

Indiana University
BLOOMINGTON FACULTY COUNCIL
April 7, 2009
IMU Georgian Room
3:30 P.M. - 5:30 P.M.

Attendance

MEMBERS PRESENT: Eric Arnold, Randy Arnold, Leslie Blaha, Julie Bobay, Purnima Bose, Stephen Burns, Carolyn Calloway-Thomas, James Capshew, Nicholas Clark, Diane Dallis, Jon Dilts, Erika Dowell, Paul Eisenberg, Harold Evans, Christine Farris, Lucas Fields, Julia Fox, Thomas Gieryn, Luke Gillespie, Laura Ginger, Dennis Groth, Karen Hanson, Patrick Harbison, Patricia Henderson, Brian Horne Valerie Markley, Bryan McCormick, Amanda Meglemre, James Perry, Diane Reilly, Jennifer Riley, Jerold Stern, Alex Tanford, Herbert Terry, David Waterman, Susan Whiston

MEMBERS ABSENT WITH ALTERNATES PRESENT: Chanitra Bishop (Carrie Donovan), Brian D’Onofrio (Brian O’Donnell), Bryan Stuart (Daniel Sloat)

MEMBERS ABSENT: Jack Bielasia, James Biles, Bruce Burgun, Andrea Ciccarelli, James Drummond, Valerie Grim, Robert Hatten, Amy Holtzworth-Munroe, Michael Jolly, Padraic Kenney, Lloyd Kolbe, Paul Losensky, Lokman Meho, Jennifer Miller, Michael Morrone, Dan Ondrik, Lisa Pratt, Richard Shockley, Sonya Stephens, Richard Stryker, Neil Theobald, Vasti Torres, Maxine Watson, James Wimbush

GUESTS: Alex Benson (IDS), Amanda Ciccarelli (Provost’s Office), Shannon Martin (Journalism), Craig Dethloff (Faculty Council Office), Erin Rykken (Faculty Council Office)

Agenda

1. Approval of Minutes
<http://www.indiana.edu/~bfc/docs/minutes/08-09/03.03.09.pdf>
2. Agenda Committee Business (10 minutes)
(Professor Herb Terry)
3. Presiding Officer’s Business (10 minutes)
(Provost Karen Hanson)
4. Question/Comment Period (10 minutes)*
(Provost Hanson and Professor Terry)
5. SAC Changes to the Code of Student Rights, Responsibilities and Conduct Procedures for Bloomington Campus (20 minutes) (Diane Dallis, Head, Information)

Commons/Undergraduate Library Services, Wells Library, Chair of the Student Affairs Committee)[SECOND READING]

<http://www.indiana.edu/~bfc/docs/circulars/08-09/B21-2009.pdf>

<http://www.indiana.edu/~bfc/docs/circulars/08-09/B22-2009.pdf>

BRIEF RECESS

6. EPC Resolutions on Amended Extended X Policy and Religious Observances (20 minutes) (Professor Bill Wheeler) [FIRST READING]

<http://www.indiana.edu/~bfc/docs/circulars/08-09/B23-2009.pdf>

<http://www.indiana.edu/~bfc/docs/circulars/08-09/B24-2009.pdf>

7. Discussion of Promotion and Tenure Issues (Professor Herb Terry) (20 minutes) [DISCUSSION]

<http://www.indiana.edu/~ufc/docs/circulars/AY09/U6-2009.pdf>

*Faculty who are not members of the Faculty Council and who wish to address questions to Provost Hanson or Professor Terry should submit their questions to the Faculty Council Office. Our documents are available at: <http://www.indiana.edu/~bfc/>. To send e-mail to the Faculty Council Office: bfcoff@indiana.edu

Minutes

AGENDA ITEM #1: APPROVAL OF MINUTES

HANSON: ...Agenda Committee Business.

AGENDA ITEM #2: AGENDA COMMITTEE BUSINESS

TERRY: Welcome to the penultimate meeting of the Bloomington Faculty Council for this academic year. First of all, I want to announce a consequence of that. The last meeting of the Council will be a busy one. There will be things to decide. We may work extra hard to make sure we have, for certain, a quorum, but it will be a busy meeting and an important one, so I hope you can all put that in your calendar. Just a few news announcements basically, the election of the Faculty Council for next year is done as you know. The next step is the election of a Nominations Committee for next year, we've done that, and I can announce the Nom Com consists of Purnima Bose, Andrea Ciccarelli, Brian Horne, Angela Courtney, and Laura Ginger. Those folks will start the process, hopefully tomorrow actually, of soliciting nominations and self nominations for the officers of the council for next year, and I'm hopeful that we'll be able to announce all of that at the last meeting of the BFC this year, or perhaps before. With some trepidation, I announce that we are within one day of the expiration of the remonstrance

period for the changes in the constitution that we approved a couple weeks ago. I say with some trepidation because during that remonstrance period, we could receive a petition from the appropriate numbers of the Bloomington faculty and we would have a meeting of the Bloomington faculty to discuss the constitutional changes. If we get through tomorrow without such a petition being received, we will tomorrow afternoon send that out to the faculty for ratification. Finally, there is something much more important happening tomorrow and I assume the Provost might actually talk about it as well. At the start of last meeting, Provost Hanson observed the sad event of the passing of Ed Hutton. What I want to remind all of you of is that tomorrow at one o'clock in Whittenberger Auditorium here is kind of a celebration of Hutton's life and an acknowledgment of all of his contributions to the new building followed by tours of the building. I hope as many of you as possible can come to that. I've been assured by Matt Auer that Whittenberger can accommodate all of you who wish to show up so I do hope that we'll turn out a good group for that because Ed Hutton's contributions to the Honors College have been very substantial. And, if you have not done so, I urge you to take advantage of the tours of the building offered after that. It's quite an amazing building. From the outside it looks relatively small. From the inside it really offers a great deal of space, a nice space, for the Hutton Honors College. So I hope you'll also wander across the street and take advantage of the tours that they are offering and that's it.

AGENDA ITEM #3: PRESIDING OFFICER'S BUSINESS

HANSON: Yeah, I'll just add a word or two to that. The members of Mr. Hutton's family will be here we're having a dinner for them tonight and they'll be there tomorrow so it would be particularly nice if the campus showed its appreciation. He, after all, has contributed not just to the Honors College but to a variety of other initiatives on this campus including the International Experiences Program endowment which is available for a range of students beyond honors students and to quite a number of scholarships for, again, a range of students. It'll be an interesting affair. We'll have bagpipers leading us from Whittenberger to the building so, unique. You should come and see this. They used to play at the Hutton family reunions so we've added a few interesting touches. The building too you would be interested in seeing because although it has all kinds of space that's specifically dedicated to the Honors College, it is available for use by other members of the university community and indeed has been used for a number of symposia and so on, and it has classroom space and so on, so it's worth taking a look. I wanted to comment as well at the request of the Agenda Committee on something I mentioned once before, but this Student Voice Report is being considered right now by a small, relatively small, committee appointed by the President that he asked me to convene and the members of the committee include, Vice Provost for Undergraduate Education Sonya Stevens, Vice Provost for Student Affairs Dick McKaig, Neil Theobald the CFO, Patrick O'Meara International Affairs, Brad Wheeler IT, Luke Fields and Kelly Kish representing the President's office. That is just a first group to be convened and it will ramify off in all kinds of directions. Luke for example is contacting all of the student leaders of the main organizations on campus and we will be bringing lots more people in. The first pass through this is just to see where responsibilities might lie for addressing various of the recommendations so it's quite obvious that if the recommendations are to be implemented that they will involve many offices and

constituencies across campus. There may be some things that are not doable that the Voice Report recommends, mostly things that just tell us to tell faculty to do something. We want to be careful about that, but we want to see what we can work on now, which offices should work on it, and how to proceed so that's what's going on. If people want to contribute to that review and implementation process, everybody is welcome. We're also working on responding to and implementing recommendations from a number of other student reports, including the Board of Acons reports from last year and some that are just about to come in. The one I'm working on heavily is the Board of Acons report on academic advising, and it articulates nicely with some of the recommendations in the Voice Report, so those things are underway. We'll have a first report back to the President about the next steps we're going to take by roughly May, but the real work will go on after that. Any other...? I mean that's it for the announcements.

AGENDA ITEM #4: QUESTION/COMMENT PERIOD

HANSON: Are there questions or comments? About anything? Okay, let's move expeditiously then to the Student Affairs Committee business, changes to the "Code of Student Rights, Responsibilities and Conduct Procedures" for the campus. Diane?

AGENDA ITEM #4: SAC CHANGES TO THE CODE OF STUDENT RIGHTS, RESPONSIBILITIES AND CONDUCT BLOOMINGTON CAMPUS

DALLIS: This is the second reading of these proposed changes, and I went through them incredibly quickly at the end of our last meeting and so I'm glad to share a little bit more about some of the changes today. But I thought it would be helpful to know a little bit about how these changes came up. This is the second year the Student Affairs Committee has been working on revising this document and we worked with representatives from IUSA, the Dean of Students' office, the Student Advocates' office, and the office of Anti-Harassment, well Student Ethics and Anti-Harassment programs, to come up with these proposed changes, and we met throughout this year many, many hours working on these changes and generally we intend the changes to be bringing the document up to date, making it more accurate because it had references to offices that no longer exist and just clarifying some procedural things for people who would be reading and interpreting the document. But with that said, I think, did you want to mention...?

TERRY: What I can explain is that I'm very grateful for the work of this committee, and they've done many changes that were long overdue. One of the things that they were not able to quite resolve before this meeting was in both documents B22 and B21 there are a number of instances where "Provost or designee" appears and after talking with Tom Gieryn and Sonya and others, I believe that if we give them about a week to go through that document in consultation with Diane's committee, we could actually put, conceptually at least, the two Vice Provosts who have succeeded the Dean of Faculties in where they belong in various places in this document. And I think that has two advantages; the first is that the document as read might suggest that there really isn't an appeal beyond whomever the Provost designates. It was our goal years ago that these cases were reviewed by the Dean of the Faculties and then

you could appeal the judgment of the Dean of the Faculties to the Chancellor. I think it's still the goal that these complaints go on appeal to a Vice Provost and then if you're not happy with the outcome of the Vice Provost you'll appeal to the Provost, and I think if you give them a couple more weeks that that can get worked out. So I'm going to propose that we come as close as we can to approving this thing today. Hopefully be very certain of the language such as things about gender identity, and approve or indicate our assent to the idea that if this comes back next time and the appropriate Vice Provosts are plugged in the appropriate places that we can approve it without a lot of discussion because we will have other things on our agenda to do. What we will attempt to do is get the written version of that document with the Vice Provosts plugged in to you as soon as possible, give you plenty of time to read it and if somebody obviously at the meeting thinks we've plugged in the wrong Vice Provost in the wrong place, you can point that out, but otherwise I hope we can have a good discussion today and conclude the item quickly at our next meeting.

DALLIS: Also I should point out the reason, too when we were doing this work, a lot of the work was done in the fall semester, and the new administrative structure of our campus wasn't even fully understood at that time so again "Provost or designee" was what we opted for in the language, but truly the committee just wants to get it correct and accurate for students and faculty who use the procedural document. Last time I was here, I went through line-by-line, and briefly described the changes. I know that a lot of people may not have been here and maybe haven't had a chance to review the documents since that time, and if there is a desire for me to go through again, I am happy to do so, but I would prefer to make sure you want me to do that before I start on that task.

GIERYN: Because I think the span of issues that Herb mentioned are more important ultimately than the nomenclature issues, although those are important; and first let me say thanks to Diane and her committee for doing a lot of wordsmithing with policy documents. It's never easy and we greatly appreciate their help. I think if we can settle this, Herb proposed provisionally the issue of the name of the offices; the general rule that we intend to adopt is that if the review is of a student case, that is a student making an appeal having been charged that whether it's graduate or undergraduate those would be routed through the Vice Provost for Undergraduate Education. If it's the faculty member who is being reviewed then if the misconduct charge is against the faculty member, those would be reviewed and routed through my department, Vice Provost for Faculty and Academic Affairs. If it's an AI, it would be in the latter category; that is, if it's on the instructional side it would come through FAA and if it's on the student side it would go through UE. I think we believe that this is the right way to go for two reasons, one that Herb mentioned that it preserves the layers of review that are found in most of our documents rather than kind of collapsing the office of Provost with that or Vice Provost. And secondly, as we are going through changing the other policies in the Bloomington Academic Guide, typically when Dean of Faculties is being changed to something else, we're forced to make a choice between Vice Provost, one or the other, and to move routinely a set of operations to the Provost's office probably is not consistent with the remainder of the revisions we are making in the Academic Guide.

DALLIS: Were there specific questions about any of the changes? Yes?

CLARK: May I ask or suggest that when addressing graduate students that the University Graduate School, or an administrative unit that's tasked with graduate education might be more appropriate as a venue for a grievance case, at least from the perspective of the graduate students as student rather than as AI as opposed to the office of the Provost for Undergraduate Education. That's just one suggestion. I'm not sure if it requires administrative resources that exist within those offices and wouldn't be within the Graduate School or not, but I wouldn't see why that necessarily....

GIERYN: I certainly have no objection. I think that that's something that needs to be settled. It's partly just that there's a nicety about the policy documents that introduces a different complexity but I think it's an important one. To my knowledge, I don't believe James Wimbush has been involved in these discussions yet, so I think what we would like to do is consult with him as we work with the committee in drafting for the next week. I think it's a good suggestion and a good possibility.

HANSON: Other questions or comments, requests for elucidation from Diane?

DALLIS: And so we'll vote next time.

TERRY: We'll vote next time, hopefully after limited discussion again.

HANSON: And apparently we now have a quorum so we can vote on the minutes for the last meeting if you'd like. Anyone move to approve? Okay.

MCCORMICK: I move.

GROTH: Second.

HANSON: All in favor? [aye] Opposed? Thank you. Gosh are we to the recess already. Let's move the Educational Policies Committee Resolutions on Amended Extended X Policy and Religious Observances. Bill?

AGENDA ITEM #5: EPC RESOLUTIONS ON AMENDED EXTENDED X POLICY AND RELIGIOUS OBSERVANCES

WHEELER: Thank you. It's an honor to be with you today. Padraic Kenney, the chair of the Educational Policies Committee, is at the University of Kansas attending a meeting and he asked me to please present these on his behalf. Perhaps we could turn first please to circular B23-2009 entitled the "Educational Policies Committee Proposal to Amend the Extended X Policy."

First, let me commend the chair of the EPC, Padraic, for the fine job he has done in preparing these documents, in particular showing you exactly what the changes are and in this circular

he's actually put a rationale at the beginning that explains what our purposes are. We were asked by some of the Student Services staff to review this policy, in particular addressing two aspects of it that the staff felt had become unworkable and in certain cases, unfair. There are two changes. The first one is the elimination of the rule restricting eligible courses to those taken during the first forty-five hours. The Extended X Policy is the successor to the FX policy, a policy that I understand dates back to the 1950's. At one point in time in the history of this document, the forty-five hour rule was appropriate because most of our undergraduates entered as freshman and it was a fairly easy matter to ascertain at what point they reached that forty-five hour limit. However, now we have many freshmen who come in with advance credit either through a dual credit program or through an ACP program or Advanced Placement tests. Some students come in with quite a bit, even enter as a sophomore rather than as a freshman, in which case they would rapidly exhaust their forty-five hours in their first semester. We also now have a number of transfer students who come in with a lot of credit hours, some of them with more than forty-five credit hours. And some of these are coming perhaps from Ivy Tech or junior colleges, so that they are being on a university campus, a four year campus, for the first time and encountering perhaps, different standards than they had previously. And there was a feeling that because of this change in the student body that the forty-five hour rule in some cases was unfair, imposed an undue hardship. It was also difficult to determine exactly, when you have all those different alternatives, when you hit the forty-five credit hour limit and, so the EPC by a super majority recommends that that forty-five hour limit be dropped.

The second matter concerns the deadline by which students have to declare their intent to apply to use a current course to supplant an earlier one. The current rule is that a student must, by the drop/add deadline, notify the school or University Division as the case may be, of the student's intention to use a course as soon as taking to X a previous course. Now, this is before they actually know their grade in that course. So, it can happen that a student would come in declaring intention to X a 'B minus' and actually end up getting a 'C plus' or something like that. These things have been known to happen. So for that reason, the original proposal was that we should eliminate the Auto W deadline altogether. That turned out to cause other problems and the person who actually first brought that after checking with his school's recorder's office determined that in point of fact the recorder's office was opposed to that, and so that was withdrawn. The matter having been broached though, there were members of the committee who felt it should go to the other extreme, that in order to ensure that students, you know, were committed to this undertaking that they should be required to declare their intent to exercise the X policy at the time they registered for a course, even before the semester would even begin. Then there were other possibilities considered of maybe they should be required to do it by the first day of class, or maybe by the end of the first week of classes. There were feelings on many different sides of that issue. Eventually, the committee came to the conclusion that, you know, for administrative reasons and in order to ensure that a student is very serious about it, that there did need to be a deadline sometime during the semester in which the student took it. At the same time, it seemed that putting it at the very beginning of class of the semester was inappropriate because the student, as this Council discussed last time and heard that sometimes the syllabus is not available that early, and a student should certainly have the opportunity to find out what a course is actually like since it

may be a different instructor and a different syllabus before they have to declare it. So after much discussion, the committee then settled on trying at least, to simplify the deadlines that students currently have to deal with. There is currently a deadline for declaring, a student to declare that they intend to take a course pass/fail. That deadline is adjusted depending upon whether the course is a full semester course in an academic year, a first eight weeks course during the academic year, a second eight weeks course during the academic year, a six week course in the summer, and eight week course in the summer or special thing. It is a deadline that the Registrar carefully calibrates according to the original intents of the Faculty Council for the pass/fail deadlines. And so the EPC unanimously recommends that the deadline for declaring and intention to apply the X policy, that the deadline should be the same as the pass/fail deadline, that given the consideration that was put into determining was an appropriate point in time to ask the student to declare that, that it was appropriate to use that for the Extended X deadline also.

Those are the changes, and you can see when you look at the bottom half of the front page and the back half on the back side of the page exactly where the changes would be. Let me say one other word of context though so that you will understand the context in which this policy functions. Many faculty are unaware of the fact that a student has at least two GPA's at the Bloomington campus. On the one hand there is the university GPA which is associated with the university transcript. On the other hand, there is the school GPA and the school degree audit. These are two different things; in fact if a student is in several different schools, the student in pursuing degrees at several schools is subject to several different degree audits, and may have several different school GPA's that are actually different. This policy applies to the university GPA and the university transcript. Whether it applies to a school's GPA and degree audit is up to the faculty of that school. Currently on the Bloomington campus, the College of Arts and Sciences and the School of Business do not observe either the FX, the original FX, or the Extended X policy. All grades are computed with their original value in the school GPA and decisions on whether a student has a GPA that is in good standing and whether they can graduate will include all grades including any that have been X'd. Other schools abide by the Extended X policy. Bob Eno, when he was chair of the EPC and this policy was thus modified in 2001-2002, approached the College and the School of Business urging them to follow the school policy; they exercised their authority under the faculty constitution to decline to do so. So it is important to remember then that when the Council votes on this, it is voting on a policy that applies to the university GPA and therefore it is of a much more limited impact than one might otherwise think given that the School of Business and the College are the largest schools on this campus. I assume you want to discuss this before you go to the other one?

TERRY: Mm hmm.

HANSON: Any questions? Paul?

EISENBERG: Yeah, this is actually an old point and not something that you're proposing changing, but I wonder whether possibly doing anything about it might lead to the sense that everybody has to change. In the first line, I was thinking greatly about an 'A,' I wonder whether

that's supposed to be taken to be a straight 'A' or anything in the 'A' range. In other words, does an 'A minus' count here? Has this matter already been settled *de facto*, and even if it has, should it be clarified in the actual statement of the policy?

WHEELER: Yes, one can X any grade below a straight 'A,' so 'A minus's can be X'd and there are times when students attempt to do that. In particular, students who are hoping to get into the School of Nursing where it's a very competitive situation will actually retake courses in which they have gotten 'B plus's and 'A minus's in hopes of actually getting an 'A.' (laughter)

EISENBERG: Okay, now do you think that it's worthwhile to tweak this a bit so that it's perfectly clear that we're talking here about a straight 'A' and not just some grade in the 'A' range? Because many people would of course think an 'A-' is, after all, an 'A.'

WHEELER: I can certainly take that back to the EPC for their consideration.

MCCORMICK: Do you know, earlier your comment about how some of the units don't actually observe this policy, in a number of the programs there are minimum grade point averages for admission into a major, is that where this is also applied, I mean for example; do some schools look at the total GPA and not the university GPA in considering admission into a school?

WHEELER: Yes.

HANSON: Other questions?

MARKLEY: I just have a question. Did I understand that a student could, in retaking, get a lower grade than the original?

WHEELER: Yes.

MARKLEY: That seems extremely unfair. (laughter)

WHEELER: A number of people agree with you.

MARKLEY: I mean it's like, if you're found innocent, you can't be proven guilty, it's...why would we do that? (laughter)

WHEELER: That has always been a part of the policy and some people feel, you know, that's part of making a commitment, that when you declare that you intend to X something that you know, that is an irreversible commitment. It's not something that you can game. That is to say, you know I think one of the concerns there, you know, is that a student may start off that but then, you know, something comes up during spring break and they just do not do well after spring break and can then, you know, write it off and try it again and there was a sense you know that this is not something that students should be able to try again and again and again in

order to X a particular grade, that there had to be something that says this is going to happen, and if you're going to ask for it then you are committing yourself to it.

HANSON: Luke?

FIELDS: I guess I certainly appreciate your response. I'm confused though as to kind of how this, I guess affects students. You know you make a contention that if a student, they need to take it seriously. I guess I would contend in the opposite that, well in opposition to that, that a student would take it seriously because both grades are going to be reflected. So it's not as if the second time around the lower grade would not count. It would still be reflected on a transcript so if I took a class again and I got an 'F,' whether or not you counted that first grade or the second grade, that 'F' is still going to be on the transcript. So I guess what we're really talking about is which number are we going to count in their grade point average and I guess I tend to side here that we...I guess I'm confused as to why we would penalize a student who did worse the second time around when they had shown success the first time around. That was a little vague. (one remark inaudible). You responded with a yes. (laughter). I guess you said that if a student takes it the second time around that we want this to be fine and we want them to take it seriously. It seems to me, and I may be incorrect or it's just my personal opinion, that a student would have every intention to take it seriously regardless of whether or not they did better because that grade would be attached to a transcript whether or not it was factored into a grade point average.

WHEELER: Different people may have different views on that. I would mention that, you know, a similar question rises in the Pass/Fail policy, because it may be that a student would declare it that they were going to take a Pass/Fail and then discover that actually they do very well in the course and they would much rather have the 'A' that they got appear on their transcript than the 'S.' And so, you know, there are views on both sides of this and again I have not been a member of the EPC for fifty years, so I can't tell you the full history of this. Paul, you were on the Council of course when this was before the Council before. Do you recall any of that part of the discussion?

HANSON: I was on it too. Because a whole policy had been presented in connection with getting rid of 'F's and there was a late move to get rid of any grade lower than an 'A,' and I remember that I thought it was kind of a *reductio* at the time but it passed. But I think those kinds of issues about use of university resources over and over again to gain a transcript were in play and there were worries about the extent to which the record that the university was maintaining for various purposes and/or presenting to various other constituencies that might want to know about the university credentials, whether or not it was an honest record, if it included a variety of attempts, there were also worries about whether or not there would be disparate impacts on various groups of students because of their economic circumstances, that some people could afford to take a course over and over again and other students couldn't, so those kinds of things were at play.

WHEELER: I'll ask Padraic to review the records so that he can speak to that at more length next time.

TANFORD: I just wanted to comment on that the simplest answer to your question is that it's unfair to the other students. In other words, we don't routinely allow a student just to retake the exam to see if they can get a higher score and if they don't, 'eh.' So that's the reason, and we've had this discussion in some other contexts and that, I think is the simplest answer to your question.

FIELDS: Okay. And I hear that.

HANSON: Other questions or comments?

MARKLEY: I would like to ask the reasoning why this should be limited to undergraduate students, this policy.

WHEELER: Again I don't have a personal history to give an authoritative answer to that. The FX policy only applied to undergraduate students, so it has always been the history of this policy that it applies only to undergraduate students. I think perhaps historically part of the reason may be that, you know, if one goes back to that point in time, then all graduate students were in the Graduate School and therefore it's the Graduate School that has authority over that. You see because historically all the graduate degrees were in the Graduate School and just as the undergraduate schools have authority over their own individual school policies, likewise so did the Graduate School. So, you know, it could be a question the council might wish to take up, but I...at the same time, thinking of our own department, the graduate students who make 'F's, it's a fairly definitive statement, a much more significant statement for a graduate student to make and 'F' than for an undergraduate to make an 'F,' I think. And there may be part of that playing into it again, and I don't want to put words into anyone's mouth.

MARKLEY: Except I thought it was not just an 'F,' that any grade could be repeated.

WHEELER: That's true too.

HANSON: Do you want to comment?

FARRIS: Also maybe it would be more likely that the course would vary if it were a graduate course when taught and more likely by someone different in the next year or the year after.

HANSON: It's also true that grades play a slightly different role for graduate students than they do for undergraduates. They're not the 'credentializer' in a certain way.

CLARK: I was going to say earlier that I think in addition to using administrative resources, maybe improperly, to allow a student to take a course three or four times hoping for the best, that's not necessarily good for the student either. And I think if you're talking about a graduate

student, even if it's -- I mean an 'F,' is a pretty clear indication that you should pursue some other... (laughter) I mean it is, and I think to a certain degree that it would probably hurt graduate students a lot more to retake a course in which they got a 'B' or a 'B plus' shooting for an 'A-', you know, to take that same course a second time than it would be just to accept the grade and move on. That's not to say that having the possibility that graduate students might now want to take it, I don't know.

DILTS: One key to understanding the history a little bit is that those first 48 hours actually meant something in the original drafts back of these whenever this was done. This was intended to help the freshmen who had a really bad start in college, that's where this began. It's just sort of evolved into something more than that.

TERRY: Go ahead, Erika.

DOWELL: I just want to note that there is a clause here at the very end of the second line, there is a limit to how many courses this can be applied to and how many credit hours total. So the again-and-again the cases that people were talking about aren't, sort of, extended too far.

TERRY: Actually that was the comment I was just going to make, but I have another one. I assume that before this comes back we'll renumber the points on page 2. Since we're taking out 2, 4 should become 2 and so forth, so I hope that will be attended to.

HANSON: Any other comments?

MEGLEMRE: Yeah, I just wanted to come back to Luke's point because I was thinking about the very issue of this being paternalistic and intended to help these people to adjust, and I definitely think that removing the 45 hours restriction is valid, as someone who came into an undergraduate degree as a sophomore myself. This would have had relatively little benefit for someone like me, but if our idea is that we're being paternalistic, it seems really counter intuitive to then say, you chose to retake the course you're stuck with whatever grade you get in the second half. If the idea is that we want to help students adjust, I think Luke's point about letting them keep whichever grade is higher better accomplishes that goal. That's my suggestion.

HANSON: Depends on what kind of a father figure you want us to be (laughter). Other questions or comments?

BLAHA: One question: In setting an earlier versus later deadline, what's the current deadline?

WHEELER: The automatic W deadline, mid-semester.

BLAHA: So they can't decide three semesters later, 'got to try again,' okay.

HANSON: Alright, any other discussion or comments on things you'd like the EPC to consider?

GROTH: So I see you can't replace it with a 'W,' which is good so you can't go from an 'F' to a 'W,' but if somebody says that they're going to exercise the Extended X policy for a course and then still withdrew at the automatic W date, presumably they can't try that class again so they keep the original grade?

WHEELER: Well, they can try it again but it will count against them in terms of how many attempts they get.

GROTH: Can you redo a class more than once?

WHEELER: If you got a 'W,' if you actually were to – and this may be administrative practice rather than in the policy itself -- let me digress just for a moment. It is the case that some schools will, in effect, follow a different deadline for applying to apply the policy, that is to say, that right now it says "auto W," but there are some schools that will let students submit a request to exit course several weeks after just as one can apply to the Dean for an exception or for a 'W' to withdraw after the "auto W" deadline. So with that in mind then, it's been administrative policy, I think, that if you were to say that you were going to apply to use the Extended X policy and then subsequently actually withdraw, that 'W' would not replace the other grade, that is there would not be an X on that grade, but the 'W' would of course be recorded on the transcript and would count as one of your three attempts to replace a course so then you would only have two attempts left, or up to ten credit hours depending on, you know, what the credit hours happen to be there. So the 'W' would not replace the earlier grade, and the earlier grade would still continue to count in the transcript but it would limit your ability to apply a second time to that course.

GROTH: They would not be able to...

WHEELER: Well, they could, but that doesn't give them a fresh start on the ten credit hours, that is to say the point was that a student may -- well it does say a student can use this option only once for a given course so that would use up the option for that.

HANSON: Any other discussion? Alright, thank you. Religious observance?

WHEELER: Thank you again. I will appreciate any historical comments that people may have to offer on this next policy. This is the circular B24-2009, "Accommodations for Religious Observances." So the committee was asked to bring this policy up to date as all the other policies are having to be brought up to date and Padraic actually went through and what you see right now is actually, Padraic needs to be commended for it, because he actually did it between last night and this afternoon so that we could have in front of us a copy that actually shows what the changes would be. So part of it is just purely updating. In the introduction where it says "Past practice" and so on and so forth, you know that part was in there in the original policy as a justification when the policy was first put before this Council, but it no longer pertains and so it's been struck. Then under "Procedures" you'll see where for the first

time the standard type of updating is occurring. We were notified yesterday that the campus administration has made a decision that the appeal, which formerly would have been going to the Dean of Faculties' office, should go the Vice Provost for Faculty and Academic Affairs and so all occurrences of Dean of Faculties' office are supposed to have been replaced with Office of the Vice President, or the Vice Provost for Faculty and Academic Affairs. You know, other appropriate changes were made. Item number 8 on the backside has been struck because of course that referred to the original implementation. With that, let me open the floor to questions. Yes?

TANFORD: In the first line, "federal law" has been changed to "federal policy," and I was wondering why that change was made and wondered that it may be unwise for two reasons; one, because it is federal law and not federal policy so the change makes it inaccurate as a legal statement, secondly it suggests that it's optional, that we don't have to legally accommodate, reasonably accommodate, religious observance and that federal law says that in fact we do have to reasonably accommodate it so I was wondering why this change was made.

WHEELER: I, myself, cannot comment on that because it came to the EPC with that change already made and I myself had wondered what federal law it might be referring to, so if you're aware of the particular law then I think the committee would appreciate your guidance on that because as I say, the committee never discussed that particular change. That change was in the document when the first version of this revision came to the committee about a month ago.

DETHLOFF: Yeah, I can address that. We actually consulted both with you, one of your colleagues in the law school and Julie Knost on this, and it was recommended to us that it be changed to policy because no one could actually point to the law.

TANFORD: I think you've got that backwards. I in fact, saw Julie at lunch today, and I was afraid that this might have been a misunderstanding of what I said and I think maybe that's what happened and I will let Padraic know. It should just go back to law because federal law requires the reasonable accommodation.

CALLOWAY-THOMAS: Well, it seems to me as well that the word "reasonably" also has no teeth in it really. It seems to me that it's left up to the instructor to decide whether to allow an individual student to take an exam or not take an exam, submit a paper or not submit a paper, so I don't know what is meant by 'reasonable' in this instance.

WHEELER: Well, I think that that's clarified. Later on it says that, you know, a reasonable accommodation cannot include not having a student take the exam. If we return to the back page, item number 3; "The instructor and the student should discuss what a reasonable accommodation should include in a given case. Generally it is insufficient to require a student to forego taking an exam or doing some other major assignment even if the instructor agrees to average the remaining exams or other assignments, the student must be given the opportunity to do appropriate makeup work that is intrinsically no more difficult than the original exam or assignment." So my own interpretation of reasonable has been the issue of when the student

might take a makeup exam, not whether or not they take the exam, but rather when they actually undertake to do the assignment. So in my own classes the accommodations are usually, well, you'll have an excused absence for the class itself, because if you're going to miss the class, there is no way to actually do the class again, but in terms of homework assignments, written assignments, exams, for me at least, the interpretation of reasonable accommodations always comes down to the matter of when is a reasonable time for the student to do the makeup work.

CALLOWAY-THOMAS: I raised the issue because I've had several students in the past year say that there are professors on campus who are not "reasonable," so in terms of allowing them to take an exam in enough time or to submit an assignment at a regular time, I'm questioning whether the power dimension is so strong here that it dilutes the word reasonable.

WHEELER: Well, I think that's where point number 5 should come in to play. What number 5 says that "if after discussion there is no consensus on the accommodation, either party or both should seek the advice of the Office of the Vice Provost for Faculty and Academic Affairs."

CALLOWAY-THOMAS: What's the Vice Provost going to say?

WHEELER: I beg your pardon?

CALLOWAY-THOMAS: Never mind. (laughter).

WHEELER: I'm sorry; I couldn't actually hear the comment.

CALLOWAY-THOMAS: I was just wondering, you know "seek the advice of the Vice Provost" and I said, "What will the Vice Provost say?" In terms of advice. That's rhetorical.

GIERYN: Thank you.

HANSON: Alex?

TANFORD: The phrase, "reasonable accommodations," is the phrase used by the Supreme Court and it is vague so that in fact they can craft remedies, so I agree with you that it's vague but I think it is in the phrase because it's supposed to reflect what the current state of the law is.

BURNS: I have a comment and a question. The first is just to the "federal policy" verses "law." Since it's already IU, we have to do it anyway so that I'm not sure we even need that modifier. The second is a question on point two's recommendation. Point 2, at the end you've deleted where you go to get standardized forms, and wouldn't it be useful to have a pointer to the office that would maintain this information?

WHEELER: I think that point is well taken, and I think that's a question between the two Vice Provosts. The Vice Provost for Undergraduate Education has prepared some boiler plate on the matter of religious accommodations as well as several other policies that the Vice Provost would like for the faculty to consider including in their syllabi. And, so that's one of the partial responses to that is that part is still under discussion. And at that point then let me refer to...

HANSON: Tom?

GIERYN: I would propose leaving it as is for the simple reason that we can put on both of our websites the standardized form. It's not a matter of jurisdiction here, it's just making availability of the form. I've been working with Sonya on the development of these materials so we might as well just put it on both rather than force a choice.

HANSON: The other thing, if I may just interject something here is that some schools make a habit of putting out a notice to faculty describing in more detail what reasonable accommodations are and reminding people of the existence of the form and/or giving it to them, and since that's often a closer interface with the students, that's also a useful thing to do.

WHEELER: You know my own practice is to put a link in Oncourse. You know in Oncourse you can put in little things on the left hand side of your buttons over there, and I always put it such a button that says "religious accommodation form" and point it to wherever the form happens to currently exist.

HANSON: Diane?

REILLY: We've had a little bit of confusion among our students because the directions for doing this came formerly from the Dean of Faculties and now it will come from the Vice Provost for Faculty and Academic Affairs and so the students think that they're supposed to turn that form in to that office, so it might be worth stating specifically somewhere that the students are suppose to request this directly from the professor, because I think that they think we're a little bit more centralized in our organization than we actually are (laughter); and that maybe there's some master list of people who have requested accommodation and all the faculty somehow have access to it.

WHEELER: So in other words, add that to point number two I guess: "The students make a request to the faculty member, to the instructor."

REILLY: "To the instructor."

WHEELER: "To the instructor."

TERRY: I was aware that Julie had some concerns about this that hadn't had an opportunity to be addressed so I'm glad we're going to have an opportunity to hold this until next time to let her ask those questions and maybe "policy" has something to do with that. I would have

thought that she would have questioned the interplay of point 6 and point 7 on this document. Point 6, as currently written, basically says that if they're not happy they appeal the decision to the Vice Provost for Faculty and Academic Affairs, who makes a determination and then that's appealable to the Provost who has "final authority." I don't understand then what point 7 means and I don't think it was the intent to say that you could appeal the final decision of the Provost to the Office of Affirmative Action. That doesn't make too much sense to me so I think you should take a look at 6 and 7. I would assume that it'd be a good idea if the Vice Provost for Faculty and Academic Affairs consulted with people in the course of making a decision and that could include the Affirmative Action office or any other office that is relevant and then you have a decision by that Vice Provost and that's appealable to the Provost or something like that.

WHEELER: I concur. Again, one of the concerns that the EPC had, you know, was this apparent duality in appeals procedure. The document as it stands right now is basically what the EPC received from the administration last night. And so the EPC itself has not had the opportunity to go back and explore again. It had the concern about items 6 and 7 which it hoped would be resolved and I assume that that is something that will need to be resolved by the campus administration.

GIERYN: One thing that might clarify this is in the section that's struck out in the introduction is a reference to the origins of this document. It came from the Affirmative Action Committee and the Campus Calendar Committee who recommended the adoption of the following policy. I'm not exactly sure how it ended up with EPC. It's certainly appropriate for EPC to look at it. Julie and I have only had one exchange on this because Bill has been done at the last minute but here preliminary response was that these are issues of discrimination and that she -- I don't know if she would specifically defend point number 7—she would certainly want to be involved as the Affirmative Action Officer because that is an issue of discrimination. I like Herb's resolution which is to say that the Vice Provost or the Provost for that matter could consult with the Office of Affirmative Action. It's possible though that that committee really did want to designate that office as yet another appeal. We need to find out I think, from Julie, her response to that, and then consider what to do after we hear from her.

HANSON: Paul?

EISENBERG: Yeah, I wanted to look at two points since it's in the process of amendment, I guess. One, as stated, the policy assumes still that every instructor will have made decisions about when papers are due and exams will be given at the beginning of the semester. In fact, I feel confident that many professors will announce late in the semester, "Oh, I think I'll give the exam next Friday," and by then it's too late for the student to make an appeal so we need some way to think about how to deal with that kind of tardiness, which I call it tardiness but it may in fact not be anything reprehensible on the part of the instructor but as it is, even the professor acting in good faith might announce six weeks in the course about some assignment and then as the policy is stated it's simply too late for the student to make an appeal for reasonable accommodation. The second thing, and this was under I suppose that common way this list

appears, this is a matter that's come several times to the attention of Religious Bias Incidents Team of which I am a member and it concerns the observance of Jewish holy days, which will always begin at sunset, maybe a similar point applies to other sorts of holidays, but I know that at least one instructor has looked at that schedule and has thought that he would be doing that which is in keeping with university policy if he allowed his examination to be schedule for completion in one half hour before sunset, or 15 minutes before sunset. This completely ignores the fact that though officially, let's say Passover which is about to begin tomorrow, begins officially at sunset, the Hillel organization is likely to be having its Seder before sunset, that most Jewish families would be likely to start their Seders before sunset etc, etc... how would you word this, I leave this to you and others to think about, but simply giving the official starting point for holy days and holidays doesn't do what needs to be done. Maybe suggest that there's some need for leeway both before and after the official start and official ending point of holidays and holy days.

MCCORMICK: On a related note, having experience with the challenges that faculty who in fact had a schedule set at the beginning of the semester, the challenge is as I look at it, in terms of the procedure number 1, there's no identification of when that list is going to be provided or disseminated. The challenges that I've seen in terms of accommodation have to do with extended experiences. You know, if an instructor has sort of an atypical course in which you have, for example, a day long experience and you don't know that you've scheduled that day long experience on a religious holiday, and a student enrolls in the class, it's virtually impossible to make a reasonable accommodation. And so the challenge there is how far in advance will instructors know about the official listing of religious holidays? And the official part becomes problematic as well.

WHEELER: They are currently now announced more than one year in advance and that those lists become available one year in advance and so I think that is, in most instances, sufficient time for an instructor to make an accommodation. Now, I think there could always be the question as to whether it gets all the way down to an individual instructor in due time. But I think in fact that the Dean of Faculties has in the past posted them five years in advance.

TANFORD: Two real brief comments; one is the Educational Policy Committee versus the Diversity and Affirmative Action Committee. Padraic consulted with me as chair of the Diversity and Affirmative Action Committee about this extensively and our committee kind of declined jurisdiction because we thought it was good that the Affirmative Action Committee was involved when the question was whether to have such a policy but this is just sort of a making it more effective and making it work with educational concerns like Paul raised, which really was an educational policy matter, not one that comes to us, whether Julie agrees with that or not. And the second thing is, a quick comment on the tension between 6 and 7, I think as long as the words "final authority" are there in section 6, which says "final authority for determining the outcome rests with the Provost." As a lawyer I would suggest that final authority probably rests with the courts (laughter) as people have been known to file lawsuits about various forms of religious discrimination. And then as long as that term is there, then 7 has to be there so we are not trying to make students think that they have no recourse to the Office of Affirmative

Action, if they believe that the failure to give them what they think is a reasonable accommodation is an act of religious discrimination. And there is a difference -- you know, not all refusals to accommodate religious observance also qualify as religious discrimination and the difference between those is what divides some of the places, some but not all of these disputes, in Julie Knost's territory. So I would urge that both 6, despite the somewhat awkwardness of the language of both paragraph 6 and 7, that paragraph 7 remain in there. And there may be some tinkering with words but I think it has to be there.

WHEELER: Paul's first point that it might be appropriate for the Vice Provost for Academic Affairs to add some text, not part of the policy, but a discussion of what reasonable accommodation means, that would be an appropriate way to address the issue of sunset.

EISENBERG: Absolutely.

HANSON: Go ahead.

DALLIS: I just wanted to make a point. Recommendation number 1 says that the policy and procedure above ought to be printed in the "Code of Student Rights, Responsibilities and Conduct." And that's actually a UFC document that has to be -- that really wouldn't be something that Bloomington procedure or policy would be inserted into and maybe that's something that should be reconsidered, because there is in the Code, reference to accommodating religious holidays, and it actually references a UFC document from March 28th 2000, so there's just, maybe this really belongs in a different, that recommendation should be something about working it in appropriately into the Bloomington procedures for the code. That's...

TERRY: I'd point out the one thing that's changed, I don't know how you solve it, but I think one thing that's changed a lot between 2000 and now, is the increasing tendency of instructors and others to require various forms of group work. The most common thing that I hear about this is not so much that some in class activity conflicts with a religious holiday. The instructor can schedule that. But that when students are working in groups and may be required to do so as a part of some assignment, this can introduce a dilemma. I don't think we can solve that, but maybe the Vice Provost of Faculty and Academic Affairs on appeal might from time to time be confronted with it or something. The other thing is that, of course, I have had a student come to me and argue that this is unfair because it prohibits them from, they would say sincerely, adopting a religion following the deadline and I don't know how you can solve that either, but Alex might wonder whether it's a violation of federal law to regulate conversion timing.
(laughing)

WHEELER: I think Paul's point about, you know, Paul was referring to tardiness, but in general in my case, all of my exams and all those things are in the syllabus available well in advance, but it is not uncommon for students to themselves be tardy in asking for an accommodation. I received by e-mail last weekend, a request from a student concerning the observance of Good Friday this coming Friday, and so again this might be something for the Vice Provost to discuss

in a text on reasonableness. I, myself, do not adhere to the two week deadline. I am willing to entertain a request from a student at any point in the semester although I do have to say that if the request comes the night before an exam, I might consider it unreasonable at that point in time, but you know certainly I have in concerning Passover I did receive one request during the first two weeks and I received one request at mid-term and of course I'm accommodating both of those, so I think this goes into the issue of reasonableness. There does need to be a deadline I think, at some point in time and the first two weeks seems not unreasonable. But at the same time, you know, faculty should try and make reasonable accommodations even on the issue of deadline. That's a personal statement.

TERRY: This ended up in the hands of the EPC as the result of a charge from the Agenda Committee and the charge we gave them was rather broad: figure out if you need policies on other kinds of accommodations. Can you come up with some policy on how you accommodate deaths in the family and all these other sorts of things? They decided not to go down that path. One of the precipitating events, however, was a complaint exactly at this, that the instructor was adhering to the two week deadline and a student, you know, missed the deadline and asked if she could be granted an accommodation and the instructor was just following the policy. I think what the EPC concluded was that the policy was as good as we could get, but that what we needed was to enhance knowledge of it as early as practicable in the semester and in as many ways as possible through the efforts of instructors to incorporate it in their syllabus and their course planning and all of this sort of thing so that you could certainly turn to that student and say, 'Hey, it was in the syllabus and I announced it the first day of class and I announced it even after drop and add was over and you should have come forward,' if an instructor, for a variety of purposes, some of which may indeed go back relating to planning group work, wanted to adhere to the two week deadline. So I think they took their charge sincerely. I also charged them with consulting with the Affirmative Action Committee on this and they did.

HANSON: Any other comments or discussion? Thanks Bill. Alright let's take a very short break and get back to the discussion of promotion and tenure issues.

BRIEF RECESS

AGENDA ITEM #6: DISCUSSION OF PROMOTION AND TENURE ISSUES

HANSON: .agenda for today, the discussion of promotion and tenure issues and Herb.

TERRY: Should we announce the reception first?

HANSON: Oh, right, party first! I forgot to mention at the beginning that as the next meeting will be the last meeting of the semester, you are all cordially invited to a reception in your honor afterwards, and we'll give you details but perhaps you can hold some time for that.

TERRY: Thank you. Let me give you, once again, a bit of a historical overview of this document. The document that you have before you, circular U6-2009, is not actually the most current version of this set of procedures. What it is, is a modest amendment of some proposals that came out of a committee, a joint administrative/faculty committee to consider the question of what we could come up with that would be common principles and guidelines for procedures for promotion and tenure cases on all campuses at Indiana University. Actually, this is obviously a matter of interest to every campus and one of the things that I have learned in the course of this is that most campuses have historically different ways, some way or another of handling these issues. In some cases, they're driven by resources, how many full professors they have or not for example, and coming up with a common document that everyone can be happy with is probably impossible. I think, no matter what we adopt in this document, if we do adopt one at the UFC at the last meeting of the year, it will require some changes by some campuses of some type. That said at least I think the issues are settling down to be just a few remaining that are of some controversy.

The UFC has asked that every campus discuss this in their units of faculty governance so that when the UFC next gathers, it will be able to consider the input from all the campuses and hopefully adopt a policy. We are discussing it today; we're not going to vote on anything at all, but we're discussing it today and we may well discuss it again at our next meeting. The reason for that is that the UFC authorized Simon Atkinson, my counterpart at IUPUI and John Applegate, the President's Vice President of Planning and Policy and myself to try to get together and come up with a policy that could come back to the UFC at its last meeting. John and Simon and I are actually meeting Thursday, so today's discussion will be helpful to me as I go into that meeting. Our plan is that as soon as possible after Thursday's meeting, we will send out to all the campuses, yet another version of this and urge them in whatever way they can, to discuss it at their campuses. Here what I hope to do is refer it to the Faculty Affairs Committee and I hope they will come back with some comments on it at our final BFC meeting of the year.

The issues that are controversial are first of all the question of voting on these campus promotion and tenure committees. It is of course, our tradition here at Indiana University that, for example, only people who have attained a particular rank or higher, vote upon the application of a lower ranking faculty member for promotion. We also in our promotion and tenure committees require representation of the various Bloomington schools. Well, some of the smaller schools require such representation and lack very many full professors, for example, from those schools. John has gathered statistical data on how often this happens and it doesn't happen all that often but it is true that on some of the regional campuses they would have great difficulty complying with any notion that somebody who was not a full professor could weigh in on a tenure and promotion case and still sustain the principle that every school should have an effective representative on their committee. We're still struggling with how to handle that. We might come up with language that says that something like a majority of those voting must hold the rank or higher under consideration so that if that majority coalesced around the idea that this person should not be promoted, they cannot be outvoted by lower ranking people who might have to be on the committee for other reasons, so I hope we're moving

toward a resolution of that. Another contentious issue has been what has come to be known as absentee voting. There seems to be no disagreement that when campus promotion and tenure committees themselves gather, you want them to get together and you want to prohibit at that meeting, absentee or proxy voting. None of the campuses seem to want to argue that there should be absentee voting at that level. But beneath that level at the school or department or program or whatever it is, level, and it can be lots of different things; it turns out that there are some departments who subdivide their voting and people who are certain kinds of scholars vote on certain kinds of hires. At least, at Bloomington, there is a very wide range of ways in which programs and schools have accommodated that. The regional campuses, being much smaller, think that the fairest thing to do would be to just have a requirement that there not be absentee voting, that people can get together. The President's position on this has been that we need to factor IT in and once IT is factored in then there's probably some way or another for most people or all people to get connected so that they can participate and be informed. Tom, did you bring your proposed language? Tom Gieryn has proposed one alternative draft for the portion of this thing that deals with proxy and absentee voting and it may turn out to be the solution. I think, actually there's a little bit of a spirit coming back toward the President's original view that IT does play a role in this and that through contemporary information technology, at least, all faculty members even if they're not present in the room, can be well informed on the case that they are voting upon and that maybe there will be an IT answer. I don't know what John may say on Thursday. But finding a way to accommodate various forms of absentee voting, which is very common on the Bloomington campus, but apparently not that common at IUPUI or at the regionals is something we're certainly still trying to do and we will work on it again on Thursday and the next time you see this, it will say something about absentee voting.

We realize that we're going to have to come up with some implementation system for this and it's probably going to take a year or two to kick in because letters are already being solicited for next year, some promotion and tenure committees on some campus have actually been formed for next year. And so we will have to come up with an implementation schedule, we'll see that in the next draft of this. The other contentious issue, particularly for two of the regional campuses, is what is called in this memo, "executive review." "Executive review," basically would mean, or does mean, that once a case leaves the campus promotion and tenure committee; it would be forwarded by the Chancellor or Provost of the campus up to the President's office and there would ultimately be joint consideration of cases by the Provost and the President, in the case of cases coming from Bloomington and by the Chancellor of the regional campus; Chancellor Bantz in his role as Vice President at IUPUI and the President in case of cases coming from the regional campuses. It's clear that in recent years, in the case of most campuses of Indiana University including IU Bloomington there have been these kinds of discussions between Provost or Chancellor and the President, particularly obviously over contentious cases. I don't think they engage in extended discussions jointly over cases that have been unanimously supported at every level. We have too many of those. But, I think in any case, if it is contentious, they've gotten together and talked. We had not had letters from our Chancellors going to tenure candidates or promotion candidates in January or February saying congratulations, or 'gratz' I've decided that you deserve tenure and promotion and I'm now

forwarding it to the President for his or her decision. We haven't had those for years. There have been letters that have gone out in January and February though from the Dean of the Faculties to people on the Bloomington campus, but they've always been cautionary letters. They've always said that, 'this still has to go up to the Presidential level and so congratulations you've satisfied the Campus Promotion Committee and I guess me as Dean of Faculties,' but there is reassurance in that if the letter is positive but it isn't final and what has happened in terms of Bloomington cases is reflected in this section of the document. This section of the document was actually taken from a memorandum that President McRobbie sent to all the Chancellors and the Provost earlier this year. What the UFC concluded is that the procedures as well as the standards for promotion and tenure are within the legislative authority of the faculty and that we thought what happens once it leaves a campus should be written down and appear in the *Academic Handbook* and be something that everybody understood. I don't believe Bloomington has any great difficulty, as far as I can tell our Faculty Affairs Committee doesn't, with this description of executive review but it is troublesome to a couple of the regional campuses. Ultimately we'll see when the UFC votes whether they can talk other campuses and their representatives into objecting to this or not, but I do hope that the UFC will specify what the procedures are for granting of promotion and tenure since that is our legislative authority up to the point when it leaves the President's office and goes to the Board of Trustees. I don't think we can specify what the procedures for the Trustees may be. But we can at least take it that far. So I am interested in your comments on those points or any others, either now or if you don't care to convey them today or something like that, by e-mail tomorrow or prior to 10 o'clock on Thursday, because I do hope that we're working together, we can come up with something. Tom, would you like to say anything about your language?

GIERYN: Thank you Herb. I think the important thing to underscore is the President's desire to have some set of principles in place and that in order to get to that point, there is going to be some give and take among campuses and towards that end, the point on absentee voting was the most disruptive of Bloomington policies and procedures. And I've concentrated on that and tried to get language that I think captures the practices here and at the same time, satisfies the President's desire and some of the desires of the regional campuses and IUPUI to insist on presence, physical co-presence. We did a survey in my office of policies regarding absentee voting and we contacted as many school deans and department chairs as we could to find out if they had a policy on absentee voting in P & T cases and if not, what was their practice, and a very large majority, about 90% of the units, allow either in policy or practice, absentee voting in P & T cases. In a certain sense we're trying to come up with language that would satisfy both that pattern and also the concern by the President that we don't have ringers voting that we don't have ghost voting that we don't have abuse of sorts of proxy voting in which I might give you my vote, and no matter what happens, you can just change the vote and there's no guarantee. Those sorts of practices, I think we'd agree, are abhorrent. So what I've tried to do is rather than focus on the actual mechanism, try to focus on what the goal of presence at a meeting is and then argue that if we can achieve that goal, but not specify specifically the particular means to reach that goal, then perhaps we can get some kind of conciliation. So, the wording proposed is focusing on what our obligations are as faculty members voting on P & T cases. "We are expected to become familiar with the contents of each candidates dossier and

to participate fully in the deliberation of each case.” And I don’t say anything more in there about what, “to participate fully” in the deliberation of each case might mean. It could mean that you are there, that is easy. If you’re not there and have an opportunity to express your views, to hear the substance of ongoing discussion, to be made aware of new issues that arise in the course of the deliberation, to me that satisfies, “to participate fully,” even if it is by a phone call or e-mail or some other device. Teleconferencing is certainly possible, too. So what we’re doing is trying to shift the focus away from requiring physical co-presence to requiring the conditions supposedly achieved by physical co-presence, but conditions that might also be achieved by other means, in this case, mediated or distributed, that’s the intent. Forgive the longwinded description, but what we’re trying to do is satisfy all parties on this issue.

TERRY: One of the things that I would welcome is either here or later, comment on Tom’s language from the perspective of what you do in your own academic units. Tom did a good survey, didn’t get a hundred percent cooperation I assume. And so this is a last shot at those of you who out in your departments, couldn’t work under this to let me know of that. I happen to come from a department that doesn’t really allow absentee voting. John Applegate’s School of Law does not, so neither of us are especially familiar with all of the ways in which you may have solved this absentee voting on promotion and tenure cases issue, but please look at this language, think about what you do, and let me know if this would work for you, or if it wouldn’t. And we’re open to any comments or questions about this process, where it’s going, what it says and that sort of thing.

HARBISON: There’s a related issue that I’ve heard of that seems abhorrent to me and it is related to the absenteeism and that is that is that in some circumstances if someone is away and doesn’t for whatever reason participate fully and therefore does not vote, it is a presumed ‘no’ vote. And to me, that’s really against the spirit, just because they didn’t participate that doesn’t mean they are against someone receiving tenure and I feel like that needs to be included in this document, that’s not a feasible thing to do and I know that is a problem in some departments, but...

HANSON: Steve?

BURNS: Somewhat related is there is not an indication of recording how many eligible people [unintelligible] so that there is documentation of what proportion of people participated in one way or the other. Is that intentional or...?

GIERYN: I think we need to say; first of all this isn’t my document, I’m working with it. Secondly, the document, as it says, isn’t intended to address all of the issues pertaining to the P & T and it’s not intended to supplant any existing policy or procedures, so you’re asking questions that are legitimate, certainly important ones, but kind of to the side of what this particular document... So all current practices are still in place. Now I’d have to go back and exactly see the language in terms of absentee, but it’s fairly specific in terms of what is recorded; a ‘yes’ vote, ‘no,’ ‘absent,’ ‘recused,’ and so forth. And we’re not touching most of that, we’re not touching any of that, in this document, I guess.

TERRY: I'd stress that the idea here was to find minimum standards that we expected every campus to follow. I think my goal has always been to come up with a document that leaves maximum ability within those minimum standards for campuses and schools and departments to decide how to actually do this in their proceedings. On the vote thing, our own practice on this campus varies across campus in schools. Some schools require an explanation of every absentee vote and the chair would have to find out why they were absent and report that to the dean so it may not get counted as a 'no' vote, so those things may be something I'll take your recommendation or advisement that we might want to address system wide, but it might be also something that, consistent with this document, we can address and at least fix on this campus.

BOSE: I really like Tom's recommendation in terms of striking the language that is proposed and also the idea of striking number four. One of the problems that I imagine quite a few faculty members might have at Bloomington is if we're doing research abroad in places like India where there's a time change or where there's not a reliable source of electricity. We really don't have the option of telecommuting for these discussions.

TERRY: Although I assumed the President imagined that you'll have one of these little hand crank computers (laughter) and can always compensate for that. I hear you.

HANSON: Additional comments or questions?

MCCORMICK: Is there a reason that, in A1, and I assume these apply only to campus wide policies, is there a minimum in terms of the size of the committee? I mean, could you have one full professor and two associates and that's the campus review committee?

TERRY: I think we are leaving that to the campuses. Again, one of the things that I have learned in the course of this job, is I have learned a great deal and more about the diversity of all of the campuses of Indiana University and some of the regionals are quite small. Many of them have quite different administrative structures than we do. They may be, many of them may not have as their largest unit, the College of Arts and Sciences and as their second largest unit the School of Business. And so the methods that they use for constructing these committees and how big they are vary a lot. So I think it was a deliberate decision; in this case, this is the language of the joint administrative faculty task force. They came up with the 1/3 language and I think they had an extensive discussion of whether they could say more than that and they decided not to.

MCCORMICK: On a related question, I did have a colleague raise the question about the external letters, and if I recall the external letter system is one of the super generating forces behind this review and the challenges they have. Her question was really why four, and along those lines, why an even number as opposed to an odd number that might sort of give direction in one side or another if there is a split.

TERRY: Okay, I can take the heat on the odd question with Simon and John. It's only at least four. Again, we go back to the size of the regional campuses, their resources and the reputations, frankly, of their faculty. The notion in here, somewhere I think it still says, external means not from the same campus, again relates to the fact that the regional campuses are primarily teaching campuses, some other campus of Indiana University might be the best person to evaluate the accomplishments of a faculty member at one of the regionals. We probably would not look favorably upon a letter from IU and we in fact on a local basis I think might be able to prohibit it since this only says a minimum definition of what an external letter is and then a campus could adopt a stronger one, I suspect. But I'll raise the question and I can't imagine that we'd have two letters we'd regard as a tie. We'd read them Jesuitically and find differences some way or another. But I'll raise that question.

CAPSHEW: I've got some wordsmithing things. On 7, page 7. That doesn't read very well. I think maybe, "recommendations from each review committee should rank the performance of tenure candidates using ratings of 'excellent,' 'satisfactory,' and 'unsatisfactory.'"

TERRY: Where are we? What category?

CAPSHEW: On A7, oh sorry C7, sorry.

TERRY: B7?

CAPSHEW: Sorry, B7. There's no C7 anyway. The second, yeah, sorry. I think I don't like this. I think that it should just say "rank the performance of tenure candidates using ratings of..." okay? And also we need to have the quotes on the librarians, 'excellent,' 'beyond satisfactory,' 'satisfactory,' 'unsatisfactory,' in each of the categories of...

GIERYN: It's not the most felicitous, but I think the reason it's there is because it's one of Herb's variabilities. We get all kinds, but what it's suggesting is that there's a really good one, just an acceptable, and not, and the reason why it's at least, Jim, as you know, we might use 'excellent,' 'very good,' 'good,' and put all the [unintelligible]. There are departments on the campus that use 'outstanding,' which is to the left of 'excellent.' And I think that's why we say "at least." It's a 'really good,' 'just okay,' and 'not acceptable.' That's the minimum judgments. I don't know if that's the best wording, but that's why it's there.

TERRY: That's correct. That was our intent. These are the words adopted, the only words adopted on a system-wide basis and campuses, schools, even departments use different words. And what we wanted to make sure was that at least when they got to some level, you could look at it and decide whether it used the words that are approved for system wide use.

CAPSHEW: Okay, right. I'm not suggesting changing that. I'm just saying that you should say, rather than "recommendations from each review committee..." which includes departmental reviews, right?

TERRY: Mm hmm.

CAPSHEW: Okay? "...should rank the performance of tenure candidates," rather than "should at least indicate," okay? I mean, why is that? I really don't understand that.

TERRY: Okay, I think the intent was to permit them to continue to use their other... and then have their other categories if they wish.

CAPSHEW: And then have the extra....

TERRY: Yes, some do want very badly to use their other categories. Okay, I'll do that, fix that.

HARBISON: Another point on that same topic, and this may be a campus-wide problem, so I would recommend the inclusion of "creative activity" with "research;" "creative activity and research," and creative activity should not just be....

TERRY: Yes, we'll search the whole document for that.

GIERYN: Herb?

TERRY: Yes?

GIERYN: Along those lines, the "given the existence of the balanced case," you need to remember a few, but we should be concerned about instances so I think that under B6, "designation of the area(s)," that's right because in effect then we're judging multiple areas, but in B1, although we have the second sentence—forget the typo on the first sentence, you already caught that I presume—begin, "Although the candidate's area of excellence should be the same," corrected there to convey the balanced case . It gets a little more complicated, but I think you can see the general problem.

TERRY: Actually, in some later draft of this, we've already begun to try and fix it so it accommodates the balanced case, except of course it looks like we're eliminating the balanced case for librarians and we have to go from there.

DOWELL: Don't bring that up again please. (laughter)

TERRY: Yeah, but we don't want to create...

DOWELL: We sorted that out at the UFC meeting last week so it's all taken care of.

TERRY: We don't want to create a balanced case for librarians through this document.

DOWELL: I frankly wonder on 7, too, what problem are we solving by trying to list these three different levels? I mean is this another thing that has to do with some, you know, campus?

HANSON: Yes.

DOWELL: I would like to, I'd just as soon see that gone, frankly.

HANSON: Right and I think it is important that this Faculty Council think in terms of what works for Bloomington. The genesis of all this was to regularize things coming from the regional campuses and it grew out of a dissatisfaction with some of the processes that were in play. It went to the Academic Leadership Committee which was the Vice Chancellors for Academic Affairs, or the Vice Provost for Academic Affairs of all the campuses, and as they began to try to work out procedures that would work between the regional campuses and the EVP for the regional campuses, the Chancellor at IUPUI, it grew into a larger enterprise and we were drawn into it. The important thing for us to remember is that if they had difficulties of this sort, we don't want to wordsmith this so that it becomes a more binding document on Bloomington, but rather to find something that is acceptable as a minimal level that will address the desideratum that the President has that there be some kind of standardization and some of these things like the four letter rule are of that sort. We require many more letters than that, but there was an attempt to find a way to accommodate the general outlines of promotion and tenure which were thought to be very good on this campus, in the settings of the regional campuses, I mean I think we would have some difficulty, for example, on this campus of always thinking that an external letter meant a letter from another campus. I mean, that is generally not what we would be doing, but this is meant to be a baseline document and so if we get into too much detail on this in order to make it fit our case, you may be doing something that's strategically unwise because you want it to be a baseline document accommodating every campus and I think that's part of what was at stake in 7; that recommendations coming up from the regionals may not always have been so clear about what the evaluation was. It was just some attempt to standardize that.

BURNS: Would it maybe be helpful then to say that, "should provide a minimum of three levels," as opposed to the current -- at least indicate whether performance is -- just say "a minimum of three levels."

TERRY: Regardless of what the word is? Is that what you want to...?

BURNS: Well you say at least indicate whether performance is considered; what you're really saying is, give us at least three ranks, three levels, within each category.

TERRY: Documents that we have adopted, or the UFC has adopted, defining the criteria for tenure on a system wide level, use these words.

BURNS: Oh, I'm not proposing to take the words away; they use them as examples.

TERRY: They use these words, not as examples. They use these words. Now, I'm certainly aware that other words have been used by other units, but unless you want to change the

system, which I would hesitate to enter into a discussion of because everyone's words would then come up again. Unless you want to change the system wide documents, it seems to us that the case should meet the criteria that the faculty have adopted which says that the three criteria are: 'excellent,' 'satisfactory' or 'unsatisfactory.' Now you may, at another level, use different words, but what this document expects is that you will ultimately translate your vocabulary into this categorization scheme so that it is consistent with the policies that we have adopted for earning tenure at Indiana University, or promotion.

HANSON: Christine?

FARRIS: Can I ask a question about A7 on the first page? That a faculty member can participate at only one level, does this mean if you were on let's say, a college tenure committee, you could completely ignore the procedure in the department for a candidate and stay on the tenure committee at the next level? That's what that sounds like to me – rather than recuse yourself because you are in that department and you know that candidate.

GIERYN: If you voted in the department, you would recuse yourself if you were on the campus or school level.

FARRIS: Right, but worded this way, it sounds as if you could not participate at the department level and participate at the college level.

HANSON: But again I think it's important that you not see this as superseding the rules that are more restrictive on this campus; that's why again I would focus your attention on number 4, because that ends up being more restrictive than the procedures on this campus. I mean other cases, where it doesn't define things as well; I don't think that's a huge issue for us.

TERRY: And I think the regionals would agree with that. They're just looking to block what they perceive to be a problem which is kind of two bites in an apple as these cases go up in their much smaller systems.

MEGLEMRE: Going back to what we were talking about with B7; I was wondering why the librarian [unintelligible] four categories or if that's just a mistake.

RILEY: We were trying to look that up.

MEGLEMRE: Okay, because I keep hearing the three over and over again, but the librarians have a different rubric.

DOWELL: Yeah, in some cases we do.

MEGLEMRE: Okay.

HANSON: Tom?

GIERYN: Not to split yet another hair, but at A6, “an administrator may make a recommendation or vote only once on any given case” and as Julie Knost pointed out, we have increasing numbers of appeals and rebuttals, and technically that is a change of your vote, a vote, so it’s not a double vote, but I think it should be understood that in the case of an appeal, one could revise one’s vote. I don’t know if again in the category of keeping it loose and open, Herb, I just don’t know if you and John and Simon had considered that.

TERRY: We have. We’ll look at it.

HANSON: Any additional comments or questions? Well, then we’re adjourned.

TERRY: You have until Thursday, I’m terry@indiana.edu. Please send me stuff.

MEETING ADJOURNED: 5:26PM