Minutes
Indiana University
UNIVERSITY FACULTY COUNCIL
Indiana University Foundation Peterson Room
Bloomington
March 27, 2007
1:30 P.M. - 4:30 P.M. (EST)

Attendance

MEMBERS PRESENT: Simon Atkinson, James Baldwin, Charles Bantz, Jacqueline Blackwell, Julie Bobay, Jim Capshew, John Carini, Donald Coffin, Mary Fisher, Mike Foos, David Frantz, G. Richard French, Dolores Hoyt, Giles Hoyt, Elizabeth Johnson, Marilyn Kintzele, David MacKay, Anna M. McDaniel, Murray McGibbon, Michael McRobbie, Richard Meiss, Ted Miller, Karen Moustafa, Bart Ng, Kwadwo Okrah, Sandra Patterson-Randles, Ruth Person, Markus Pomper, Paul Rohwer, John Ross, William Schneider, Martin Spechler, Herb Terry, Rosalie Vermette, Maxine Watson,

MEMBERS ABSENT WITH ALTERNATES PRESENT: Chris Bjornson for Ron Finkbine

MEMBERS ABSENT: Marc Beatty, Bruce Bergland, George Bodmer, Maria Bucur-Deckard, Rosanne Cordell, Les Coyne, Trevor Fulk, David Fulton, Dennis Groth, Erys Hattab, Betsy Henke, Adam Herbert, Kevin Hunt, Nathan Kohley, Debomoy Lahiri, Michael Nusbaumer, Sara Pryor, Una Mae Reck, Kristina Reuille, Alex Tanford, David Turnipseed, Brian Vargus, Michael Wartell, Nanci Yokom

GUESTS: Molly Martin, David Daleke, Randy Arnold, Eric Swank, Steve Hinnefeld, Charlie Nelms, Kelly Kish, Robin Murphey, Maynard Thompson, Jim Brown (Journalism IUPUI), George Alter

Agenda

1. Approval of Minutes
   February 27, 2007
   http://www.indiana.edu/~ufc/docs/AY07/minutes/02.27.07.htm

2. Agenda Committee Business (10 minutes)
   (Professors Theodore Miller and Bart Ng)

3. Question/Comment Period* (30 minutes)
   (President-Designate Michael McRobbie and Professors Miller and Ng)

4. Indiana University East [DISCUSSION] (30 minutes)
   (Vice President Charlie Nelms, Chair, IU East Review Task Force)

5. Report on Core Campus and System School Operations—Response to President Herbert’s Recommendations to the Board of Trustees [DISCUSSION] (45 minutes)
MILLER: President Herbert is out of Bloomington today and I will be the presiding officer of this meeting in his stead. We have as a guest today President-Elect McRobbie and Michael is going to be with us through the Question and Comment period, following which he has other business to attend to--unless you really want to stay.

AGENDA ITEM #1: APPROVAL OF MINUTES

MILLER: The first item on our agenda is the approval of minutes for the February 27th meeting. Is there a motion to approve please?

KINTZELE: I move to approve.

MILLER: Alright, there’s a move to approve, is there a second?

JOHNSON: Second.

MILLER: Is there any discussion surrounding those minutes? Ok, hearing none, all in favor of approving the minutes please say “aye”. [Aye]. And opposed say “no”. Ok, the minutes for February 27th are approved anonymously.

AGENDA ITEM #2: AGENDA COMMITTEE BUSINESS

MILLER: Agenda Committee Business. Let me begin. Bart may have some things he wants to say later on. I’d like to talk just a little bit about the agenda that we have for today and sketch out for you what the Agenda Committee is going to try to accomplish with regard to some of these items before the school year is over. This of course is our second from the last meeting. The final meeting will be the April 24th meeting.

So we have a couple of items on the agenda here today that are presented as discussion items. These are items number five and number six. In both cases we are anticipating that material relating to these items will be back on our agenda on April 24th. With regard to the report on core campus and system schools, which is from my point of view the major item on our agenda here today, what I am anticipating is that following our discussion today, the Agenda Committee will
spend some time structuring a resolution on this copy, which will be presented to the UFC at the April 24th meeting. So the discussion here today is meant to inform the development of a resolution expressing the faculty’s view on the core campus and system school question.

Item number six on our agenda, Policy and Procedures on Research Misconduct, this is a first reading, I guess that’s the way it’s framed here today. The situation is as follows. It is expected--at least people have told me that it is expected that Indiana University will have a research policy audit during the summer period. I’m not sure if that’s actually going to happen or not but a lot of people seem to think it could happen. This particular policy is one that is currently somewhat out of sync with what the federal government requires. That accounts for the fact that we are trying in a rather expeditious way to revise our current policy on research misconduct. At this point, this particular document has not been discussed on any of the campuses. This is really the first time that this document has been sort of in a faculty body for discussion. So what we’re expecting will happen or what we’re hoping will happen is that in the various faculty councils in their April meetings, that there will be a consideration of this and then we will come on the April 24th meeting and hopefully the UFC will approve something along these lines. That is the strategy that we’re following.

The final item has to do with the so-called marriage amendment. We have had requests to bring before the faculty bodies resolutions pertaining to the marriage amendment. The BFC considered a resolution a couple of weeks ago on this topic, particularly focused on the provision of domestic partner benefits. Basically that resolution, the way it was worded was basically a statement of faculty support for the continuation of domestic partner benefits. The resolution the BFC approved did not in any overt way oppose the adoption of the marriage amendment. It was a resolution directed to the Trustees and to the President regarding the provision of domestic partner benefits. So that action was appreciated I would say by the people who are concerned about the marriage amendment but it is true that a number of them did not think that it went far enough. So we have had a bit if back and forth trying to develop an alternative resolution which the Agenda Committee has not put together something that we are going to introduce here today in the New Business section of our agenda. It’s a fairly brief resolution. We actually don’t even have any printed copies of it at this moment. I hope that we can kind of get through it. It’s a couple of sentences really and I think the intent of the language is very very clear. We’re going to ask that you folks consider this resolution. If the UFC approves it, our intention is to send this to the legislative leadership where this matter is currently under consideration expressing the concern of the University Faculty Council over the potential impact of this resolution on Indiana University. So that’s something that’s coming at the end of the meeting.

So that’s my Agenda Committee report. Bart do you have something?

NG: No, I think Ted you covered everything. I have nothing to add.

AGENDA ITEM #3: QUESTION AND COMMENT PERIOD

MILLER: So we go on to item number 3, Question and Comment Period. There is a question that was sent to President-Elect McRobbie and also to the UFC and it was a question pertaining to the marriage amendment. The question basically was if I can paraphrase it, what are you
President-Elect McRobbie, on the one hand, what are you the University Faculty Council on the other, going to do to oppose this amendment. So this resolution that I have just been talking about is in part a response to this question that was forwarded to us by Peter Burkholder who is a faculty member in Bloomington from the School of Music. Michael, do you have something you would like to say about this?

MCROBBIE: Let me start by saying that the position of the university and President Herbert, I don’t take up my position until the first of July, but the position of the university and President Herbert is to ensure and defend domestic partner benefits. The legal advice to the university is that our ability to offer domestic partner benefits will not be in anyway affected by SJR7 and hence the university will not be opposing it given the legal advice that we have. As I said that this will not affect our ability to offer domestic partner benefits.

I do want to add though as a purely personal statement that I do not believe that SJR7 will be helpful to our ability to recruit the best faculty for this university in the future and I sympathize with those who are so concerned.

MILLER: That is the only formal written question that we received prior to this meeting. So we now go to the part of the question and comment period it is open to members of the Council.

BALDWIN: On the same subject, a couple of weeks ago apparently, according to the newspapers, the State House Representatives Committee invited IU to make comments on this issue and nobody showed up. Is there a reason for that?

MCROBBIE: As I said, as I understand it, our position has been not to testify because of our principle concern has been about our ability to offer domestic partner benefits and that is not affected by the legislation, according to our legal advice. That is our principle concern.

BALDWIN: But there apparently is some dispute on it.

MCROBBIE: Our legal advice is that the matter is not affected. There may be some who disagree with that but we have based our decision that—President Herbert has made it on behalf of the university is based on the legal advice that we have from University General Counsel and others.

BALDWIN: What I don’t understand is why the university didn’t take occasion of the opportunity to show up and say just what you said?

MCROBBIE: I believe that we made our position clear as the university as to what our principle concern was here.

VERMETTE: The position that the university took is the one that you stated. Can the faculty take a different position as part of representing the faculty of the university?

MCROBBIE: The faculty is free to take whatever position it wishes on any matter, and more than often it does! [Laughter]
VERMETTE: Ok, will it have any affect?

MCROBBIE: I think the faculty taking strong position on matters quite often can be very influential. That’s just a general statement.

MILLER: My sense is that one of the reasons that we have had continuing requests for the UFC or other campus faculty councils to make statements on this topic is because the university in its official representations to the legislature really did not. So this is an opportunity for the faculty to make a statement.

SPECHLER: I have a question for Ted. This is Martin Spechler, I’m in Indianapolis. I’ve asked several times to schedule Craig Brater, IU Vice President and head of the Life Sciences Initiative to discuss the huge program that’s envisioned in building and hiring new people in that field and I wanted to asked whether you had already scheduled him for a future meeting.

KISH: We’re trying to Martin. We’ve had some scheduling conflicts of course but the main conflict is that we don’t know yet if we’ll be getting any money in this regard. So in some ways we’ve been waiting to hear a little bit more definitive statement from the legislature but Craig is committed to coming. He wants to come, it is just that trying to match the two schedules together has been challenging.

MILLER: Are there other questions please?

COFFIN: This is Don Coffin at IU Northwest. Last month there was the CIC Provosts’ Statement on Research on the agenda and I know a number of us expected that that was going to come back up. Could you tell us what the status of that is at this point?

MILLER: My sense is that this is an item that we will consider it further. Now, we’re not going to do it today. What appears to have happened in the interim, since our last meeting, is that various faculty groups, yours being prominent amongst them, have discussed this issue and basically have said that they are not sure that they are comfortable joining ranks with the provosts in this particular endeavor. I have a sense that at the end of the day that may be where we end up on this. I think we might encourage the provosts to go forward. Their attachment to this particular issue is rather different from the attachment of faculty members. We could certainly encourage the provosts to go forward with their statement but my sense is that given the way the resolution is constructed, the faculty seems somewhat reluctant to commit the faculty to the same path of action. So I think that’s kind of where we are now and I’m not expecting that there’s going to be any significant change on that as we go forward to our final meeting.

COFFIN: Thank you.

SPECHLER: Martin Spechler again. Now that we have fine new president-elect, are we going to have a search committee for a new chancellor for the Bloomington campus?
MCROBBIE: A new provost, Marty. Yes, and I’m expecting names for that search committee this week from the BFC and hope to have that sorted out pretty soon as well.

BALDWIN: On that topic, since the provost still has some system-wide responsibilities, there will be no members other than from Bloomington?

MCROBBIE: There will be some additional members for that purpose, yes, specifically for the two system-wide responsibilities, yes.

MCGIBBON: This is a question for President-Designate McRobbie. The New Frontiers Arts and Humanities Initiative, I understand it is due to come to an end in 2009?

MCROBBIE: Right.

MCGIBBON: Is there any plan on behalf of the university to ensure that funding along the lines of the New Frontier Program will be available beyond that time.

MCROBBIE: Murray, I intend to try to find the money to do that for another five years. I think all the evidence and all the statistics are that that has been an overwhelmingly successful program for the whole university and all the campuses. I don’t have the stats available at hand but my recollection is that the success rate is something like 1 in 3 or 1 in 4 or even higher, in one or the other parts of it, and that heavily subscribed nature of it, I think, suggests that there’s no shortage of good ideas. Obviously more money would be nice but certainly the quality of the proposals has been incredibly diverse and on the tour that I recently did of all the regional campuses and other facilities around the state, it’s clear that it has contributed, I think, on pretty much every campus, at least to one or two significant initiatives there as well. So I have been delighted with it and will do all I can do to continue the funding for it for a period of five years.

SPECHLER: Thank you Michael McRobbie for speaking again, we can hear again but we cannot understand the questions or the comments that are made around the table elsewhere. So people will have to speak up or they’ll just be disregarded.

MCROBBIE: That question was simply will the New Frontiers Program be continued after it finishes in another two years I believe. I said that I will do all I can to extend it and I expect that the answer is definitely yes to that. It’s been a successful program and I tried to explain briefly on why it’s been so successful.

MILLER: Other questions please. Let me take a little poll of our remote sites. Kokomo, any questions from Kokomo today?

PERSON: No, Ted. Thank you.

MILLER: Any from the East campus?

FRANTZ: No, thank you.
MILLER: From South Bend?

OKRAH: Not yet, thank you Ted.

MILLER: From Fort Wayne?

MOUSTAFA: No thank you.

MILLER: And from Indianapolis? Marty you certainly have another question.

SPECHLER: Not now Ted but maybe later.

MILLER: And from the Northwest campus, Don?

COFFIN: I already asked mine.

MILLER: Thank you very much. Now, with regard to the—I think we’re going to have a continuing problem here in terms of the audio to the remote sites. We have one microphone. The microphone in the middle is for the tape recording that’s being done. This microphone is for the room here itself. This is the only one that goes to the outside and so we are going to have a continuing problem with this. The University Faculty Council is really not a body that has traditionally met by video link and I think it is one of continuing issues that we confront.

VERMETTE: May be someone should talk to UITS about this.

MCROBBIE: Well, maybe we can choose a different room to have this meeting in.

MILLER: It is not that we couldn’t organize to do this in a different way, I’m sure we could. But really that is not part of the protocol of the University Faculty Council. The idea that we are doing this today with people at these remote sites really wasn’t something that we decided to do until a couple of days ago because we start hearing from people who can’t make the meeting or bla bla, cannot attend and so we start scrambling to try to do something and what we put together over a couple of days isn’t very adequate to the task. We don’t as a matter of course plan to have these meetings broadcast over the state. We plan to have a meeting sitting around the table and at the last minute we always get a request from people who want to do it a different way and so we scramble to try to do something but it isn’t going to work very well. So I’m sorry about that.

MOUSTAFA: Ted, this is Fort Wayne. May I thank Kelly for doing all the scrambling. She really does a good job in getting us there. It’s quite a distance for us to travel especially that I’m assistant professor and so I have a lot of other things I have to do. So we really appreciate you Kelly doing the scrambling.

MILLER: Yes, Kelly is a marvel, there’s no question about that.

KISH: I’m just scrambling, I’ll be back in a second.
MILLER: So that will be the end of our Question and Comment period, except that Michael has a comment that he wants to make.

MCROBBIE: I just want to say that I joined you specifically, I think, just for this question time today. But I look forward to joining you all in a much more substantive role in whenever it will be, I guess about five months time when your next meeting is. So thank you very much.

MILLER: Thank you and congratulations.

AGENDA ITEM #4: INDIANA UNIVERSITY EAST

MILLER: Okay, so we are moving on. Charlie, we are not going to give you a lot of time to sit down and get relaxed because we are moving on to item number 4 which is a report from Vice President Charlie Nelms who is the chair of the IU East Review Task Force. This is something that we asked Charlie to do as a matter of information to the university faculty and we certainly appreciate Charlie’s coming to talk to us.

NELMS: Thank you very much. Good afternoon.

MILLER: Good afternoon Charlie.

NELMS: Thank you very much. It’s beautiful out today and despite all of the allergens flying around, it’s a beautiful afternoon and I’m pleased to have the opportunity to give you an update on the review process that is underway at IU East. As some of you may know, it’s a campus that I know fairly well, having spent seven years as chancellor there and having been affiliated with Earlham College four years prior to that. So I spent more time in Richmond, Indiana than any community in which I’ve lived since the farm in Arkansas and I’m having a chance to rediscover Interstate 70 complete with the great whatever they call that construction project. In fact I’m going to be in Richmond, I was there last week and I’m going to be there again tomorrow.

I have sought to convey—first of all let me tell you that President Herbert visited the Richmond campus back in, it must have been December, to meet with the faculty, staff, and members of the community advisory, campus advisory board, donors and others to talk about the search. As you know, Chancellor Fulton has announced his decision to retire at the end of the current fiscal year. So a search committee had already been appointed by the president to search for a replacement for Chancellor Fulton. A decision was made to postpone that search for a while as we try to get a handle on the enrollment and financial situation on that campus.

The campus had an enrollment, to give you some idea of what’s going on, the campus had an enrollment in 2003-04 of 2568 students. That was in the fall of 2003-04. By this past fall of 2006, the enrollment had dropped to 2246 students. IU East is our smallest and our youngest campus, with the least number of baccalaureate degrees and they will be implementing their first masters degree program with the summer session that’s coming up. I should add that the campus is a very important place for the citizens of eastern Indiana and of western Ohio because as a part
of that economic development zone in that part of the state, the number of students who cross over into Indiana for all of their shopping and they work Richmond, Wayne County, and so on and so forth. So there’s a reciprocity agreement that is place at two places in the state of Indiana where we have a reciprocity agreement in place. One is at IU Southeast; our IU Southeast campus and the other is at IU East in Richmond, Indiana.

The President asked us to take a look at the situation in basically four areas: enrollment and academic programs or the other way around, academic programs and enrollment. The second, administrative structure and services; the third, community support, and what I’m calling business practices. Those are the four broad areas in which we are working. There is a review committee in place comprised of faculty members. Professor Pomper who is chair of the IU East Faculty Senate is a member of that committee as is his predecessor Professor Cathy Fos, is a member of that committee and then we have a staff member who is also on the committee, and people from the community. Chancellor Bantz is on the committee, Chancellor Ruth Person, Vice President Clapacs and myself are all people from the administrative side, Steve Kutcher on the budget side. So it’s a group comprised of about 15 or so people that are involved with this whole process. Maynard Thompson is also a part of it. I may be forgetting someone so forgive me if I am.

So the President has asked us to submit to him our report by the first week of May and we plan to do that. There will be an interim chancellor appointed for the IU East campus because the idea is to make sure that the campus is stable and everything before a new Chancellor is appointed for the campus. Some people have asked “well what happened at IU East”. Essentially, three or four things happened. One, the mission of Indiana University East changed as did the mission of the various campuses of Indiana University. For a long time the East campus has, with several of our regional campuses, served a large community college population. So when that mission changed then, IU East essentially reduced by probably 90 percent or if not 90 percent, it was a very high percentage of students enrolled in developmental education courses. So the math, the reading and study skills, many of those courses shifted to the community college. The second is that the Higher Education Commission declared the Indiana Vocational Technical College as the state’s community college. So then we began to migrate away from terminal associate degree program. Ok, there was a migration away from those degree programs.

The third thing is that with that campus, as I said there was reciprocate agreement in place and we experienced then a decline of the number of student participating through the reciprocity agreement. So you have an Ivy Tech campus and an IU campus within 100 yards of each other. One place charging much much less by way of tuition than the other place, and the state at the same time mandated a certain number of courses that would transfer from the community college to the four-year institutions. So to some extent I suppose over time, there is the potential of a number of our campuses being impacted. One of the things that we don’t talk a lot about in the state of Indiana is that the Community College of Indiana’s transfer rate to the baccalaureate institution is very low. So you don’t get a chance to make up then at the upper-level, to through transfer, the student who come on to the institution. And then there are also some qualitative differences in terms of the quality of instruction, the delivery of that instruction by people with a different set of credentials and so on and so forth. So it’s not something that IU East didn’t do.
There are a series of things that happened that sort of converged, I think, to have the impact that it’s had at IU East.

So the issue is what is the mission of IU East currently and going forward and how do we best position this campus to be most responsive to the needs of the people of east central Indiana and western Ohio. The thing that is a bit more complicated is that the reciprocity agreement will expire this summer. So we have to make sure that we have something in place, if not that same reciprocity agreement, something that will not resolve then in the additional loss of students at IU East. We have good participation from faculty and staff. We’ve engaged the services of a Noel-Levitz Group and that group worked with the Bloomington campus many years ago in it’s financial aid leveraging project and it also worked with us at IU Northwest back in about 1998-99 as I recall, as we had some enrollment challenges there.

One of the things that we’re doing that I think is really important is to do a market analysis to try to get a sense of the—and by the way, the high school graduation rate in Richmond, Indiana at Richmond High School is 54%. The high school graduation rate in Richmond, Indiana is 54%. So we’re talking about an area of the state with a relatively low-tech kind of educational achievement or attainment. So that’s another complicating kind of factor there. So we’re trying to do an assessment of perceptions of IU East, the image of IU East, the probability of sustaining academic programs at a certain level and so on and so forth, in that part of the state. So as we go forward then with new proposals to the Higher Education Commission, then we hope that we will have an array of programs in place that will serve the needs of the state that are fiscally sound and have academic integrity. So the academic integrity and the fiscal soundness is sort of the two driving forces for what would happen in Richmond, Indiana.

I’d be happy to respond to any questions people may have.

**MILLER**: As you do that, Charlie, that little triangular microphone there, that is the only microphone that speaks to the outside world.

**NELMS**: Oh I’m sorry outside world, I’m sorry about that.

**MILLER**: I think they can hear but if somebody asks a question, they probably won’t be able to hear so you’ll need to repeat the question.

**NELMS**: I got you, okay.

**MILLER**: Any questions on this topic for Vice President Nelms please.

**SPECHLER**: I have a question for Charlie. Charlie, you and I know each other, I’m an economist and my question is, is it out of the question that IU East could downsize especially in those classes which are provided by the Ivy Tech Community College system? Is that out of the question?

**NELMS**: Well at this point I don’t think anything is out of the question. Everything is in play at the moment. So, subject to the Ivy Tech campuses being able to deliver a quality product, i.e.,
students who are able to exit courses at Ivy Tech that would appropriately articulate with the
courses at whether they be IU East or any campus of IU or any other institution in the state, it
seems to me that that is really the most important thing when we start talking about IU East
getting out of the business of offering certain kinds of courses. Because a course that is labeled,
let’s say, English W131, even though it may have the same label, it’s not necessarily the same
course. So those are the kinds of issues. But at this point everything is in play, including how do
we make optimal use of technology to deliver instruction in low enrollment courses. That is an
example of something there and IU East is a campus, if you look at the enrollment, IU East has
achieved an impressive kind of enrollment growth in the area of distance learning, utilizing
technology to deliver some of that. But at this point I think everything is in play.

But one of the things that has to happen and people won’t talk about this a lot in Indiana, from a
public policy point of view, Ivy Tech has an overwhelmingly large high number of adjunct
faculty members delivering instruction. Now, I don’t want to come across as suggesting that
adjunct faculty in and of itself is a bad idea. So don’t misunderstand what I’m saying there. But I
think that when you start talking about the quality of interaction between students and faculty,
even the availability of faculty to interact with students, I think that begins to sort of raise some
questions in that regard. Ivy Tech is aware of the inconsistencies and the quality across its
various campuses. There are about 23 sites of Ivy Tech but they are not all at the same level
relative to the credentials and the preparation of faulty members for example, or even the quality
of instruction. So I don’t want to condemn Ivy Tech but I will suggest to you that there may be
an opportunity for Indiana University to figure out a way to work collaboratively with Ivy Tech
in terms of helping to increase the skills level of some of their faculty members over time.

SPECHLER: Well, Charlie, it looks as if we are being out-competed on price to some extent in
our wonderful campus, it’s a beautiful campus and very lovely people working there. But they
are laboring under a price discrimination system that has been mandated by the state. What about
asking the state to allow us to charge the same tuition as in the state Ivy Tech in the first two
years and hope that more of these qualified students will move up in four-year degree programs.

NELMS: Well, as I said earlier, I think everything is in play as we meet as a review committee
we will be talking about such things as the differences—what would be the impact of having a
lower division tuition rate and an upper division tuition rate or being able to guarantee students
that they would pay the same tuition over a period of four years or five years whatever time it
would take to complete that degree. And I just don’t know how the state would respond to all of
that. I want to believe that one of the distinguishing things about Indiana University is the
quality. I think that quality does have a way of serving to our advantage in this particular
instance but there are some severe price differentials. And you are absolutely right about that.
We will have to look at what we can recommend to the state. But what they would have to do
then is give us some kind of additional amount of money to make up the difference in that lost
revenue. Because right now we are talking somewhere between $700,000 and $800,000 dollars,
so that would require an additional appropriation from the state, and I just don’t know what that
attitude would be. But we are not going to leave any stones unturned for sure.

SCHNEIDER: Could you say a little bit more about the reciprocity with Ohio? How many of
those students came? Where there particular programs that they were attracted to?
NELMS: Yes, I’d be happy to. First of all, I would say to you. I would suggest to you having been involved in the reciprocity discussion over many years at IU East I think reciprocity agreement is sort of based on a faulty assumption. And the assumption is that you are going to get an even flow of students from Indiana to institutions in Ohio that’s predicated on the belief that there are a set of institutions in Ohio in this case that would receive Indiana students. Now the nearest Ohio institution to Richmond, IN is Miami University of Ohio, which is one of the most selective public institutions in America. So there are not many people wishing to leave Richmond, IN can be successfully admitted. There isn’t a community college nearby. The reciprocity agreement, as I recall, will deal with about 3 or 4 counties. Is that right Mike and Markus? I think it is 3 or 4 counties, but there are not any public institutions in those counties to receive Indiana students. So why would anyone be surprised then that there is an uneven flow of students to the Indiana side as opposed to the Ohio side, so that is a structural kind of deficit in that policy. There are other ways to deal with that that I would rather not go into in a public way. I guess I will. Let me give you an example. Rather than saying that we are going to have a reciprocity agreement, can we not have some kind of tuition remission kind of arrangement, where we would let those students enroll at the same level and we would have to find a way to makeup for that tuition differential or whatever. But we are going to be creative. I think Southeast is in a wonderful position because they have other institutions on the other side of the river for them to do this exchange with. IU Northwest would be in a good place to do that, but Richmond is certainly not.

SCHNEIDER: But if I understand you, it does sound like there is the interest in Ohio to come.

NELMS: Absolutely. There are 216 students as I recall. Somewhere in the neighbor of 200 students don’t quote me on the exact number but 200 to 225 Ohio students coming to our side.

SCHNEIDER: Any particular programs that they are interested in?

NELMS: I don’t recall exactly what the programs are at the moment.

VERMETTE: But that’s 216 students paying Indiana tuition that you wouldn’t have. So what’s the problem? Why don’t you just keep the reciprocity in name, if that allows us to do this and receive those hundreds of students coming from Ohio?

NELMS: Because it’s illegal.

VERMETTE: Most comparable students coming from Indiana.

NELMS: Reason we cannot due it is because it’s illegal.

VERMETTE: We have to do it legally.

NELMS: We cannot due it legally. The way things that are setup in terms of determination out-of-resident/non-resident student. We just cannot automatically do it.
VERMETTE: But if it is reciprocity and nobody really wants to go the other way, close your eyes.

NELMS: Well that’s an option too. But there are some consequences associated with that option that may not be too palatable for the people enforcing it. I do believe—based on the conversations that I have had with people within the university and outside the university there is a way to address that to keep IU East from losing another 200 students.

MILLER: Along that line, Charlie, about the reciprocity. Is it a Trustee matter? Are the trustee’s the people that make reciprocity agreements or is there something else going on?

NELMS: There’s something called the Ohio Board of Regents and the Indiana Commission for Higher Education in this case. The Ohio Board of Regents and the Commission for Higher Education in the state of Indiana. If you go Kentucky and Indiana, it is the Indiana Higher Education Commission and the Kentucky….

PATTERSON-RANDLES: Kentucky Council on Postsecondary Education.

NELMS: And that’s where the play is. It is not the university. The university can't implement a reciprocity agreement but we can put in place a tuition remission kind of initiative of some kind. There are other ways to do it.

VERMETTE: I guess I have two questions; one of them is do you see things changing in the community college system in Indiana with the new administration that they’ve just gotten? The second thing is, is there a kind of articulation program in place between Ivy Tech and IU East? Is there an articulation to try to get more students to come to the university?

NELMS: Oh absolutely. One of the most well established articulation agreements would be in place in Richmond around the library. We made the case for the construction of a library in Richmond on the basis that it would serve students at both institutions. The laboratories in the sciences, when Mike Foos was chair of biology as I recall, that particular division, we had arrangement where by students from Ivy Tech took their biology, their anatomy and physiology, their courses and that kind of thing, we had a bookstore agreement. So there are a number of agreements that we have in place but Ivy Tech, in the desire to assert itself in terms of becoming a more independent institution [End of Tape 1 Side A], they have moved away from some of those agreements. For example, even though they are within a hundred yards of each other Ivy Tech now has a bookstore. So that agreement got cancelled. They both have child care centers etc. So we are going to have to work our way thorough some of those. One of the things that is in play then is what kind of relationship should we have with Ivy Tech going forward, on two fronts: the provision of support services that students needs and campuses services, whether they be security, delivery of library support and so on and so forth. That is one piece of that and then the other piece has to do with the articulated academic degree programs. In the state of Indiana, the legislature has mandated the transferability of a certain number of courses from the community college to four-year institutions in the state and that the Statewide Articulation Committee that’s working on trying to align those courses and that kind of thing. So there are some things out there. So we’ll take a look for example at the way we have our library agreement
structured. So now Ivy Tech has an enrollment about equal to that of IU East, in terms of head count. But the agreement was put in place when Ivy Tech was a much smaller institution. But that has some cost implications in it for IU East.

TERRY: You are going to have to repeat the question I suspect.

NELMS: Okay.

TERRY: Are there articulation agreements between IU East and Ohio institutions? I ask this because it wouldn’t seem to be much of an incentive to Ohio students to come to IU East for two years if their option for a four-year degree was to transfer to IU Bloomington or something like that and be regarded as an out-of-state student. It seems to me that they want to go back to an Ohio institution, can they do that?

NELMS: The question is, are there articulation agreements between IU East and Ohio institutions? As I understand the reciprocity agreement, it is between Ohio and Indiana. It is between Ohio and Indiana, not between IU and any particular institutions. Now, that is not to say that the students can't transfer the courses because as long as both institutions are regionally accredited, the courses can move back and forth.

FRANTZ: Charlie, this is David Frantz at IU East. We do in fact have some articulation agreements with several Ohio institutions like we have at the regional campus at Miami University. A student can transfer an associate degree again back to IU East. So there are some cases where those actually existing already in terms of articulation agreements between institutions.

NELMS: Ok, thank you.

KINTZELE: You mentioned that there’s going to be an interim chancellor appointed. About how long do you think this interim chancellorship will last before they’ll be hiring a regular chancellor for the university?

NELMS: The question is how long do I think the interim chancellor would be in place before a search is underway and a permanent chancellor is appointed. The answer is I don’t know and I think a lot of it is going to depend on the collaboration between the outgoing president and incoming president in the context of the recommendations that will be made by our review committee. But I guess if I were looking at it as an outsider I would say that it needs to be long enough for the situation to be stabilized and that we need to make sure that whoever that interim chancellor is, that person is empowered to do whatever is necessary by way of working with faculty, the campus staff, as well as people in the community to make sure that the campus is up and operating well.

One of the things that is happening at IU East is that they are going to approve a masters degree in education, which is something that has been desperately desired on the part of the school districts of eastern Indiana and western Ohio. That degree will be up and operating this fall.
There is a degree being introduced in the area of biotechnology. It seems to me that there are some opportunities to do some things there and quite candidly there are opportunities to do a more effective job in terms of marketing and better aligning financial aid, admissions and all these activities. Those are among the things we’ve been assisting with by the Noel-Levitz Group.

MILLER: Well, Charlie, thank you very much. I think that that is very useful information for us. As a final thing, could you comment on the timeline of this review, when there will be a report made and so forth and so on?

NELMS: President Herbert has asked us to give him our report by the first week of May and that report will focus on things like—the administrative structure for example at IU East is in terms of levels of complexities is similar to that of all our other regional campuses. So the question would be from an effectiveness and from a financial point of view, what observations do we have about the administrative structure. Is it possible to reduce costs associated with the administration of the campus, is possible to enter into an arrangement with other campuses of Indiana University for the provision of certain services, is it possible to use technology. At IU we have a division, an academic division structure and I think it is something in the neighborhood of 6 or 7 academic divisions. So one of the questions that’s been raised someone is that should the campus have fewer academic divisions and perhaps a school-college structure with more departments as a part of fewer units and so one and so forth. I’m not saying that’s what we are going to recommend but those are among the questions and the things that we are looking at. But more specifically to your question, we will give the president our report the first week of May and then we fully anticipate—actually anticipate that the outgoing president and in the incoming president will review that together and will make a decision then on how best to proceed by way of a recommendation to the trustees.

MILLER: Very good. Thank you very much Charlie. I appreciate your report.

AGENDA ITEM #5: REPORT ON CORE CAMPUS AND SYSTEM SCHOOL OPERATIONS—RESPONSE TO PRESIDENT HERBERT'S RECOMMENDATIONS TO THE BOARD OF TRUSTEES

MILLER: So we will move on then to item number 5 on our agenda, Report on Core Campus and System School Operations-Response to President Herbert’s Recommendations to the Board of Trustees. President Herbert made a report, a rather informal report to the Trustees at the—what month are we in here, at the March meeting. He made this in the context of the President’s report which is part of every business meeting that the Trustees have. There was no formal consideration by the Trustees of the report at that meeting. He basically made this as a verbal report and indicated that he planned to bring this back to the Trustees at their May meeting for consideration by the Trustees.

You have in front of you Circular U12-2007 which is basically a written version of the report that the president made. At this point, as far as I know, this is the status of thinking about this matter in the president’s office. Bart and I were both present as this report was given to the Trustees and I think both of us are somewhat uncomfortable with the contents of this report and as a result of that we decided to bring this to the University Faculty Council for some discussion.
As I indicated earlier, what I’m expecting will happen, although it depends in some part on how the discussion goes here today, what I think will happen is that we will bring back to the final meeting UFC this year a resolution for your consideration that will express the views of the faculty on this particular matter.

Just as an introductory comment to this, you will see that the report is broken up into three major areas: regional campuses and the system schools is one, the core campus schools is the second part and then there are so-called operational matters as the third sort of major section of this report. My own concerns about this report are really sort of concentrated in the core campus schools part of the report. In the Agenda Committee meeting I made a statement of trying to express my views of this and I would like to acknowledge that after the meeting Maynard, who was involved in the review of the system schools, core campus schools that kind of led to this report, pointed something out to me about the document in front of us that changes a little bit the way I’m going to present this to you.

One of the sentences in here that I would like to call your attention to and it really I think is to me a key sentence is on page 2. It is in that first paragraph of the core campus schools section and it’s really the second sentence in that section. It says that “the goal is for each professional program on each campus to achieve the best it possibly can and integration enhances the opportunities for each.” Then as you go further into this section basically there are recommendations which say that there will be integrated schools of some sort. So I guess Maynard looking at that sentence, the first part of it is to me the critical part. The goal is for each professional program on each campus to achieve the best it possibly can. I really think that that is the key idea that should underline the resolution of this particular issue. The conclusion of this sentence, “and integration enhances the opportunities for each”, to me is actually at this point in time a somewhat problematic statement. I am willing to confess as a general proposition that this may turn out to be true in the context of particular schools. But I think it is also possible that it may not turn out to be true. So my feeling about this report, I’m quite comfortable with the regional campus system school part of the report because what that really says is that we are going to talk within the context of our campuses and our faculties, administration, we’re going to work to sort of figure out what to do. I think that’s exactly what we should do. My concern is mainly in this core campus school report which basically in terms of proposed actions, comes to very specific conclusions and I am not at all convinced to come to those particular conclusions without at the very least a meaningful consultation with the faculties in the various schools that are being discussed here. One of the things I think that is true is that the process that led to this particular document really did not involve faculty consultations within the core schools. That didn’t happen. There wasn’t time to do that sort of thing I guess, basically would be one way to say it. So I really think that at the very least we ought to encourage that faculty consultation be part of the process before we come to the conclusion that integrated operations are in fact the best that we can do.

Well, that’s my introduction to this topic. So I am interested in comments from members of the University Faculty Council on this particular matter. Bart would you like to start?

NG: No, I don’t have really anything substantive to add except to say that I have heard from a large number of faculty on my campus that underscored the point that you have just made and I
will just leave it at that and I think that there people here who probably can be more specific about those concerns. So we can open the floor to comments.

SPECHLER: Ted, this is Martin Spechler in Indianapolis. You may have more imagination that I reading into that sentence. But the report as it is does provide for faculty discussion in every particular core campus school and I think is proper. As I understand, I think that this report is practically harmless and almost void of any real meaning except to say that the smaller campuses, so-called regional campuses, will now have the privilege of opting out of the system idea. If they did not have it before, now they have to agree to hook up with their similar faculties on other campuses and I think that is as it should be. But Ted, you seem to be opposed to the idea really of a core campus school and the integration of those core campuses and I think that requires a deep and prolonged discussion of the advantages and disadvantages of the core campus concept. Implicitly Herbert’s report endorses that idea and simply throws all the problems raised by the Bonser Report into the lap of the deans and the faculty. That’s okay. I think considering that he won't be around that much longer, it’s entirely appropriate that this report be rather meager in its recommendations. But if I understand you right Ted, you oppose the idea of integrated core schools and I think that requires a prolonged and deep discussion of what the alternatives would be to that idea.

MILLER: Let me say that I do not oppose—well, I will have to say that I do not like the phrase core campus school because the core campus school phrase implies that there is a core campus and that is a figment of someone’s imagination. We do not have something called the core campus of Indiana University. It doesn’t exist. So I do object rather generally to that particular phrase. I would much rather see more general language about multi-campus units. That is a more generic phrase from my point of view. I am not opposed to the concept of multi-campus units. But I do not think, and I frankly disagree with your interpretation of this report Marty because if you look on page 3, half way down the page you will see a proposed action. This is proposed action pertaining to Business, Informatics, Library and Information Science, Nursing, Public and Environmental Affairs. This document basically proclaims that the core campus model is the appropriate model for those schools, period. It doesn’t say that the faculty and the administration will discuss whether this is the right model. It proclaims that it is the right model. My view is that it might be the right model, but it really does seem to me that after thirty years, it would be appropriate for the faculty within these schools to discuss whether this really is the right model for them to achieve the objectives that they have.

SPECHLER: Well I agree entirely with you on that Ted, that’s what I’m saying. I think…

MILLER: Marty, I do not think that this report calls for that discussion at this moment. The way it is written now, there is no call for that discussion.

SPECHLER: Absolutely, you’re right Ted and entirely on that. We need the discussion about that, whether we call it a core campus or some more felicitous title, the idea here is that the IUPUI and IUB campuses have a special relationship which benefits both more so than the relationship between either of these large campuses and the smaller ones. That’s the basic idea here and the basic idea that many have expressed before. Now, the questions should there be a
special relationship of any kind, however you name it, between IUPUI and IUB. That’s a big big issue which we should talk about.

**FISHER:** This is Mary Fisher. Being in a system school, I have a couple of other takes on this document and one is a process in which the president kind of announced at the UFC a couple of months ago, when his recommendation had been or would be and I felt that there was no communication of the schools involved. Prior to that general announcement the faculty did not know it and it came in a public way before the faculty involved had been communicated with. So I thought that was a process issue that I do want in the record that we need to attend to these kinds of process issues in the future.

Secondly, I am concerned about the disbanding of system schools because we have requirements by the state, by the Commissioner for Higher Education to have a common curriculum and how do you do that if you’re not a common school. There will be no incentive for all the extra work it takes us to do that action of having a common undergraduate curriculum. There will be no incentive to do that. And the most important language to me in that document to me, and I want to point this out and you have it in the record also, on page 2, the very last sentence in that very first section before core campuses is that programs that choose to terminate their relationship with the system schools will have to be named in ways so that their graduates and their degrees that they confer show their independent status so that we are not in any way purporting to give a particular degree from Indiana University as a whole or have it be assumed that it is coming from the major campuses or in the case of our graduate degrees especially, if a campus chooses to have a separate graduate program, they need to have that designation in their degrees, in their program naming so that they do not represent themselves as the Indiana University School of Nursing graduate program because they will not be because they will have separated themselves from us. So I feel very very strongly that that language is in there and I appreciate that. But that language is central to that section not being a travesty. You can't have it both ways; you can't cut it both ways. You can't say I’m going to be independent but yet I want to call myself something I’m not. You do have to be concerned about quality issues being different. That degree from Indiana University will not be one degree even though it will possibly say the same thing. So I’m very concerned about quality, I’m very concerned about process and that we are absolutely adamant as a University Faculty Council that the naming of degrees and programs be appropriate when these schools choose to break off.

**BLACKWELL:** Mary just cut me off. Hi, Jacqueline Blackwell, I’m from the School of Education and we’re one of the core campus schools and we have a long history of core campus. Our faculty have been having discussion before this because we talk about the core campus and the relationships have changed. We have changed as a campus and as we work with our colleagues, we have a lot of joint programs. So right now we’re having with our dean and our faculty said there are some things we want to see changed, modified. We didn’t say we would throw out the relationship because there are some benefits to both of us or right now we did write a letter to our dean to talk about different areas, looking at doctoral programs and a few other things. So looking at this there is before our group to decide, as we go forward, how will this relationship change. So that’s a part of it right here. And we have an Education Council where we bring all of the schools of education together. So when you talk about just us, and the idea of opting out, that makes a big difference. So that’s an issue for us too. In some of our programs,
we’ve talked about articulation agreements. We’re working with other colleagues but this idea of core campus, at our school it has been on the agenda for a while and will continue to be. So we plan to be a part of this discussion.

MILLER: We have a guest with us today from the School of Journalism in Indianapolis, Jim Brown and he has asked to make a comment to the UFC on this topic and we welcome you.

BROWN: Thank you. I think the various schools will have different reactions to the president’s recommendation. Some may want to continue the core relationship and some, like Journalism, may want to dissolve it. Let me just say as background that the School of Journalism in Indianapolis has only four faculty members. It’s the smallest stand-alone school in the IU system. It’s been quite an anomaly for years and I don’t understand. We definitely should be a part of a larger body and we want that larger body to be the School of Liberal Arts in Indianapolis from which we came. When President Ryan started this system core school or whatever you want to call it, Journalism was proposed as a major in liberal arts. Ryan asked the School of Journalism in Bloomington if they wanted to be a system-wide school. They debated it for two years, decided that they did, and Journalism was broken out of Liberal Arts in Indianapolis.

We have been working for the last year under the guidelines of an established Indiana University policy to separate and join Liberal Arts. This proposed merger was initiated by Charles Bantz, our Chancellor, and last spring, a year ago, had the go ahead from Dean Hamm, the Journalism Dean in Bloomington. The School of Liberal Arts faculty voted a 100 to 1 to accept us. Anybody who’s been around faculty processes knows that it is pretty overwhelming support. The IUPUI Faculty Council unanimously endorsed the merger. The next step would be the recommendation to the president, followed by a decision to the Board of Trustees. If you look at this document, you now know where that stands.

The Journalism faculty members at IUPUI object to Herbert’s recommendation. There were significant fact-finding and documentation flaws behind this recommendation. The Bonser Committee, which the president commissioned, did not interview any IUPUI faculty member or administrator in Journalism, and the president did not interview any IUPUI faculty member or administrator. The IUPUI faculty have had no voice in this process. I will just add that since Dean Hamm became dean in Bloomington in July of 2005, the faculty members at IUPUI—three full professors and one university lecturer—have been excluded from faculty meetings, they’re been excluded from personnel decisions, they’ve been excluded from curriculum revisions, they’ve been excluded from mention in two issues of alumni magazines, they’ve been excluded from consideration for Journalism teaching awards, they’ve been excluded from receiving minutes of any business activity of the School and committee assignments, and that’s just what I can think of off the top of my head. In other words, the IUPUI faculty has been isolated from its faculty home.

We have carried on in this period of time in the business of educating students. In the past two years, while being excluded by Bloomington, enrollment in journalism has doubled; new courses, new curriculum paths have been created, two new student organizations have been formed, a series of programs including the Mary Benedict Issues Seminar for high school
students have emerged. All this accomplished without any assistance or interest from the School of Journalism in Bloomington. The faculty members of the School of Liberal Arts at IUPUI, on the other hand, have extended a warm welcome. If we went with Liberal Arts we would not foreclose any cooperation with the School of Journalism in Bloomington. But the faculty at IUPUI deserves to have a better academic environment than what we have been offered for the last 18 months. President Herbert’s recommendation was made without regard for IUPUI faculty, students, and the mission of the campus. It’s this kind of behavior that engendered the letter from the IUPUI Faculty Council, endorsed by all the faculty of all the schools, to the next IU President McRobbie, asking that the Office of the President consider all of Indiana University, not just the Bloomington campus. I want to add that President Herbert told one of our students in Indianapolis that this merger would not go forward even before the Bonser Committee report was submitted.

That’s where we are, that’s what we want to do. I appreciate the opportunity to talk to you because this is the first body that would even listen to me outside my campus. Thank you.

MILLER: Thank you, Professor Brown. We appreciate your statement. Other comments please?

BALDWIN: What’s the position of the Dean of Journalism now on this issue?

BROWN: Sometime in the fall semester he wrote a memo asking that we remain with Bloomington and that’s of course what the president has acted on.

BALDWIN: So he’s changed his…

BROWN: So he has changed his position. However, although I have a copy of that memo it was never originally given to me. I got it from other sources. So officially, I don’t know that he wants us but unofficially I think so.

VERMETTE: Who did he write it to?

BROWN: President Herbert, I don’t know, it came to me through a circuitous route.

MILLER: Other comments on this topic, please?

VERMETTE: What is the position now? Do we need to make a resolution in this body to put a halt, to ask that a halt be put on moving forward with the report—the Bonser Report? Should we ask that the president—should the faculty ask that the president put a halt on moving forward and making any permanent decisions? Since he is leaving, shouldn’t his successor pick up the reigns of such an enterprise?

MILLER: The president is planning to make a final report to the Trustees on this matter at the May Trustee meeting. What I indicated earlier is that given that there are views in the faculty that oppose portions of this report as we currently understand it, what I would like to do is that in light of this discussion, I would like to within the context of the UFC Agenda Committee, create a resolution that presents faculty’s views on these matters, which will be considered at the UFC
meeting in April.

**VERMETTE:** Ok. You’ll bring it to us?

**MILLER:** That will be brought to our next meeting. That then would be also sort of on the table. Bart and I are in a position where we can deliver this recommendation directly to the Trustees and express the views of the faculty in the context of the Trustee meeting. So those views will be available as this issue goes forward. I can't help but think that the final resolution of these questions probably is not going to take place under President Herbert’s presidency and a number of these things are still somewhat open in terms of what might happen. Well, I’m not quite sure, this is kind of a speculative statement that I’m making here. But I think what all of you can do is to make sure that the views of the faculty are known as consideration of this issue moves forward.

**COFFIN:** This is Don Coffin from IU Northwest. One of the things that seems to be strikingly missing from these recommendations is any consideration of what implications this might have for particularly professional program accreditation on the different campuses. I obviously know what happens with the School of Business accreditations, but with the other professional programs I’m in the dark. I don’t have a clue and I don’t know how many of us do really understand what those potential accreditation issues are. If that is not addressed, that could be something that would be extraordinarily difficult for the university as a whole or perhaps even a bigger issue on the regional campuses.

**MILLER:** Well, I believe that that is an issue that has been taken into consideration in terms of the report that we’re looking at. So I don’t think that is something that’s overlooked. My understanding is that the only school—correct me Maynard if I’m wrong about this but my understanding is that the only school within Indiana University that is accredited on a system basis is the School of Social Work. All of the other accreditation things are campus-based. So aside from the School of Social Work, there really is no accreditation-based argument to create multiple campus agglomerations because all the other programs are accredited on a single campus basis.

**COFFIN:** Well if that’s the case then I have less concern about it but I’d sure like to be assured that that’s true.

**MILLER:** Herb?

**TERRY:** It’s good to see you again, Jim. We go back many years at IU but we see each other very rarely. I would like to build on that question from Don. Under your current structure I assume that means journalism graduates at Indianapolis can't say that they came from an AEJMC accredited program? Is that right?

**BROWN:** Journalism is, I think, maybe the only two-campus school that AEJMC, our accrediting body, that is jointly accredited. So we are accredited at Indianapolis, we’ve been accredited two or three times. Basically ever since 1982 when I joined the faculty.
TERRY: But based on the resources you currently have at Indianapolis.

BROWN: Yes, we have currently the resources to be accredited separately.

TERRY: Then I think my other question would be, does the School of Liberal Arts, if you join them, anticipate dedicating additional resources to you? It’s a very small faculty and I kind of agree with this statement in here that these opportunities are at present under-utilized.

BROWN: The question was is the School of Liberal Arts prepared to devote additional resources to Journalism. Yes, in that the School of Liberal Arts in Indianapolis is a very large school. It has an infrastructure of staff members, for example, that handle paper processing, course listings, all of which we don’t have enough staff to do. So the additional load that Journalism ordinarily processes is just a grain of salt on top of what they already do. We’ve had talks all fall semester with staff folks to see if we were going to be a burden on them and they all concluded that we would not be. So it would be a great help to us, it would be a great lessening of our existing staff workload to be a part of this larger body.

Now will the School of Journalism in Bloomington devote any resources to Journalism? When the School was pulled out in 1981 and made separate, it was under the condition, by the Bloomington faculty, that no Bloomington resources be devoted to the Indianapolis program. That has been largely true. We do get an annual faculty trip to a conference and we do get to participate in the scholarship pool.

MILLER: Any additional questions, please? Herb?

TERRY: I have a comment. I would hope that you and Bart might find an opportunity at the April 5th Trustees meeting, either in your formal time or talking informally with the Trustees, to alert them to the idea that this is going to be…

SPECHLER: We would like to hear what he has to say.

MILLER: What Herb is saying is that he would appreciate it if Bart and/or I, in our presentation to the Trustees at the April meeting would indicate that the UFC is discussing these matters and that there is some difference of view in the faculty over how this should be resolved. And I think I’m going to be the person who’s going to be giving the faculty report at that meeting and this is something that I intend to include in that report. Bill?

SCHNEIDER: Has there been much reaction on the Bloomington campus, besides you, to this report?

MILLER: The question is has there been much reaction to this on the Bloomington campus. And I would say that there hasn’t been a tremendous amount of reaction to it. That would be my sense. David?

MACKAY: If at our next meeting you could provide other evidence of distress for the proposal I would find that useful. The issue did come up at the Academic Council meeting of the School of
Business. There were, I believe, four representatives from Indianapolis at the meeting, and all of them found the idea of having an Indy-based dean unpalatable.

MILLER: So, David MacKay is from the School of Business and he’s indicating that the policy committee in the School of Business had a discussion of this topic and basically they are in support of the continuation of the so-called Core Campus model. As I said in my presentation, I think that that’s an outcome that I could envision happening in perhaps all the schools. But I think a similar discussion perhaps even a broader based discussion than your academic council, if that’s what it’s called, even a broader based discussion of that would be very fruitful within the context of the Kelley School of Business and within the context of the other schools regarding this question. I think this is a very basic question. You know, we’ve been working within this framework for thirty-some years and I think it would be very appropriate for the faculty to reengage this question of whether it is really the appropriate basis for going forward. As I say, if the Kelley School of Business decides that’s the way they would like to do it, I think that’s fine with me. I think we ought to try to do what is best and it just isn’t clear to me that what we’ve got in this report right now is that…it might be! But it isn’t clear that we’ve done the right kind of process to make sure that that’s the case. Herb?

TERRY: There’s not much time. I wonder if it would be useful to directly contact the faculty, based on Jim’s statement, of all the effected core campus schools at least. Originally I was going to suggest that we make sure the policy committees or whatever are contacted but Jim said he’s excluded from that body in his own school…

BROWN: I have not been able to address the faculty for eighteen months.

TERRY: So I would hope to find a way to make sure that the faculty in these schools know what is going on and are explicitly invited to comment to their policy committees, if they can, to their representatives, to their campus faculty councils if they can, and if not to those people then to us. So that the next time we meet we have the data to address Ted’s question and decide whether there is really evidence that additional faculty input is needed or not. I would hope the UFC might find a way to expressly invite these faculty who may be stranded without influence to address somebody and be able to bring that data to us.

MILLER: Herb Terry is suggesting that the UFC office try to solicit the views of the faculty in these units between now and the next meeting so that as we continue to discuss this that we have a little better sense about how the faculty feel about it. I think that’s something we can do so I don’t see why we couldn’t do that. We certainly have access to the appropriate email lists and so forth. I think we can do that.

BROWN: I will just add that my entire faculty edited this document that I presented so you essentially heard our views.

NG: A question toward Indianapolis, is by any chance Fred Reese there?

MCDANIEL: No.
NG: I just want to, since Fred is not there, Fred sent me the following email message. He is from the School of Music and I don’t want to go into great detail except to just point out that part about the faculty involvement in the School of Music from Indianapolis. [End of Tape 1, Side B] He said “you should know as our faculty president that at no time has the IUPUI music faculty been consulted by the Jacob School of Music or the university administration to discuss, negotiate, agree or disagree, on any matters associated with our future as an academic unit. So that is really the gist of that statement. I just wanted to add another school to that list.

MILLER: Would it be possible for those who are out on the video links, could you mute your mics please if you are not speaking? I think that would be helpful to us here.

AGENDA ITEM #6: POLICY AND PROCEDURES ON RESEARCH MISCONDUCT

MILLER: So let’s move on to the next item here, Policy and Procedures on Research Misconduct. We have George Alter with us today, with Simon Atkinson, the co-chairs of the UFC Research Affairs Committee. Simon are you going to present?

ATKINSON: I think so.

MILLER: Alright Simon.

ATKINSON: So this is a policy that—I think Ann Gellis is the original author of this current draft. This is a policy to institute procedures for handling allegations of research misconduct. This is a policy that I think that the university is required to have in a form that’s really, I think, quite closely dictated particularly by NIH policy, I think by the federal government. So I don’t think we have a whole lot of room for maneuver in what’s in this policy. Allegations of scientific misconduct have an unusually large amount of due process associated with them because they really—the equivalent and closest legal analogy is a criminal case. You’re trying to establish whether somebody has falsified data in scientific reports or grant applications and this is a devastating allegation for somebody’s academic research career if it is substantiated. It can also have a devastating effect on the person who brings the allegations of scientific misconduct, at whatever level they are in their career, but particularly if it is somebody who is in a student position or a post-doctoral position working in somebody’s laboratory.

So what this policy does is to institute a very lengthy and detailed procedure for handling these allegations. I’m not even going to attempt to summarize what’s in here. There are a couple of—Ted kind of went into details in terms of where this policy is at in terms of process. I think it’s been discussed by the Bloomington Research Affairs Committee. We haven’t discussed it yet at the Indianapolis Research Affairs Committee. That’s going to happen a week after next. I don’t suspect that the Indianapolis committee will have many problems with this policy.

There is one part of the policy I’m not entirely comfortable with and that’s on page three where there is a “except IUPUI” clause in the policy. It seems to me that—a little bit of background, so IUPUI already has policies in place for handling problems with human subjects research and
some of these issues that are detailed in this Section 2. Those are well established policies that are working well that the IUPUI campus does not want to change. There is also another reason why on the IUPUI campus we don’t want to lump all those other kinds of issues under the scientific misconduct policy and that’s exactly because of the extra degree of due process that’s involved in this scientific misconduct policy. We really think it would hamper the activities of the IRBs, for example, if they start to fall under this broader scientific misconduct policy and would have to start following these procedures.

So, from the Indianapolis perspective, I think it would be cleaner to take out this Section 2 and establish a separate policy on the Bloomington campus that would cover these issues. I understand that there is a certain amount of urgency in getting the policy in place to cover these issues on the Bloomington campus because they’re not apparently adequately addressed by the current policies that are in place. We can talk about how to proceed with this. One way is that we can adopt this policy and it has its exclusion for IUPUI and then Bloomington would have to deal with dealing with human subjects under this policy, which may or may not work on that campus. I don’t know the systems in place on that campus well enough to know whether that will work. Another option might be to adopt this as an interim policy and then come up with a clean policy sometime down the road. George or Randy, do you want to say anything before we take comments and questions?

**ALTER:** Just a couple of points about the last point about the difference between Bloomington and Indianapolis. It is my understanding that Indianapolis has enforcement and compliance mechanisms as part of their IRBs and Bloomington does not. So there are a set of institutions that are present in Indianapolis that are not present in Bloomington that’s why those are included in this policy for Bloomington. The reason that this has to be revised is because NIH has revised its guidelines and the reason that we are bringing this to you now possibly for interim approval is that we are informed that NIH will be asking for this policy very soon and that they would be doing an audit across the country to make sure that every campus has policies that are compliant with their new guidelines.

My understanding is that the only major changes in the guidelines are that they actually narrowed the definition of scientific misconduct. There is one category of misconduct. In the previous guidelines that’s not here that has to deal with disputes over authorship and that’s been taken out of this document and it was in the previous policies and our committee has been in the process of drafting a separate statement to cover those issues. But NIH doesn’t want that to be a part of this policy going forward. For the most part this policy continues what we had before and Ann Gellis who drafted this made changes based on recent experience. She felt confident that this would work because there have been two or three recent cases where she had guided, under her guidance, a case had gone through all of these steps and she felt that we had a system that worked. This essentially just codifies what’s been done recently.

There is one sense where there seems to be a disagreement between our advisers in Bloomington and the advisers in Indianapolis. Its on page 10 the last sentence of Section E and it has to do with whether the document can say that neither the complainant nor the respondent or any representative party shall conduct ex-parte interviews with other individuals who are to be interviewed by the inquiry committee. And the staff in Indianapolis wanted to include something
like this because there was a fear that either the respondents or their attorneys might intimidate witnesses. On Bloomington there is some concern that saying it like this might be incompatible with due process. So we have to find some language on this one point that is agreeable to both campuses. We have discussed this—Randy and I with Erik Swank and Jeff White from the Vice Provost for Research Office down here and we don’t see this as a big problem.

**ATKINSON:** And I talked to Joe Scodro in Indianapolis about this clause and he’s not comfortable with this current wording. He doesn’t think it’s legally a problem but there are other ways to meet the intent. What he is trying to avoid is what has happened in the past where some high powered attorney for either the respondent or plaintiff comes in and essentially brow-beats one of the potential witnesses in the case. One way to avoid that would be to have any interviews with witnesses take place in the presence of one of the committee members who might be able to moderate that kind of scenario. That is Joe’s suggestion for how to handle it but there are probably other ways we can think about it.

I think Bill was slightly first.

**SCHNEIDER:** Thanks, Simon. You said that you’re going to be consulting with the Research Committee on the IUPUI campus. What about the Misconduct Committee on the IUPUI campus?

**ATKINSON:** I didn’t know there was one but we should definitely consult them. I think that’s misconduct.

**SCHNEIDER:** I would encourage you to get in contact with Eric Meslin.

**SWANK:** Yes, I’m Erik Swank from Bloomington and Eric Meslin has seen the version of the draft that Ann worked on last fall. So we have been in consultation with him.

**ATKINSON:** Herb?

**TERRY:** Again over there you might need to repeat this for people out on the other sites. First of all, I don’t want to make light of research misconduct. It is a very important thing. We have to have mechanisms for detecting it and it is crucial to the academic enterprise that if we find it we sanction it. But as you pointed out Simon at the beginning for an academic this like criminal conviction. If Ann wrote this thing she presumably wrote it in part based on her knowledge of the law. And given all those things, I am concerned about the burden of proof that this policy establishes. On page 7, for example, under Standards of Review, 7c. The burden of proof is a preponderance of evidence. That’s the standard that you use in a civil case. If 51 percent of the evidence suggests research misconduct occurs, 49 percent suggests that it didn’t, then you will be found guilty of engaging in research misconduct. In a criminal case, the standard is beyond a reasonable doubt which makes it difficult to convict people of crimes. There is a standard in between. It is used as—well if Jim were still here he would know—it is used in such things as libel cases and it is the standard of clear and convincing evidence. I wonder if we have the wiggle room from NIH or whatever to set that standard which is used elsewhere in this document, rather than preponderance of evidence. It would provide greater protection for faculty.
It would require greater proof of misconduct than a preponderance of evidence standard requires. For me at least, that would be a more appropriate standard in this kind of document.

**ATKINSON:** I am just going to repeat the sense of your remarks. What Herb is saying for people on the video link is that preponderance of the evidence may be too low of a threshold for establishing an incidence of scientific misconduct and that perhaps a better definition could be used. But I think Erik is about to say that is straight out of the NIH rules.

**SWANK:** Yes, preponderance of the evidence is one of the provisions that comes directly out of the regulations.

**TERRY:** Let it be noted that’s a very low standard.

**ATKINSON:** Jim?

**BALDWIN:** Simon, I notice on page 6 that the standing committee on research integrity will have faculty input into their composition, but there is something funny about it. “On each of the IUPUI and Bloomington campuses with the advice of that campus’s faculty council” but then it talks about the Bloomington committee to serve “Northwest, South Bend, Kokomo, East and Southeast campuses and shall have appropriate representation from the campuses” but it is not specified as how that representation would be attained.

**ATKINSON:** Right this is something that you talked about. So Jim’s referring to a section that refers to committees that are established by the IUPUI and Bloomington faculty councils. The Bloomington one, however, covers allegations of research misconduct on the regional campuses. It is not clear how those campuses will be represented on that committee at least in the wording here.

**BALDWIN:** Will the Bloomington Faculty Council recommend members from the regional campuses? That’s what seems to be implied.

**ALTER:** Well, I don’t think we meant to imply that. I think that we meant to imply that the faculty organizations on each of the campuses would make recommendations to membership of these committees. We certainly didn’t mean to imply…

**BALDWIN:** Then you probably need a clause after appropriate representation from the campuses, “with the advice of each campuses faculty council.”

**ALTER:** Okay which page?

**MILLER:** Page 6 at the bottom.

**ALTER:** Okay, we would be happy

**ARNOLD:** I am not sure if this is what was intended but the phrase “other bodies representing the faculty” may have been the intention to have it be the individual campus if it occurs on one
of the other campuses not the main two. That may have been what that phrase was but that can be clarified.

**MILLER:** Other comments?

**TERRY:** This may be another, do we have wiggle-room question. I am concerned about the power of the Deciding Officer under this document. The nature of my concern is that the Deciding Officer has power to disagree with the investigation committee concludes and yet the Deciding Officer as this is currently structured, would be acting entirely on the basis of a written script, will not have seen the conduct of people who come and talk with the investigating committee and that sort of thing. Then the decision of the Deciding Officer as to all the facts and everything is final. I am wondering – since I hope that there will not be many of these committees – if it would be desirable to have this Deciding Officer to be designated as a member of the investigation committee or at least required to attend its actions. It seems to me not the best possible review and not the fairest possible review if all the Deciding Officer has to act upon is simple the recommendation of the investigation committee.

**ATKINSON:** So, Herb is concerned that the Deciding Officer has a lot of authority to determine whether to accept the findings of the committee but as the policy is written doesn’t participate in the activities of the committee and so may not be in the best position to make that final arbitration which is really kind of the final step in the process before you get to some kind of external legal action. Herb was wondering whether the Deciding Officer could be a member of the committee and Erik is trying to read the fine print of the NIH rules. I think that this is something that we could think about and come back to.

**MILLER:** Well, Kelly is reminding me that this very similar to what we do in our Faculty Board’s of Review. The Board of Review hears the case, makes a recommendation to what is akin to a Deciding Officer who really is working off of primarily off the written record of the case.

**ATKINSON:** I think that is separation may be somewhat intentional so that there are really separate decisions being made.

**ALTER:** I’d also add that what happens if the Deciding Officer chooses to come to some determination that’s different from the recommendation of the committee, the Deciding Officer has to make a written statement explaining why the decision is different.

**SCHNEIDER:** If indeed this is meant to be following a similar practice that the existing committees have followed before but conforming to the NIH changes I think that this language of Deciding Officer is misleading. Because what is described here as being done by the Deciding Officer in this document is in fact what the chair of the committee has done. It’s not been like – at least on our campus – it is not like the Board of Reviews were you make a recommendation to the Chancellor who then makes a decision. The decision to do a preliminary inquiry and then to go to a full investigation or even the appointment of people that have already been done by the committee and with the committee chair. That may be implicit in the definition of Deciding Officer. It would, I would argue, be the chair of the committee because there is no way that
anyone very much higher up it is going to be involved in the details described in here. Perhaps that could be clarified so that’s it’s explicit.

**SWANK:** I can’t really speak to the Indianapolis process. I can only speak to the Bloomington process. In Bloomington, the function of the Deciding Officer under the policies and the procedures that are currently in place are served by the Vice President of Research, that is the name given in the current policy. And that’s typically the person who has been the Deciding Officer in a couple cases that we have had in the past have gone all the way through the process. Again, I cannot speak to what Indianapolis does.

**SCHNEIDER:** And do all the actions attributed to the Deciding Officer been taken by the Vice President?

**SWANK:** Yes, in terms of naming the committees and receiving reports back from the committees.

**SCHNEIDER:** Then you really do need to clarify this.

**ALTER:** I think it’s also a matter of responsibility that part of the structure of the language is to say that there is going to be one officer who is going to be charged with the authority of the university and the Board of Trustees to make these decisions. My impression from discussions with Ann, it was very important to have clarity on where the buck stops.

**COFFIN:** This is Don Coffin up at Northwest. Do we need to have a provision where there might be a case where the Deciding Officer would have a conflict to deal with that?

**ATKINSON:** I think there is, isn’t there a provision? Of course I cannot put my finger right on it. Erik is going to put his finger right on it.

**SWANK:** Yes, there’s – early in the draft there is a section called Conflict of Interest and it specifically address if the Deciding Officer has a conflict. It is on my page 6 but I don’t think mine matches up with yours. It is on page 5.

**ATKINSON:** Yes, there is a question here in Bloomington.

**FRENCH:** I had a question regarding the role of the counsel on page 5. Where it talks about the University, including many people in the “investigatory process may consult with the University Counsel on procedural matters at any stage of the proceedings”, and then “the respondent may be accompanied by counsel of his or her choice when interviewed in the course of an Inquiry or Investigation.” You liken this to a criminal investigation. In a criminal investigation, although you may not use them there are public defenders available—in this case if the graduate student or a faculty member without financial wherewithal could not really come up against this type of process. They would almost have to represent themselves if they could not afford an attorney unless it were provided. Do we have any provisions for a public defender?
ATKINSON: I’m sure our generous colleagues in the two law schools would take this on a pro bono basis but I don’t know that there is any formal provision for doing that.

MILLER: Other questions please. Yes?

WATSON: I have a peripheral question not related to this policy but it is something that concerns me and I think that as a group of people it might be relevant and that is whether when there is a dispute between a research advisor and a post-doc, do we have mechanisms for dealing with this?

ATKINSON: The question is whether when there is a dispute between a research advisor and a post-doc, whether we have mechanisms for dealing with this? I can speak for the School of Medicine in Indianapolis, one of the Associate Deans is charged with post-doctoral affairs and they are instituting procedures there. I don’t know university-wide or in Bloomington what is going on.

ALTER: That depends on the kind of dispute and this policy was certainly written with the possibility in mind that the respondent would be a faculty member and the complainant would be a graduate student or post-doc. We are trying to draft for other kinds of disputes like dispute over authorship we are trying to draft something for that, not in this form but also trying to find ways to setup mechanisms where graduate students would feel like they were protected. Certainly in terms of this document that is one of the cases that it has in mind and one of the reasons why it has been in a couple places discussions of restoring reputation and things like that.

WATSON: But this is dealing specifically with manipulation of research in someway. Whereas some of these disputes are relative to who owns the data or what rights are there to use this data. On Bloomington’s Mediation Committee had a case like this referred to us and we are not the appropriate body to deal with it but trying to get a person help has been very difficult. And I’d like to say that we need these kinds of protections built in. Someone needs to take this on.

ALTER: I certainly agree with that. We are constrained in this policy. We are constrained in terms of what this can include.

WATSON: I understand that. I was just hoping you could pass that message to the correct person.

ATKINSON: I think in the leadership in the Graduate School, university-wide there is some interest in this issue. It is becoming more of a higher profile issue nationally. The relationship between post-docs and mentors which has been unregulated in the extreme in the past and now I think that there is much more attention paid to whether post-docs are fairly treated. I saw Herb first.

TERRY: I’m still somewhat concerned about the power of the Deciding Officer and the lack of involvement in the underlying proceedings. So I have a question about page 15, must the Deciding Officer accept the factual findings of the investigation committee? In other words point 12 on page 15, “Factual findings of the Investigation Committee shall be conclusive and binding
on any later proceeding convened for other purposes.” I am less troubled about the power of the Deciding Officer in these cases, if the Deciding Officer cannot question the factual findings of the committee because these are going to turn largely on facts. I am very concerned if the Deciding Officer can simply say well I reject their conclusion about what the facts are and go down some other route. I can be satisfied if this clause limits the Deciding Officer and I’m troubled if it doesn’t.

**ATKINSON:** So Herb is asking whether clause 12 on page 15, the factual findings are conclusive, whether that is also binding on the Deciding Officer in terms of the Deciding Officer, not being able to revisit the factual findings of the conclusion. That is certainly how I read it but we can probably clarify that with the University Counsel. Jim?

**BALDWIN:** Am I right that there will be one deciding officer for the University and in likelihood it would be the Vice President for Research? Because it says under the definitions “Deciding Official shall be the university official appointed by the President”

**ALTER:** I don’t think that precludes the President from appointing a different Deciding Officer for different campuses.

**BALDWIN:** Okay, I would suggest that it should be the “Deciding Officer should be a university official appointed by the President.”

**ATKINSON:** Ok.

**CARINI:** Do we have a Vice President for Research anymore?

**MILLER:** The answer is no, we do not. There is no such office anymore.

**CARINI:** Is there a search committee?

**ATKINSON:** We have a vice provost for research and a vice chancellor for research in Bloomington and Indianapolis. They have, I think, kind of different roles.

**MILLER:** Alright. It appears that there are many questions surrounding this and it appears that there are a number of questions. Thank you very Simon and George, all of you, for your presentation. So this is going back to the campus faculty bodies, to the research affairs committees on the campuses and it will come back to us in our final meeting. I guess coming into this discussion I was hoping that we could have a final approval but if an interim approval will satisfy the needs that we have, we can at least keep that in mind as we kind of go forward with this discussion. Anyway, thank you again.

**AGENDA ITEM #7: STANDING COMMITTEE REPORTS**

**MILLER:** Let us turn then to the next item on our agenda which is standing committee reports. Are there any standing committee reports. I do not see any standing committee report people here, are there any standing committee reports coming from the video at the remote sites?
AGENDA ITEM #8: OLD BUSINESS

MILLER: Alright, then we have next item; old business. Is there any old business to conduct? I don’t believe there is any old business.

AGENDA ITEM #9: NEW BUSINESS—RESOLUTION ON SJR7 Marriage Amendment

MILLER: We then come to the new business and we do have an item of new business. This is a resolution presented to the UFC from the Agenda Committee regarding the so-called marriage amendment and I will read the resolution.

“Be it resolved that the UFC is opposed to SJR 7, a proposed state constitutional amendment that says:

"Marriage in Indiana consists only of the union of one man and one woman. This Constitution or any other Indiana law may not be construed to require that marital status or the legal incidents of marriage be conferred upon unmarried couples or groups."

This proposed amendment expresses an intolerance and narrow-mindedness that is inimical to the principles of diversity, respect, tolerance, and freedom that are the foundations of a university. If it is adopted, this amendment will have a profound negative effect on our ability to attract the best scholars and students to this university, many of whom will not come to a state that has incorporated such an amendment into its Constitution.”

So essentially what this resolution would do, if approved by the UFC, would express the concern of the UFC over the impact of this amendment once it is approved, if it is approved, on Indiana University, particularly on the ability of the university to recruit the highest quality faculty and students.

If you would like me to re-read it I will but if there are comments please…

SCHNEIDER: I think you want to add to whom this resolution will be sent.

MILLER: I’m sorry, that is true. We are proposing that this resolution would be sent to, I think, particularly to the speaker of the Indiana House, if that’s the appropriate term, Speaker Bauer who is the person now responsible for what is being considered in the legislature regarding this matter. If there are other legislative leaders, we can send it to the senate leaders as well. But that is the idea that we are going to send this to the leadership of the Indiana legislature. David?

MACKAY: In that statement you are making a number of conclusions about the impact that this would have. Is there any basis for assuming that those assessments are correct?
MILLER: The question being asked is, is there any basis for believing that the impacts that are identified here will actually occur if the amendment is passed.

FISHER: This is Mary Fisher. I was at a Midwest Nursing Research Society meeting over the weekend and there is a candidate that will be coming into the School of Nursing in the next few weeks and I talked to her. She already was aware of this amendment and expressed great concern about the amendment and also voiced that it might impact her decision about where to settle. Just one example.

VERMETTE: Last week in the Star there was a report by apparently a noted member of the music school who is in one of these relationships and has said that if the motion passes in the House, he and his family will move out. He has no qualms about getting a job elsewhere in the country or the world because he is so noted. I can't remember his name, he’s a music historian. It was in the Star with a picture and everything and he said that he would leave. So not only is going to impede people coming in, it’s going to cause people to move out.

And there was also, I know you’re not interested in this probably, but there was also a faculty member at Purdue who has a family also in one of these situations and said no problem, they’ll move. So it is not just coming in, it’s going out that we have to worry about.

BALDWIN: I’d also point out that some of the biggest industries in the state, like Lilly, did contest the amendment.

VERMETTE: No Lilly didn’t. Dow did.

BALDWIN: … where IU didn’t add their support. The local industries seem to think there is something behind this as well. There’s another point that I forgot…I’ll bring it up later.

MILLER: Herb?

TERRY: Based on those comments, and I too have anecdotal evidence about retention rather than recruit I’m just concerned that your resolution only alleges that there might be an effect on recruit. It can also have an effect on retention.

MILLER: Okay, “effect on our ability to attract and retain the best scholars and students to this university.”

TERRY: And, I would add something. We just settled for a preponderance of evidence standard in research misconduct. I can't imagine that any of us would believe that this thing, if it is adopted will make it easier for us to recruit and retain faculty and students. On that basis, I think there is enough evidence to support this.

MILLER: Murray?

MCGIBBON: I was just wondering whether it would be possible to find a Xerox machine and
get us a copy of that because I think when we’ve got it in front of us, there might be some more suggestions.

**KISH:** Do you want me to try? The only issue is that I don’t have a clean copy. Let me see if I can email it to someone in the lobby and see if they can print it because we don’t have a clean copy of what it actually says.

**MILLER:** Another option would be to put this over for a month but I don’t think we want to do that.

**VERMETTE:** They will have voted by then.

**MCGIBBON:** I think it’s critical; I’ve tried to write down as you speak.

**VERMETTE:** It’s short enough Ted, I bet if you just read the resolution slowly, people could write it.

**MILLER:** Let me read it again, this is the stuff that follows the statement of the amendment, “This proposed amendment expresses an intolerance and narrow-mindedness that is inimical to the principles of diversity, respect, tolerance and freedom that are the foundations of a university. If it is adopted, this amendment will have a profound negative effect on our ability to attract and retain the best scholars and students to this university, many of whom will not come to a state that has incorporated such an amendment into its constitution.”

**VERMETTE:** Instead it will be “attract to or retain at” this university. You need to change your prepositions, “attract to and retain at”

**MCGIBBON:** The second part seems awkward when you say many of whom will not come to a state if we are talking about attracting and retaining. By adding “and retain”, which I agree with, then it causes problems with the second part.

**MILLER:** Yes, I see what you mean.

**KISH:** What if we take the “and retain” out and add a new sentence that says “further more”. Something with retaining.

**MILLER:** The alternative would be to just strike that final clause “many of whom will not come to a state that has incorporated…”. Just end it.

**VERMETTE:** So please read it over now.

**MILLER:** If we did it that way, the final sentence would just say “If it is adopted, this amendment will have a profound negative effect on our ability to attract and retain the best scholars and students.”
VERMETTE: And then maybe add a last line saying “and this would be something for the university or to the university”. If they can’t read between the lines…

MILLER: Bart is suggesting just a slight variation on the last sentence, “If it is adopted, this amendment will have a profound negative effect on the university’s ability to attract and retain the best scholars and students”.

VERMETTE: It gets the university in there which is what we wanted, or just “Indiana University”.

MCGIBBON: Might I suggest “profoundly” rather than just “profound” if that’s not a problem.

MILLER: “A profoundly lead negative effect on Indiana University’s ability to attract and retain the best scholars and students.”

TERRY: I’d just like to clarify Ted…

SPECHLER: Ted?

MILLER: Okay, go ahead Marty.

SPECHLER: Ted, I think that this amendment to the Indiana Constitution is unnecessary and bigoted sure, and I think it will be voted down. But let me point out a couple of things. The first is that the assurance from our state legislator Peggy Welch that it will have absolutely no effect on our ability to offer these benefits which I had a hand in forming. That’s the first thing. The second thing, I think that the language of whoever’s amendment or proposition this is, is unnecessarily hostile. If we would just say that we think that the amendment is unwise, that would be one thing. But to talk about other citizens of the legislature or legislators as bigoted and narrow-minded is, I think, uncivil and not appropriate for a university. Beyond that, these propositions as “broad profound effect” and so on is in my opinion unsupported as yet by any facts. So if the people would tone it down, just to say that we think it’s unnecessary as a constitutional amendment, I would be for it.

TERRY: I’m glad you allowed Marty to speak first because I want a clarification and then I think if someone might respond to my observation. That begins by saying making it very clear that this is a statement of the University Faculty Council. Is that correct?

MILLER: That’s correct.

TERRY: I think that is important. [End of Tape 2, Side A] We can decide today to state whatever we want to state. If we want to state it in a forceful language, we can do that. I hope that the media of the state, Steve, will make it clear that this is not necessarily something that the faculty of Indiana University agree with, it’s the Faculty Council. I hope that if we had time to debate this at Bloomington or with other faculty that they would agree with the language we’re choosing. There’s no time to do that given the pace with which this is moving through the
legislature. Speaking just as a member of the Faculty Council, I’m perfectly content if we decide to in a forceful language indicate to the members of the General Assembly that we believe there will be adverse consequences to the university and to the state if this is adopted and that we believe as a group of faculty, not necessarily on this matter representative of the faculty, that this reflects the attitudes that are incorporated in the language of the amendment at present.

MILLER: Herb says that as long as it is clear that this is a resolution of the University Faculty Council, that he thinks that we can describe our feelings about this in whatever way we wish, forceful or not.

TERRY: And not a resolution of the faculty.

MILLER: It’s not a resolution of the faculty; it is a resolution of the University Faculty Council.

BALDWIN: I would just like to make one point in favor of the resolution and I guess an opposition of what President-Elect McRobbie said and what Martin said. That second clause of the proposed amendment, which all the lawyers have agreed, doesn’t do what we fear it might do. That’s what they thought up in Michigan until the courts got a hold of it and all it takes is a couple of judges to interpret it in different ways than university lawyers and we lose our whole benefit package.

MILLER: Well, it’s true that there are issues in Michigan but the Michigan amendment is also true that it does not use the same language that the Indiana amendment is using. So it’s hard to argue that the same thing is going to happen in Indiana. But still, the fact is that there are concerns of what the impact of this is going to be. This amendment avoids talking about domestic partner issues but it focuses on a more general concern of the University Faculty Council, about what the impact of this would be on the university. Certainly if it turned out that the university was prohibited from offering domestic partner benefits that would be an instrument that would lead to the general kind of problem that we’re talking about here. So I think that what this amendment is trying to do or what this resolution is trying to do is to talk at the most general level about what our concern is. It is not clear what the actual mechanisms might turn out to be and may be in the end—so we’re making a fairly general statement of concern.

MCGIBBON: I don’t believe that we should tone down the tone of this at all. If anything it should be ramped up. I would like to suggest that we put that “be it resolved that the UFC is strongly opposed to this SJR7”.

MILLER: “strongly opposed”. Okay. Any other comments on this? Markus?

POMPER: I would like to respond to Marty’s comment. At some point we have to say what we believe and what we are about and in my opinion the language and intent of the proposed constitutional amendment is inflammatory and we have to say what we believe and we have to say this in no uncertain terms. If the terms that we choose here are inflammatory, it’s just because the amendment itself is.
MILLER: Bill?

SCHNEIDER: You’ll have to repeat this for Marty but frankly I find the trustees and counsels’ comment to implicitly not express any opposition to the amendment, by saying it doesn’t affect this narrow aspect of domestic partner benefits, it in effect says that it is okay and therefore this statement is more necessary from the University Faculty Council because sometimes by not doing something you can do worse than by doing something.

MILLER: Other comments? Are we ready? Can I read this one more time?

“Be it resolved that the University Faculty Council is strongly opposed to SJR7, a proposed state constitutional amendment that says …” “This proposed amendment expresses an intolerance and narrow-mindedness that is inimical to the principles of diversity, respect, tolerance, and freedom that are the foundations of a university. If it is adopted, this amendment will have a profoundly negative effect on IU’s ability to attract and retain the best scholars and students.”

FRANTZ: This is David Frantz from IU East. I have a small comment. I would feel better if at the end, if we might include staff as well. “… our ability to attract and retain scholars, staff, and students.”

MILLER: “scholars, staff, and students.” Ok, now what do we need to do Mike to get this in a position where we can vote on it?

FOOS: Somebody needs to move the motion, then have a second, and a vote.

POMPER: I move.

MCGIBBON: Second.

MILLER: Alright. Is there any further discussion regarding this matter? Would all those who are in favor of this resolution of the University Faculty Council please say “yes” [YES]. And those opposed please say “no”. Those who wish to abstain please so indicate. There is one abstention here in Bloomington, is there an abstention at the East campus? Is there an abstention in Indianapolis?

FISHER: There is one vote against and four votes for.

MILLER: Four in favor and one against in Indianapolis. And Northwest?

COFFIN: One in favor.

MILLER: One in favor. Alright, thank you very much. The resolution is approved. Herb?

TERRY: It might be useful to record how many people are in favor of it.

MILLER: Alright. I think everybody voted for it except for the abstention. Is that correct?
TERRY: But how many votes do we have?

MILLER: So there would be 1, 2, 3, 4, 5 …..16.

FOOS: If we’re counting numbers you may determine that we don’t have a quorum and we can’t act.

KISH: We’re going to have to do it over email if we want to take votes. We don’t have a quorum. We have 25 for and 1 against and 1 abstention

VERMETTE: What about the remote sites?

KISH: That included them.

JOHNSON: How many do we need for a quorum?

KISH: I think about 30. Unless you want to make a motion to suspend the rules.

FOOS: We can’t do that on a quorum vote.

SCHNEIDER: Why do we need to re-vote?

KISH: We don’t need to. Someone asked for it.

NG: We did not finish counting.

KISH: We need 31 to have a quorum and we only have 27 right now.

MILLER: Alright. So what we will do then is that we will have a ballot by email to members of the University Faculty Council and we will indicate that our straw poll at the end of the meeting had a certain result to provide them with information about what happened in our discussion here.

Alright, any other new business for the University Faculty Council? Alright, thank you then very very much. I appreciate everything all of you have done for the university over your history. I’m very appreciative. Thank you very much. We’ll see you on April 24th in Indianapolis.

Meeting adjourned at 4:11 pm.