWS:** I understood this was in the Academic Handbook because of the majority of the Research Scientists are indeed on soft-money and to my recollection there were very few that were actually on base-money. And in fact we probably should get those numbers because if we did this policy which predominately applies to people who are on base-salaries it could be

misconstrued in terms of the reappointment—even though there is the statement that each unit will write their own policies, traditionally it has been very hard to get units to write policies and to also make sure that they are comparable across the campus. I am a little concerned about this policy because it could cause a lot of confusion so my suggestion would be that we look into this a little more carefully.

**MILLER:** We definitely are going to continue to look into it. We are here today trying to get ideas from people who might have had some experience along these lines and we appreciate any comments that you might have. We really don't know—I don't believe—how many hard-money appointees and soft-money appointees there are that data is not readily available to us. I suppose we can get it from the Dean of Faculties Office.

**ANDREWS:** Actually, I do remember quite a lot about it because I remember during my time in the Dean of Faculties Office that there were no appointees that were on hard-money. And there were a couple people at Cyclotron who were long-term employees and had long-term contracts and there was a special request made that these people be allowed to be in a different category. And to my recollection those were the only two that were on hard-money at that time when I was still working. So I think there is a definite minority, where as the large majority of people were hired specifically either because they themselves obtained a grant or because they were employed by a grant that was written and obtained by someone else. And this was tied to their rank. If you were an Assistant Research Scientist, you usually were working on someone else's grant. If you were a Full Research Scientist, you usually had your own grant and you were employed for the time of that grant and then you were renewed when the grant was renewed. But predominately most people are in the Assistant or Associate categories and were involved on other people's grants so that the length of employment and the giving of notice were all tied to the actual funding of the project. Sarita might know a lot more about this I would expect too.

**SONI:** Yes, the soft money positions are very much based on grant activity. I think it would be determined by the Dean of the units or the investigators down what commitments that they could fulfill. I think we need to tread carefully and find a way to say it when we are creating policy that may address some of the research scientists/scholars but leave some out.

**MILLER:** Herb?

**TERRY:** I want to chime in just based on experience. I would hope that the section under Rights and Privileges that says “faculty salary policies of the university” etc. shall apply to Research Scientists and Scholars is reconsidered in light of a problem that we're trying to address through the Budgetary Affairs Committee. Typically the Trustees adopt an overall figure for faculty salary increases—let's say 4 percent—and some deans have interpreted that policy in the past as applying to a group including tenured and tenure-track regular faculty and research scientists and have in fact encouraged investigators not to increase the salaries of the research scientists so that more money can be leftover for what they think of as the regular faculty. We are trying through the Budgetary Affairs Committee to work out some system in which it is clear that if you've got the money in your grant and you want to pay this to somebody, and especially when we need to do so for retention purposes, you ought to be able to do that despite some university faculty salary policy that might be interpreted as creating an overall cap.

**SONI:** That's an important point because investigators are losing positions like the post-docs and other research scientists on their grants because they can't pay them the money that they already have in their grants. So I think it is important to separate them out.

**KNOST:** Let me throw another wrench in here and that is there are other research scientists, and Sarita can confirm this, that are on the professional rank side that are doing exactly the same thing. And some very notable units and we work with them for year, Geological Survey, you can have someone who is appointed as a research scientist and another person appointed under a PA rank doing exactly the same work. And the Cyclotron has been another one. I'm trying to think there are some others, I know in SPEA there are some in some labs. We have folks you are professional ranks and not research scientists and yet supported primarily by grant money. So I'm concerned about equity. If you are looking at this you need to look at it more broadly as well.

**ENO:** The policy that you have crafted here is largely parallel to Lecturer and Clinical Policies and the motivation for the lecturer and clinical policies had a lot to do with the teaching mission and the shift from tenure-track faculty control to more and more non-tenure-track participation in that mission. That was part of the drive that led to that and that doesn't apply in this particular case. What does apply in the particular case that I see is the continued issue of academic freedom and protections of academic freedom which apply to all appointment categories in the academic ranks. I don't know that we routinely think of them as applying when we cross over to professional ranks although we may all agree that we should. Then you have an additional issue that has to do with the protection of benefits and other types of protections that would apply to those who are on hard money. It looks to me like those who are on hard money as opposed to those who are on soft money are really in something that we might normally think of as really a different appointment classification altogether although it may not have been sorted out that way for the purposes of the personnel policies in the Handbook. It may be necessary to do that if we really want to model a policy that's appropriate for those research scientists who are career scientists at IU, who we expect to proceed up the ranks at IU as opposed to those who may be here for soft money purposes and we may not expect to have, and who may not desire to be here for long periods of time, maybe moving around with different grants. I do think this is a policy, the reason it was delayed so long is that it's very complex to address and it might be better addressed by being aware of the different motivations behind the elements of the other policies versus this policy and trying to sort things out along those lines. I don't think this one's ready to go for those reasons.

**TERRY:** I guess I would add, thinking about it, that the number of research scientists paid on hard money might well increase through the Life Sciences Initiative. We might end up with more of those people.

**ENO:** Presumably soft-money too.

**TERRY:** That's a general appropriation and if somebody chooses to name a scientist. It might happen.

**THIBOS:** Can I ask a question for clarification? This promotion from assistant to associate to full rank, is that already on the books? Or, is that a novel feature of this policy? It's not on the books currently?

**MILLER:** It is on the books currently. Yes.

**SONI:** There's a promotion process for lecturers as well. Lecturer to Senior Lecturer.

**ENO:** It's a two step. If we revise this policy it might be nice to consider doing two-steps rather than three-steps. Saving everybody a great deal of effort and enhancing academic freedom while we do it.

**MILLER:** Well you are consistent in your views about such things at least. Alright, very good. I think that's maybe enough on that topic for today.

#### **AGENDA ITEM #7: REVIEW PROCEDURES FOR CAMPUS ADMINISTRATORS**

**MILLER:** Now we have Item #7, Review Procedures for Campus Administrators. This is a fairly straightforward item. You'll see it's not labeled Discussion. This is a first reading. And basically all we're trying to do is get our policy sort of in line with the new titles that we have come to be familiar with over the last year. You'll see that the basic changes here are in the list of titles that are subject to this particular policy. Now Neil you had some comments about this. Would you like to?

**THEOBALD:** Yes, there are two roles that, one of which now reports to the president, that are campus offices, which is the Vice President for Administration, Bloomington—physical plant reports to President Herbert in his role as campus CEO. So that would seem to fit here. Given the parallel with other similar offices. A second would be Brad Wheeler's role as Vice Provost for Information Technology, I'm sure I don't have the title right, but basically UITS at the campus-level he reports to Provost McRobbie. So that would seem to fit here as well. One of the offices, Dean of University Division, Jeanne probably knows this better than I do, does that report to Michael?

**SEPT:** To me.

**THEOBALD:** To me. Whereas this says these are offices that report to the President or Provost so that doesn't seem to fit. And, I am indifferent but I report to both the President and the Provost so I don't know who will do my evaluation. I'd like them both involved.

**MILLER:** We do understand, Neil, that you basically do have two positions or two titles, Vice Provost on the one hand and Special Assistant on the other hand. Could you imagine the possibility of those two positions being held by different people? Is that a possibility do you suppose at some point?

**THEOBALD:** Yes, but I would argue strongly against it. Certainly, my dealings with Adam and my dealings with Michael are quite different.

**MILLER:** Yes.

**THEOBALD:** But they are complimentary, but the answer is yes.

**MILLER:** So, but having that particular title in our list here would be appropriate?

**THEOBALD:** Yes, in order to get the President involved with the budget you need to have that role here.

**MILLER:** So you're suggesting that we add the Vice President for Administration?

**THEOBALD:** And the Vice Provost for IT, that title.

**BOBAY:** I think he's a Dean.

**MILLER:** Is it Dean for Information Technology? I think that's the title.

**THEOBALD:** You may be right. And then eliminate the University Division.

**MILLER:** Well, is the University Division...that's not something we put in here. That's already in our policy for some reason or other, I mean that's not an innovation to this particular list.

**BOBAY:** I think the idea was, it wasn't so much a strict definition of who they reported to, it was a list of the dean positions that the faculty felt it was important to the academic mission and the faculty wanted to conduct the review of that office. So in this rewording where we've tried to just take out all the "chancellors" and put in "provost or president" it makes it look as if we're doing this strictly on who they report to but the reason the Dean of University Division was in there in the beginning was this desire on the part of the faculty to do this faculty review.

**THEOBALD:** Well I would certainly defer to Jeanne on what her preference is for that review.

**MILLER:** Barb?

**HAWKINS:** I just have a question and clarification. Under #2 it says that, administrators are appointed for four-year terms?

**KNOST:** Five years.

**HAWKINS:** They are five year terms. So what happens when an administrator is appointed for four years but doesn't get reviewed until the fifth year? I guess I'm asking this because that's sort of a quandary we're facing in our unit. People were put on four-year appointments but their review doesn't start until the fifth year so they really have five-year appointments.

**BOBAY:** A dean?

**HAWKINS:** Associate dean.

**BOBAY:** This is the policy for faculty review of campus-level academic officers.

**HAWKINS:** So it only applies to deans.

**BOBAY:** To your dean.

**HAWKINS:** So can you clarify what periodic survey means in that same item?

**BOBAY:** Well the policy spells out that in the third year, for any of these positions listed in their third year is a survey of the faculty in their unit as feedback to the administrator and then in the fifth year is a full review. That's just part of the procedure.

**HAWKINS:** So it should say "third year" instead of "periodic"? It says periodic so I just didn't know how often that is?

**BOBAY:** I think it says see sections below where it lays out what the period is.

**ENO:** Number #10 says deans third year.

**HAWKINS:** Where?

**BOBAY:** We might still have a problem of referring to the right numbers within the document.

**HAWKINS:** Who is responsible for ensuring that those are done?

**BOBAY:** The reviewing officer. Supervising administrator, either the provost or the president depending on who is running the review.

**MILLER:** Bill?

**WHEELER:** I wonder whether there are other offices that should be in the list. The Honors College? I'm not sure exactly what Eduardo Rhodes title is but it seems that there are some Bloomington academic responsibilities that report to Vice President Nelms. And although Vice President Nelms would not be included in this probably, it might be that some of those officers should be.

**MILLER:** Well Eduardo Rhodes is the Vice Provost for Academic Support and Diversity so his title is in here. Now the Dean of the Honors College is not although that, in a way, is kind of parallel to the Dean of the University Division in a sense because the Dean of the Honors College is reporting to a Vice Provost now. Correct?

**ENO:** President? Charlie?

**KISH:** She reports to Eduardo. Technically, we had two policies that are working side-by-side. We had a university-level policies that is Review Procedures for University Administrators. That technically covered Charlie Nelms. Most of you know that we sort of abandoned that policy when it was rewritten to apply to the chancellors. And so right now there is no policy that covers other vice presidents. The campus-level officers—so there's a university-level and a campus-level—this policy is what governs your campus officials. You'll notice that the SPEA dean is not listed. The SPEA dean reports to the Indianapolis chancellor and so in the Indianapolis version of this the Dean of SPEA title appears. You'll notice that we added the School of Business since he now reports to the Bloomington Provost. So the two policies originally were designed to work together so that all administrators at the university-level or campus-levels that have missions related to academics are covered by one of the two policies. Charlie's position has now fallen between the two.

**TERRY:** I would add something from the Trustees meeting and President Herbert's comments there about what he's going to recommend in April about the core campus units. He didn't have his full comments together but he did say that deans would, I think he said, end up reporting and following the policies of each campus, both IUPUI and Bloomington, so we might get ahead of the game here a bit if we set this before we find out what the President is recommending to the Trustees on the core campus issue.

**BOBAY:** You all understand that our goal when we started this project was to simply change the language to update it to reflect our current organizational structure. So this is where we end up.

**MILLER:** I think that's good enough for a first pass at this.

#### **AGENDA ITEM #8: LABOR DAY HOLIDAY**

**MILLER:** Now the final item on our agenda today is a calendar issue. As many of you know the Bloomington campus does have certain calendar problems and we have had them for quite a long period of time. I believe it was during Bob's presidency that the Calendar Committee forwarded what could be viewed as a comprehensive solution to our various calendar problems to the Council. And my recollection is that the Council tabled that proposal.

**ENO:** Correct.

**MILLER:** The Calendar Committee last year and this year has spent some time talking about the various calendar issues that confront us. There really are three issues. One of them is the idea that is often referred to as the asymmetric calendar. The fact that the fall semester calendar is a little bit shorter than the spring semester calendar in terms of the number of days of instruction. That's one issue. Second issue is the Labor Day issue. And the third issue is what could be referred to as the fall break issue. Those are the three principle calendar issues. The Calendar Committee has been talking about these things over, well, since the time that the Calendar Committee sent this proposal to the BFC four or five years ago now. There has been continuing

discussion about these things and this year the Calendar Committee has approved a resolution regarding the Labor Day Holiday. They have sent us a recommendation that the Bloomington campus calendar should include a Labor Day holiday.

Now, the resolution that we have, let's see, the resolution that was approved by the Calendar Committee was a little more complicated than just having a Labor Day Holiday. It also included the idea that the Saturday following Labor Day could be used as a make-up instructional day. [Laughter] Please note, "could be used" it was an option for the instructor to make up that day on Saturday. Is that not correct, Bill?

**WHEELER:** That is correct.

**MILLER:** That is what came out of the Calendar Committee.

**WHEELER:** May I interject just a moment on that point? So there is an interesting story there because we did discuss this issue and I moved to drop the language about Saturday so that it would appear exactly as it appears here and a majority of the committee rejected that amendment. So there was a majority vote of the Calendar Committee that Labor Day would be a holiday but there should be exploration of the use of the Saturday following as a make-up day.

**MILLER:** Well so the Calendar Committee has sent us this proposal and basically from a technical point of view approving, if the BFC were to approve this calendar innovation, the way we would do it would be in terms of these Calendar Principles that you have in front of you, Circular B23-2007. Basically the BFC has a role in setting what are called the calendar principles and these principles are the underlying things that kind of structure the particular calendar that we use each year on the Bloomington campus. So this proposal would basically add number six there, toward the bottom of that first page, "beginning in fall 2008 Labor Day shall be observed as a holiday at Indiana University Bloomington. Classes will not meet on Labor Day." That would become one of the calendar principles. Now one of the issues of course with this particular proposal is that it makes the calendar asymmetry worse. And because of that what I really would like to do starting today, we have fifteen minutes that we can devote to this, and I'd like to spend some time at our next meeting as well and see if we can't come to some point where we can actually make a little bit of progress more generally with the calendar problem then. Now Bill Wheeler has prepared a document that is a sort of a broader set of proposals included in it. Bill, why don't you go ahead and talk about some of the things that are included here in this document?

**WHEELER:** Well by way of introduction it has come to my attention that the young have energy but the old have fortitude, but we all, certainly freshmen and the faculty who teach freshmen, are really pretty mentally exhausted after midterm exams and preparing midterm grades and we just kind of stumble toward the Thanksgiving recess with the result that some actually leave before the Thanksgiving recess begins. So although I originally, when these discussions of the fall midterm recess began four or five years ago, I was not in favor of them because I could not see an arrangement which would preserve the integrity of the summer sessions and still have a comparable number of days for the spring semester and the fall semester, I couldn't see a way to do that. But what I've written down here is an idea which I

think does preserve the academic integrity of the summer sessions while providing both the Labor Day holiday, a midterm recess of two-days, and although I forgot to put it down it does establish parity between the two academic year semesters because both the fall semester and the spring semester would have 74 class days not counting Saturdays. So it would address all three of those issues. It would re-establish parity between fall and spring, it would solve the Labor Day Holiday issue, and provide a two-day recess at the beginning of the ninth week of the fall semester. This, of course, is the ninth week of the spring semester [End of Tape 2, Side A].

To try to summarize it it undertakes to save just a bit of time out of summer session I and summer session II. It would advance the start of summer session I by one day, from Tuesday to Monday. It would shorten summer session I by one day, so it would go from 27 class days to 26 class days although it would increase the number of minutes in a class period so as to preserve instructional time. And as a result of those two changes—starting one day earlier and being one day shorter—it would then end on a Tuesday rather than on a Thursday as is currently the case. Then for summer session II the proposal is to move the start of summer session II forward by two days so then it would then start as it currently does, the day after summer session I except that would now be a Wednesday rather than a Friday. And then to shorten summer session II by two days but with the corresponding increase in the number of minutes per class session so to preserve the integrity of the instructional time. But then by moving summer session II ahead by two days and shortening it by two days it would then end on a Monday rather than on a Friday. Digressing for a moment, that Monday then in essence would become the final exam day for summer session II and the preceding weekend would be your reading period for your final exam; currently one of the problems with summer session II is that the exam just occurs at the end of a full week of instruction. What would happen then is that we would move the start of the fall semester ahead by one week; now what would happen now is that there is currently an empty week between summer session II and beginning of fall registration/orientation week, a nine-day period Saturday through the following Sunday a week later. What this would do then is it would shorten that nine-day period, rather than fall on a Saturday to a Sunday, to a Tuesday through Sunday. So it would shorten it then to six days so that the fall registration period would begin on the week after the end of summer session II but still—what has always been a concern for me is that summer session II faculty do need some intellectual break before they get into the fall semester. When I've taught summer session II the thought of going directly into fall semester has been kind of overwhelming. This would reduce the amount of that break but still provide a period of no instruction. Then by having moved the start of the fall semester ahead by one week we could then observe, then Labor Day would never be the first day of classes, we could observe Labor Day as an academic holiday. Then we would still have two more days that we could allocate to a fall recess while still preserving 74 days of classes whereas under the proposal to only observe Labor Day we drop from having 72 days to having 71 days. In thinking about when it might be best to have a fall recess the options, I ended up coming down thinking that really the Monday and Tuesday of the ninth week, immediately following the end of the eighth week when most midterm exams are given, would be the better time to have that. Then we would have second eight-week classes begin on the day after the midterm recess. And we could all be refreshed at the beginning of the second half of the fall semester. My hope would be is that by being somewhat more refreshed that it would actually decrease the propensity of some students to leave early before the Thanksgiving holiday because they are just so exhausted that they can't

last—I'm saying it might I'm not saying that it would. So I don't want to, I'm not naïve about that point.

In terms of pros and cons I think the pros are to really help 37,000 students and 1500 or more faculty in being minimally alert and refreshed for the second half of the semester rather than what I increasingly perceive as a number of people just stumbling through trying to last until Thanksgiving. So I think they might be inclined to learn more in the second half and they might, one could at least argue, that since they've had a midterm recess, they should be here for the two days before Thanksgiving. On the negative side of this it certainly would have impacts because there's not a vacuum sitting out there that we're somehow filling; we certainly are changing things. And as my co-chair of the Educational Policies Committee would know that making changes always requires work. The staffing patterns for the library and information commons would change. They would have one less non-academic term weekend when they would have reduced hours during the summer but then of course that would be balanced by the fact that there would now be three days in October, a Sunday, Monday, and Tuesday, when they can have non-academic term hours. The Intensive Freshmen Seminars would have to begin a week earlier. Also, it might be that AI training sessions would have to begin a week earlier. And the School of Music and perhaps the Theatre department would be affected for the faculty and students who have summer commitments, for example to music and theatre festivals that require them to stay until Labor Day, so as presently they already do miss the beginning of classes except when Labor Day is the first day of classes, they would be relatively somewhat later getting back to campus under the new calendar than under the present calendar and the units would have to work out arrangements for those. So that's, I wanted to put this before you because I've been on the Calendar Committee now for four years and we've struggled with this and it seems to me if there's ever going to be any way of trying to bring these things together that it is something of this nature that is an option. Decreasing summer session I by a week is not an option, decreasing summer session II by a week is not a good option, eliminating all the breaks between summer session II and the beginning of the fall semester is not a good option, so it's necessary to look for some compromise if one wants to move forward.

**MILLER:** George?

**ALTER:** Well I want to congratulate Professor Wheeler for taking on something that I've always understood to be the third rail of the BFC, doing anything on the calendar. My own perspective on this was shaped by a two-year period in the 1980s when we actually did try a different calendar where Thanksgiving Break began on Friday night and we didn't have classes on Monday and Tuesday and everyone I knew thought it was wonderful. What I see in my classes, and I assume most other people see, is that 1/3 to 1/2 or 3/4 of students do not show up on the Monday and Tuesday before Thanksgiving. And I very much appreciate the idea of taking a break earlier and apart from switching our allegiance from our Thanksgiving to Canadian Thanksgiving I think that inserting a two-day break earlier would simply create another week where we would lose half of our students for two days. So what I'd like to see is essentially the model you've set out here but instead of the two day break in the ninth week, use that to take the whole week off at Thanksgiving. And I agree with you that by the time we get to Thanksgiving we're just stumbling through but in fact my recollection was that taking that week off really did

help. And having a whole week off is just much better, I think is far better than having two weeks with two days off.

**MILLER:** Bob?

**ENO:** There are a few things I just want to toss out that have to do with the third rail factor. I remember the week off at Thanksgiving, I thought it was a great idea but I was already dead by that time of the term as I am now in this term. The issues that came up last time that tended to kill the reforms that were suggested which were not nearly as ingenious as Bill's but nevertheless had some similarity in structure were first of all that moving the term up a week conflicted with the opening of MCCSC. Now in fact when we proposed this last time it didn't because MCCSC had moved their own opening up a week but then they moved it back. The problem is that for people who have young children having the beginning of the school week at MCCSC at the same time as the beginning of their term is very difficult. And that was a problem that had a very large negative reaction on the part of people on the campus.

The second problem is that when you cut weeks up at all you have trouble with sciences laboratory schedules which require the entire five-day week to maintain integrity. This is what has always kept Labor Day in its place, it preserves the five-day week and that's the reason why people say let's just open up the Saturday. We'll take Labor Day off but we'll make up the labs on Saturday. It would be optional because it's really only the laboratory instructors who would feel that they had to do that. The problem I see with your proposal, Bill, is that you've chopped up two weeks and added one. The weeks that you've chopped up are the Labor Day week which is in common with the basic proposal, and also your two-day week. But you've added one week which is the MCCSC week at the beginning. So you've got all these problems at play at once although I'm very sympathetic to the motives that lead you to your conclusions.

**BUCUR-DECKARD:** MCCSC starts two weeks before ours. They moved earlier.

**ENO:** Well there's a window now when we can get in there and then if they move it back we'll hear. But the one thing that I do want to stress is that the last time that this hit the third rail we had a safety net plan which had nothing to do with the third rail, in fact, which had to do with the credibility of the faculty council. There are certain number of issues, perhaps only one, which could, in the minds of the faculty of this campus, discredit the faculty council and turn the campus against the faculty council, and that is the faculty council implements a policy on such a basic thing like the schedule without faculty consensus, or near consensus. So what we had planned last time was that the vote of the faculty council would not be whether to change the calendar but whether or not to propose a change in the calendar to the entire campus for a vote and I would suggest that we follow that procedure with whatever we do this time.

**WHEELER:** May I please respond quickly though since time is almost up. We've already addressed the MCCSC thing. Labor Day in the new calendar would be exactly comparable to Martin Luther King Day and so whatever the lab issue might have been concerned about Labor Day that's now entirely comparable to Martin Luther King Day in the new proposal. But as Kelly has pointed out to me, first of all, this gives you two days to play with—either Thanksgiving or earlier. As Kelly has pointed out that at other places that have a fall semester

break that what happens is at the beginning of the semester the labs are on a Monday-Friday schedule but between the mid-semester break they are on a Wednesday-Tuesday schedule. And so in terms of the integrity of the labs that is maintained under the proposal regardless of whether you put the two days at Thanksgiving, so that the entire semester except for the four-day week you have a Monday-Friday schedule, or, whether you have a Monday-Friday schedule on all the weeks except the weeks between midterms and Thanksgiving when the labs would be on a Wednesday-Tuesday schedule. So I think that those three rails then, those three types of third rails then, are all satisfactorily addressed within this but I certainly, you know, one could go either way on whether it should be a fall semester break or whether it should be a full Thanksgiving week.

**WATERMAN:** Very quick, what was the reason that the one-week break at Thanksgiving was changed?

**TERRY:** I remember that. I've been here too long and I see Roland back there. We were on the Calendar Committee that brought you that. It died when Ken Gros Louis received a whole bunch of complaints from local merchants that we had cut back our own workload and the number of days that IU was open and the students were here and they, the merchants, were doing business. And Roland might correct me but I think the merchants were complaining to the Legislature and the General Assembly.

**COTE:** Yes, merchants and parents, I believe as well.

**TERRY:** And parents. And it died my administrative fiat. We did not vote to go back to the current calendar. Ken announced that we would.

**MILLER:** Yes, the adjournment time has come I'm afraid. This item will be back with us next time and I look forward to a good discussion on the calendar issues that confront us. Thank you all.

Meeting adjourned at 5:31 pm.