

Indiana University
UNIVERSITY FACULTY COUNCIL

November 30, 2021

1:30 P.M. – 4:40 P.M. (EST)

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Members Present: Keith Anliker, John Applegate, Mark Baer, Rachael Cohen, Paul Cook, J Duncan, Cindy Evans, Shari Fowler, Philip Goff, Lucia Guerra-Reyes, Debora Herold, Israel Herrera, Kayla Isenbletter, Bernadette Jessie, Yu Kay Law, Scott Libson, Sally Letsinger, Jiliang Li, Wayne Madsen, James Marrs, Gin Morgan, Shawn Nichols-Boyle, Harold Olivey, Megan Palmer, Nasser Paydar, Cate Reck, Kristoffer Rees, Elaine Roth, Carol Rozelle, Steve Sanders, Susan Sciame-Giesecke, Marietta Simpson, Rebecca Spang, Dave Surma, Melinda Stanley, Lisa Thomassen, Jennifer Thorington Springer, John Walbridge, Crystal Walcott, John Watson, Joe Wert, Pamela Whitten

Members Absent: Angela Bruzzaniti, Rebecca Carlton, Ky Freeman, Lindsey Mayo, Leslie Miller, Mike Polites, Angie Raymond

Guests: Aaron Carroll, Kip Drew, Karen Lee, Bill McKinney, Alex Tanford

AGENDA:

1. Approval of [minutes of October 26, 2021](#)
2. **Executive Committee Business** (10 minutes)
Marietta Simpson, John Watson, and Joe Wert, Co-chairs of the University Faculty Council
3. **Presiding Officer's Report** (10 minutes)
Pamela Whitten, President of Indiana University
4. **Question/Comment Period** (10 minutes)
Faculty who are not members of the Council may address questions to President Whitten or Co-chairs Simpson, Watson, and Wert by emailing ufcoff@iu.edu at least two business days in advance of the meeting.
5. **Proposed revisions to ACA-76, Restrictions on Publications** (15 minutes)
Alex Tanford, Chair of the Policy Review Committee
[Action item]
 - [Current ACA-76, Restrictions on Publications](#)

- [U5-2022 Motion from the Policy Review Committee regarding proposed amendments to ACA-76](#)
- [U6-2022 Proposed amendments to ACA-76, Restrictions on publications – redlined](#)

6. Discussion of policy issues for revising ACA-17, Faculty Board of Review standards (60 minutes)

Alex Tanford, Chair of the Policy Review Committee

[Discussion item]

- [Current ACA-17, Faculty Boards of Review: Minimum Standards for Uniform Hearing Procedures](#)
- [U7-2022: Questions for discussion of proposed revisions to ACA-17, Faculty Boards of Review: Minimum Standards for Uniform Hearing Procedures](#)

TRANSCRIPT:

SIMPSON: Good afternoon, everyone. Does it look like we have everybody in the room, Elizabeth?

PEAR: I think so.

SIMPSON: Good. Well, good afternoon, everybody. President Whitten will be joining us shortly. But until she does, we'll just get started and when she comes in, she'll take over leading this meeting. It's good to see all of you that have your cameras on and to see everybody who will be eventually having their cameras on, great to see you.

AGENDA ITEM ONE: APPROVAL OF MINUTES OF OCTOBER 26, 2021

SIMPSON: We're going to start today's meeting officially with the approval of the minutes from October 26th. Can we get a motion for approval?

LAW: Moved.

SIMPSON: Do I have a second?

THOMASSEN: Second.

SIMPSON: Yes, Rebecca.

You're on mute, Rebecca.

SPANG: Excuse me. I don't know if this is the appropriate time to mention it. But I did notice several typographical errors. For instance, a reference to the worker Bemidji as opposed to the committee. Should I send those corrections to Elizabeth, and should we vote on them again or do we assume that the minutes are approved pending the correction of those errors?

SIMPSON: Thank you, Rebecca. I think we can assume that the corrections will be approved, the typos will be approved. Okay. All right. So, assuming that all the typos will be approved, we have a motion and a second.

All agreeing with that can indicate by saying aye.

UNIVERSITY FACULTY COUNCIL: Aye.

SIMPSON: Thank you all. Thank you.

All opposed say nay please.

Great. The ayes have it. The minutes have been approved.

AGENDA ITEM TWO: EXECUTIVE COMMITTEE BUSINESS

SIMPSON: The next item on our agenda is Executive Committee Business. Today, we're going to, each of the co-chairs will talk about what's happening on their campuses. I'll begin with the Bloomington campus. We have a couple of items that it happened on our campus.

First, one of the big things that's happened in October, our Student Affairs Committee brought before the Bloomington Faculty Council proposed revisions to the academic misconduct procedures in the Student Code of Conduct. The focus of those changes were calendar to business days in the Student Code of Conduct. The code was currently written using calendar days. They recommended that we would move two business days and basically what that did was shorten the timeline to 47 business days from around 65 calendar days from beginning to end. And that significantly reduce the amount of time students spent in the misconduct process phase with. So that was a benefit for our students.

We also had the basis for appeal. It was a recommendation to establish a required reason to provide an appeal at each appeal stage in the process. And the proposed reasons for an appeal that were granted when a student could appeal a faculty member's decision based on alleged bias, a due process error, or arbitrary or disproportionate judgment against the student. So, all of those proposed revisions were approved by the faculty council.

The second thing that happened, that is happening currently on our campus is that we are involved in a national search, in case you didn't know, for our next provost. And over the next two weeks we will be interviewing five candidates. One of those candidates is actually on our campus today in a public town hall. This is happening right now. As you know, the provost is the chief academic officer on the campus. And they're charged with many things not the least of which is upholding academic freedoms and tied into that, leads me to the next issue that has been happening on our campus.

The BFC Executive Committee responded to statements and questions submitted to them from the IUB chapter the AAUP, regarding the presidential search. We talked about this last time in the executive committee. In that response from the BFC, the executive committee, we affirmed our continued support, faculty members, academic freedom, their First Amendment rights, and the importance of adherence to the principles of shared governance.

And the last thing that I would mention is that the IUB Bloomington IU Health Regional Academic Health Center is moving this weekend. And we were provided with an update about that huge move. It's been planned for over three years. It's going to be a huge operation. But the actual move is going to take place in a 24-hour period. It will start with the laboring mothers and end with the behavioral unit. It's going to be a massive operation, but the planning that has gone into it is absolutely amazing. And so, we're really looking forward to the health center opening this weekend in Bloomington. So that's just some of the things that are happening on our campus. John?

WATSON: Thank you. Pleasure to be doing this. The IFC has been busy, quite busy already this year. I'll give you few things, completed items. Some things up in that are still being worked on. We passed a fresh start through academic renewal policy. I believe that the BFC was looking at one of these to their version, your version. So, this is to reach out to students who have been with us before but left and need to improve their academic performance. So, it gives them a fresh start, which was one of the terms kicked around to name this, but it was originally the IUPUI Forgiveness Policy, but we approve this back in October. We are glad to have this tool at hand again.

We voted to support the change to the academic calendar by observing Juneteenth as a university holiday. We've got a short-term solution for the day lost. But the Faculty Affairs Committee is already working on a plan to make it permanent. The fix permanent.

We have a new type of promotion and tenure case. We call it the DEI case for diversity, equality, and inclusiveness, excuse me. So, we approved a proposal for a new case based on that. We got it approved, it was proposed, that would be a lecturer level and then also on the tenure track level. One of the problems, one of the hang-ups has been Purdue requires a candidate for promotion to be considered excellent in their major area of endeavor. There was some concern that was easily dispensed with about how that might apply to the new DEI promotion and tenure case.

We've been busy working hard on the diversity hiring initiative. We thank President Whitten for making the funds to be able to expand our faculty with diverse colleagues. This is already helping us meet the strategic plan that was put in place by Chancellor Nasser at the beginning of the year. So that'll be a great way to send him off when he steps down.

We formed an integrity task force that the executive committee approved an ad hoc committee to report back on the situation to do with academic integrity on campus, particularly with students, the elimination of cheating or the suppression of cheating. So, they have done their study and we're analyzing where to go next. But we all have high hopes that we'll be pushing up the mark on academic integrity among everyone here on campus. With that, I'll stop.

WERT: Okay, Welcome everybody. I hope you all had a restful Thanksgiving break and are raring to go for the final lap, I guess, of the fall semester. In terms of what the regional faculty or I'm sorry, regional campuses have been working on, we have all passed the resolutions for making Juneteenth a holiday. And we are all working on how to make up for that missed day for our summer sessions.

We are working on three big initiatives with EVP Sciame-Giesecke. There's going to be a review of IUOnline by an outside vendor. We're hoping that that one of the things that we'll be focused on in this review will be increasing faculty visibility in these programs and participation in the creation of online programs.

Another thing we're working on is the passage of the Indiana Common Core GenEd certificate for high schools. This would be a certificate that will go to high school students who are coming to one of the IU campuses that have taken dual credit courses that are equivalent to our GenEd requirements. And if they can complete that before they come here, they will get this Common Core GenEd certificate. Along with that, each of the regional campuses will be hiring someone who will be working with the local high schools and around each of the regional campuses in facilitating these dual credit partnerships and who will be doing some recruiting for our campuses.

And finally, we are also working on simplifying and expediting the process for awarding transfer credit. It's taking, in many cases, entirely too long to get students who are coming who are transferring in from other universities, give them information about how much credit is going to transfer and where it's going to go and things like that. So, we are looking at expediting and simplifying that process. And that is all I have.

SIMPSON: Thank you Joe. Thank you, John, are there any comments or any questions for any of the co-chairs?

All right. I don't see any raised hands. I did see a comment from Yu Kay in the chat.

PEAR: Rebecca has her hand raised.

SIMPSON: Oh, okay. Thank you. Rebecca? Thank you, Elizabeth.

You are on mute Rebecca.

SPANG: Hi. I'm sorry about that. I was just hoping we can hear a little bit more from John about the Fresh Start Policy how that works, are you actively reaching out to students? We don't have such a policy at Bloomington, and I'd just be interested to hear more.

WATSON: I don't have the details of that. But my recollection is that there was going to be an outreach part to it until the word gets around. Because the rules are quite a bit more pro-student than they were, not that they were oppressive at all. I think this would draw a lot more interest in people. We need to get the word out now.

SIMPSON: Are there any other questions?

If not, I'm very happy to see President Whitten is with us right now. So, I will turn the microphone over to her. Thank you. Welcome President Whitten.

AGENDA ITEM THREE: PRESIDING OFFICER'S REPORT

WHITTEN: Thank you. Thank you. And please accept my apologies, I like so many of you am just a little bit over booked in areas, and I think my office thought I could get from one meeting

that ended at 1:30 across Indianapolis back on campus in one minute and I couldn't do it, but I'm working on it. So again, I apologize. I really apologize for being late. I'll make sure that doesn't happen again. But thank you for starting without me and getting the process rolling.

I thought I might take a few minutes and make some comments and talk about some things. I know I was in Washington for the last meeting, so maybe, if you'll allow me, I'll speak about a few more things because I'm having to speak one time, if you will, for both meetings.

So first of all, I'm so happy to join you guys today. This is my first UFC meeting. And I assume you know my background so that you know, that, you know, I served as a traditional faculty member of course for many, many years at Michigan State. And I really loved those years of teaching and research and yes, even some university service as well. But you know, this personal experience means that I appreciate, really appreciate the importance of shared faculty governance. And so, I'm grateful for all of you and all faculty support and really generating innovative and practical solutions to make sure that we ensure a positive learning experience for our students. And obviously also to create an environment that will maximize success for our faculty and staff as well.

So, for those of you that were kind enough to attend and or even listen to the inauguration that happened just a few weeks ago, earlier this month, I said that in the coming years we're really going to commit ourselves at IU you know to three core missions. Providing broad access really to excellent undergraduate and graduate education from students from Indiana and beyond and a real focus and appreciation and joy if you will, in serving students that come here, you know, obviously pursuing world-class research scholarship and creative activity. And then really building on our base of excellence in education and research to make meaningful contributions to our state and to the region in economic areas and social areas and civic and certainly the cultural development of our state as well. And so obviously, our faculty play pivotal roles in all three of these missions. And I look forward to working with the members of this council in the years ahead. I recognize all of you won't be here necessarily in years ahead, but I look forward to working with this council in the years ahead to really strengthen those core missions for the university.

So let me talk about a couple of key areas just to make sure everyone is up to speed. Certainly, fall enrollment is something that's important to acknowledge and put a marker in. This semester of course really marked a return to in-person learning on all of our campuses. And I know that students certainly were a force for the most part to be able to be back on campus, all of our campuses and be back together once again. And our enrollment certainly reflects the fact that in so many cases we create an opportunity for an education that's affordable and accessible and really responsive to the needs of students from all kinds of backgrounds. And so, you know, this year at IU or at least this fall, we have 91,000 students on our campuses around the state. And, you know, one of the positives is that degree seeking students of color actually totaled 29% of the degree seeking students for all our campuses. And international student enrollment was up nearly 4% over last year. Of course, coming out of a pandemic, that's a metric that you want to see. But it was still good to see that it didn't happen everywhere around the world.

Bloomington, of course, shattered enrollment records totally due to a very large freshmen class, 9,500, with a lot of them that actually came from out-of-state, that accounted for a lot of it. Um, and so now there's over 45,000 students on the Bloomington campus this year, although we shouldn't count on that bump in enrollment necessarily when thinking about it from a revenue projection.

The IUPUI and regional campuses, as has been the trend for a number of years, actually saw enrollment declines again. And so, we've got some important work to do to understand that and to get in front of it and to right size appropriately in the coming years ahead. I know that's not a new trend for IUPUI and remote campuses as well.

Number of amazing accomplishments. I am, of course, I'm always happy when we have some phenomenal accomplishment by our students, and we just announced that Elvin Irihamye, he is a Herman Wells scholar and a neuroscience major at IU. He's become the 19th student in IU history to be named a Rhodes Scholar, really quite an accomplishment. And so, he will go next October to Oxford in the UK, where he's going to pursue a Master of Science degree in Translational Health Sciences and a Master of Science in evidence-based social intervention as well. And I have to say I've had the chance to meet him even prior to him being named just a lovely student. But he's also very quick to acknowledge how much he owes to IU faculty members with whom he's worked really closely. One in particular that he's talked about is Christoph Irmscher, who's the director of the Wells Scholar Program, as a close mentor. And he really has talked about how this faculty member really helped him to learn to not be afraid to critically challenge complex issues and really inspired him to align the career that he seeks to be in parallel with many of those are those complex challenges as well.

And of course, we have a number of faculty who we know are doing wonderful things but are also getting recognized from external places as well. And so, we have a faculty member, professor Kosali Simon of the O'Neill School of Public and Environmental Affairs. It's still hard for me to say, O'Neill, I keep wanting to say SPEA, but I'm training my brain to do that. She's become the latest IU faculty member to be elected to the National Academy of Medicine. She serves as an associate vice provost for Health Sciences IU. And she's really just an extraordinary scholar and teacher with, if you've meet her, so much energy. She's so committed to applying research to understanding and really improving public health for all as well. So, we certainly want to congratulate her.

We see so much work that's making such significant contribution for the things of course that are important to us and to those we serve. The IU School of Medicine faculty, we recently announced are actually expanding the school psychiatry-based substance use disorder services for adolescents and for those that take care of adolescence. They get a five-year, almost \$3 million grant from the from SAMHSA, the Substance Abuse Mental Health Services Administration and that's part of the U.S. Department of Health and Human Services. And Zachary Adams, a psychologist and a junior professor and assistant professor of psychiatry at the School of Medicine is leading the grant and is working with Leslie Hulvershorn, who is an associate professor of psychiatry and she's an inner co-chair of the Department of Psychiatry as well. And so, this is really important work. I know we're all aware and familiar with the very

significant challenges related to mental and behavioral health. But that this work is going to allow researchers and clinicians to better serve adolescence with mild to severe substance use disorders and co-occurring mental health disorders as well. So so important.

Let me transition. Cabinet searches, leadership searches. Oh boy, it's a busy time. I'm sure many of you are aware that at least half of the president's cabinet is either an interim status or imminently going to be retiring as well. This is really an unprecedented amount of leadership positions to fill, but we kinda gotten started, kind of in the first wave. And so those in Bloomington hopefully are aware that the search committee for the new provost in Bloomington that was chaired by Fred Cate, announced last week five finalists that are visiting the Bloomington campus. And the first is there now. And while they are there, each finalist, of course, is going to meet with a variety of key stakeholders, but also something that was very important to me, they'll be participating in an open forum. And so, we'll have the opportunity to get feedback from folks about all the candidates as well.

Second position we're trying to fill is the is a search for vice president of communication and marketing. That one's a bit hard. We've kind of gone through the first round, but we're sticking with it. And that searches ongoing. Rebecca Carl, who has been serving as the interim VP for communication and marketing, is actually taking a much-needed leave of absence. I don't know if those of you who know her know that she recently lost her partner kind of unexpectedly. And so, she needs a little bit of time. So, Holly Vonderheit is going to serve as the interim vice president for communication and marketing, effective actually tomorrow.

Search for the new vice president chief financial officers, also underway and that search is being chaired by Jay Hess from the School of Medicine. And so, we're working toward finalists and hopefully a successful hire before the end of this calendar year. And in the search for new chancellor of IUPUI, is also underway being shared by Karen Bravo and I know that committee is hard at work as well. I think they go through and review applications later this month if I remember correctly. And then in December also working to get two new searches launched the VP of Human Resources, which will be chaired by Tom Morrison and a VP of Student Success, which will be chaired by Hannah Buxbaum as well. And then one final of new face Karen Adams, the Chief of Staff for the last 14 or 15 years is actually going to be retiring. And so, we'll be welcoming a new chief of staff, Brenda Stopher, who is moving up from the state of Georgia to join IU will be here as of the 1st of January. And so, she's looking very, very forward to having the chance to meet all of you and work at IU as well.

Presidential diversity hiring initiative, as faculty, I sure do hope you're all aware of it and thinking in innovative and aggressive ways toward applying these resources. As you know, we created a \$30 million fund that's going to really serve hopefully to accelerate our efforts to hire more diverse mix of faculty including our researchers. And this is a seven-year initiative that's focusing on hiring from groups that are traditionally underrepresented in higher education. Any field, any campus, this is open to all with the goal of really increasing representation among our faculty. And this is a pot of money that goes beyond just replacing open positions. But these will be new faculty positions as part of this effort. So this initiative is actually being led, it's underway and it's being led by our VP of Diversity Equity and Multiple Cultural Affairs,

OVPDEMA, which of course is James Wimbush and I'm very delighted that he is reported to me that a number of you are out of the gate, very, very busy in terms of identifying folks and there's work we're doing to get them on campus and hopefully be successful in persuading some of them to join you as well.

I want to talk just a minute about budget and regard to a budget update. And so, with regard to the university's operating budget, fiscal year 21, looks good, but it's a unique onetime reason that it looks good in terms of our margins for this fiscal year. And that is because of onetime stimulus funding. Basically, the CARES money or HEERF money whatever you want to call it, for IUPUI and for our regional campuses, was so significant that it's basically masking challenges with expenses exceeding revenues in those campuses. The Bloomington campus is also enjoying kind of an artificial year from a budget perspective because of the unexpected growth in the freshman class that I referenced earlier. That's again, a onetime bump and not something that we can count on in terms of recurring revenue for the institution. And so, in general, this is not something that I was aware of until I until I got here in this position, but we find ourselves in a situation where expense growth has continued to outpace revenue growth really for a number of years across all of IU. We've got to get this in check. And we can do that by eliminating redundancies and inefficiencies at the university. I'm confident that we can do it but we're going to have to address some key issues to get there.

This morning I held the first of what I call lead sessions. I had the first one in Indianapolis today at IUPUI and I will be doing them also in Bloomington and for our regional campuses. But in this case, in lead sessions I bring together everyone that serves a leadership role on a campus. So, it's certainly cabinet deans, associate deans, department chairs, and others to do to address specific issues. And so, in the first one we had this morning, we had a productive discussion about finding opportunities to reduce redundancies and inefficiencies in this case at IUPUI. But of course, this transcends all of IU. And then we also went on to discuss some innovative and impactful things we can do. It's really further increased diversity at IUPUI as well.

Next, I want to talk just a few minutes about sustainability and IU climate action plan that was forwarded to me right before the break and so a chance. And when I was last week, I received and I'm currently reviewing the UFC Sustainability Resolution. And I believe it's the UFC Climate Action Taskforce change proposal that were sent to me last week. And so first of all, I want to congratulate the IU community really for progress made over, I would say really the past 10 years, the past decade in sustainability, a reduction in energy use and in reducing greenhouse gas emissions. So just as a point of reference, IU has reduced, we've reduced our greenhouse gas emissions by 35% since 2011. And this reduction is really largely due to more efficient energy systems and renovations that have been carried out in conservation and eliminating the direct use of coal as well. Electricity use has declined over 20% per gross square foot in the past decade. And we again, have really benefited from a strong commitment to renovation and rehabilitation of the older infrastructure. And, you know, I know it costs a lot of money and we really just have to continue to make that a priority and continue that work across our campuses as well. We're a leader in LED certified buildings, which of course we also have a much lower carbon footprint. And we have to continue the steady progress that we're pursuing, I think, and reducing our

greenhouse gas emissions as well. So, upon my request from several months ago, I actually had asked Vice President Morrison's team of engineers and the staff that work in the Office of Sustainability to work on next steps and new concepts to continue, frankly, our steady progress in this area. So, I was happy to see the materials and the question come into me from the UFC. I have asked Vice President Morrison to immediately began to study the detailed elements of the new concepts for greenhouse gas emissions and reductions on our campus. And of course, this is where we're going to need your help. These concepts can really be good initial foundations toward an IU climate action plan they should be, in my perspective, a broad-based collaborative effort between the UFC and our students, the Sustain IU leaders and of course our IU infrastructure experts as well. And so, we're going to need your assistance in really developing the details and with those the implementation steps where they intersect, of course, with our campus operations. And so, I should make very clear that I support the development of such a plan by 2025 and have instructed Vice President Morrison to ensure that this is accomplished. Um, however, I would challenge the group that we should not wait to implement good ideas until then. And I hope you will be ambitious with me in that now, feasible. We, I think we really should explore those concepts in a plan that can be implemented as soon as possible. You know reduction in energy use not only helps the environment, but of course it also helps to reduce costs for the university as well. So, I look forward to the important work our campuses are going to do together to address sustainability and hopefully very aggressive climate action plan as well.

You know, on that note. I want to share with you that I met with IU's Environmental Resilience Institute. Many of you might know it as the ERI and I visited them back in October. And hopefully you know that they received an award from the Indiana Department of Environmental Management recently. And so, they received the 2020 Governor's Awards for Environmental Excellence, eight recipients across the state and they were honored, all were honored for their extraordinary initiatives in protecting the environment and in our case, IU's ERI received the award in the environmental outreach education category. And so, in my recent visit with them, was very impressed with the work that they're doing in with the ongoing commitment they have to serve our own university in making big changes and impact, but also their interest in the impact that they might have on the state and the region and beyond. And so, I think it's a very important group on our campus. And certainly, I want to congratulate all those that are affiliated with the ERI on IU and that's well-deserved award.

Um, and then finally, I really am about to wrap up. Finally, I just want to speak for just a second about COVID. And so certainly it's been a remarkable semester of the full re-emergence from the pandemic with campuses really running at full speed. And I want to just acknowledge a few important things. First, of course, our faculty members have really done just a tremendous job of ensuring that students have a robust and fulfilling experience in the classroom, even in a fully masked environment. And I know this to be true because I have met so many students and so many of them have shared their positive experiences with me. And they credit the faculty who have done just such a wonderful job just diving in, right back in the deep end and making sure that they had a wonderful experience, educational experience.

I also want to acknowledge; I think it's important that our staff have really stepped up in amazing ways to serve our students and our faculty and their fellow staff as well. And you know, I want to remind everyone that many of our staff are operating in a world that really mirrors the rest of America, where there are such shortages of workers and they have really stepped up and often done yeoman's work in often very stressful, stressful situations. And so, I would encourage you to please take a moment to acknowledge and thank those staff around you and in your own working environment, as well.

As, you know, our vaccination rates have been amazing. There's some variation across campuses, but across all of IU, all of us, we have now surpassed a 90% vaccination rate, which makes our campuses really amongst the safest places in the state of Indiana and probably beyond. And while cases did go up a bit when students came back to campus they stabilized quickly. And then of course they dropped very reasonably low levels. And of course, now we're watching again as everyone's come back from time with their families. Half of our infections are typically among unvaccinated, and half are breakthrough, which you would expect since we have so few people that are actually unvaccinated, that almost all our breakthrough infections are the results of household contacts across IU. Most cases are mild and need very little, if any intervention. And you all know, I speak from experience because I got vaccinated in Georgia and then I moved to Indiana and was given the gift of exposure to COVID and had a breakthrough case myself and I also, I don't know if I would say I enjoyed a mild case, but I had a mild case as well, but we know that the best way to fix it and I know it's a bit of a broken record, but it's so important beyond us, the best way to fix it is for more Hoosiers to get vaccinated. And we've done our part in large part, but we know that that needs to continue. And so, I want to make sure everyone knows that our medical team is still very much in place and continues to monitor the current status of COVID frankly, as well as monitoring future potential variance. And we're going to continue to prioritize the safety and well-being of our campuses and above all.

And let me just close by saying that our Chief Health Officer Aaron Carroll asked me to remind everyone that that the biggest health risk right now for those who are actually vaccinated for COVID is not COVID, it's actually the flu. So, if you have not gotten a flu shot yet, I would strongly encourage you to do that because there are many parts of the country where it is just rampant at this point. And from what I understand, it's not a good experience getting the flu again this year as well. So, on that note, thank you for letting me have a little bit of your time today to speak and we can get back to where we were on the agenda at this point.

AGENDA ITEM FOUR: QUESTION/COMMENT PERIOD

PEAR: I believe that puts us back at the question-and-answer period. And Yu Kay has his hand up already if that's all right.

LAW: So, these are questions that I kind of, two questions I want to follow up. I mean, obviously, right sizing freaks people out. Where do you see the right sizing going and what do you see the scope of that being? When you mentioned right sizing at IUPUI and regional campuses.

WHITTEN: Yeah. I would not freak out about anything because we're not gonna do anything that harms in any way, shape, or form our student's ability to be successful nor our faculty, and staff. I might punt to Sue Sciame-Giesecke, who is I think the on this call as well, but she's doing commissioned work right now because again, I've been here five months, so please bear with me. I'm still learning quite a bit but from what I had seen, we had some unrealistic expectations, I think about campus enrollment sizes.

I pick on South Bend a lot as a good example because I know in their strategic plan, they talked about having 10,000 students enrolled and building toward that. And you know, just being realistic, that's probably not going to happen in South Bend, given their population. And so, we want to make sure that we understand what is right and realistic and then we do the best possible job that we can for that population. And Sue, I see you on the screen now. You want to jump in and respond.

SCIAME-GIESECKE: Sure. Thank you, Pam. Yeah, you know in 2014-2015, Deloitte did a study of all the five regional campuses. And what they did was they did a demographic study trying to help us understand what the future would hold for us, especially in light of Nathan Grawe's book, that we were going to hit the cliff. And if you go back and read that study, you'll find that their predictions were pretty good. They were pretty on target. Unfortunately, we really didn't pay much attention to that. We just kinda kept moving forward hoping that maybe it wouldn't hit as hard as it has. So, as you know, many campuses have lost a significant number of students.

So, we have with the support of President Whitten going to re-emission another study. And so right now the RFP is out. We are looking for a good firm who can once again, take a look at the demographics of the communities that we serve and give us some sort of predictions of what the future will hold for us. And then once we have all of that data, we will share it with everyone, be as transparent as we possibly can, and we'll sit down and set some targets. So, it's not really right sizing. It's really about setting some good targets that everyone believes is a good foundation for the campus that they belong to.

LAW: Thank you. The second one is about sustainability. So, I may point that back to President Whitten if you don't mind. And that is one of the concerns I think with the Climate Action Taskforce is that they seem to be, there seems to be not much communications or discussion in terms of what planning is going on in Tom Morrison's office with viz a viz the Climate Action Plan and time Action Task Force. And I would urge that some efforts be made just to make sure that two sides are in good communication. Thank you.

WHITTEN: Thank you for that.

SIMPSON: Megan Palmer, would you like to ask your question?

SCIAME-GIESECKE: Megan, I saw your question. Is it the RFP for external groups, or our own faculty? I'm assuming that if somebody on the IU faculty wanted to respond to the RFP, it is out there. You can contact purchasing and you could put forth your own proposal. Right now, I

think we have eight different firms who have expressed an interest. And it closes soon, in about a week because we really do want to have the results by March 1st.

WHITTEN: Great. Thank you. Well, I guess Elizabeth we'll pump back to you for what's next to our agenda.

AGENDA ITEM FIVE: PROPOSED REVISIONS TO ACA-76, RESTRICTIONS ON PUBLICATIONS

PEAR: Next up, we have the proposed revisions to ACA-76, Restriction on Publications and Alex Tanford from the Policy Review Committee is here to usher us through that.

TANFORD: Thank you. For those of you new to the UFC this year, the Policy Review Committee is charged with reviewing existing IU academic policies. And that includes both those policies where the faculty constitution gives the faculty primary legislative responsibility, and also those where it gives primary responsibility to administrative units, but we have shared or consulting activity. We take those, we confer with faculty governance units and academic affairs officers on all the campuses and other affected constituencies about current best practices and currently what the policies are, what the actual practices are going on in the various campuses to this regard. Because as we've gone through these existing policies of which there are total of about 75, most of them were written anywhere from the 1950s to the 1990s. And just know there never was a unit of the UFC charged with going back and looking at them. The UFC always did sort of crisis management on when things fell apart. So that's what we've been doing.

And in the past, a little over three years, we've reviewed and brought to the UFC proposed updates and revisions to approximately 55 of those existing policies. Including we did find, we found that the oldest existing policy in the university, which dated back to 1946 and had never been reviewed or looked at since then. Oddly enough, it was the policy allowing faculty to take time off for jury duty. So, it required no revision even after 60 years.

We have about 15 policies as they sort of consolidate still to do and expect to be finished with this process in approximately 18 months. We have been and I want to give thanks to Kip Drew who has been university chief policy officer throughout this period and has worked very closely with the with the committee. And Elizabeth Pear who is the administrator of just this incredibly complex task. But Kip is leaving the university and we will be very, very sorry to see her go. But she will be replaced as sort of ex officio on our committee by Bill McKinney as a representative of the Office of the Vice President and Executive Vice President for University in Academic Affairs. And we've worked with him on and off anyway because he knows everything that's going on in the regional campuses. So, we anticipate a smooth transition and that we will continue to have a good ongoing dialogue with the core administration of the university.

All right that being said, the first thing we bring to you today is ACA-76. And if all goes well, there it will be. This is a motion from the Policy Review Committee to the UFC to approve updates to ACA-76. The impetus behind this is actually the Steve Martin, who's the associate vice president for research administration. This is one of those policies on grant funding and grant management, which although faculty are the recipients of those grants, this falls into the

sort of budgetary aspect where the administration and the Office of Research Administration really has primary legislative responsibility. But they send it over to us. We reviewed it. And that's what we're bringing to you today.

The Office of Research Administration wanted two changes the main one well one clarification. Clarification was that the responsibility for handling publication restrictions that are attached to grants and the agreement, the management plan to make sure that those, any restrictions imposed by the grant funding group or agency allow the university to function in its normal way for getting research done and published, that the management of those will be consolidated at the, at the level of the academic unit, the dean responsible in that unit for managing these restrictions. Because the primary concern is to make sure that probationary faculty who need the research and the publications to make progress towards tenure, the graduate students, and postdocs, who need to be working on this grant, get their research done, that they are protected against undue restrictions on the publication and dissemination of this research in ways that would negatively affect their careers. And that the Office of Research Administration is not in a position to do that on a case-by-case level because they may not know enough about the graduate programs and the students, and the things involved. So that was one change they wanted to make was to make sure that the policy said managing this is at the at the unit level.

Second change they wanted was, and I'll bring this up on the red line version. The history of this program concern by the faculty about grants that came with various kinds of dissemination and publication restrictions goes back to as far as we can tell and our research, goes back to the Vietnam War era, where there was a general concern on the part of the faculty that universities might becoming involved in kind of confidential military research. And so, they put in a provision, a kind of transparency provision that said any grant that was received by funding agency that carried any kind of restrictions had to be turned over to the Indianapolis or Bloomington Faculty Council for review. What he says is in the entire life of this policy or on request, they've never gotten a single request from either of those faculty governance bodies to review this stuff. And there are now way too many. I mean, there are lots of grants that it just, they didn't understand why this was here. It didn't serve any function and they wanted that removed. We agreed after discussion embedding with both of those things and in vetting the process, somebody maybe it was Yu Kay; I don't remember somebody noticed or one about somebody noticed that the policy they'd given us contained was called an exception was a policy on exceptions to the publication restrictions. But it didn't actually contain what the policy was about accepting grants with policy restrictions in the first place. So those changes have been made.

Here is the red line diversion. So, the policy statement at the top is where it states the policy. And although apparently this is the longstanding university policy, unfunded research that the university does not accept research finding that conditions publication on approval by the research funder, whether it's the government or a private entity. And then the rest of the policy is the exceptions to that, the conditions under which we can accept a grant that contains those restrictions. It contains minor language updates. It proposes removing paragraph two which talks

about if the activity is exempt as a service activity, that's redundant because as you see up in one, service activities are already exempted from the policies, so this is just exempting them twice.

Some again, as is consistent with the current IU policy language, the word faculty is being changed to academic appointee to avoid any confusion about people with status such as research scientists and things like that. Then just some other minor language changes. Eligible individuals for placing U.S. persons in the context of export controls. That is, many of you know, some grants come from the federal government, come with restrictions on the exporting of technology to a number of foreign countries. That's just changing, clarifying some of the language.

The red line in one just pulls up what had been in a footnote. Here's the original policy and at the very end, there were these examples that were in a footnote to just part of the text. We couldn't figure out how to, why was it a footnote. So, we moved it up and cleaned. Once we did that, the language had to be put into complete sentences. So that's all that was. So, unless there are any questions about those largely stylistic and administrative changes, I want to get I will get to the two substantive changes. And since I've got my screen up, I won't be able to see if anybody has a hand up for a comment or a question.

COHEN: You're good Alex.

TANFORD: Okay good. Here's the first substantive change in paragraph D. If you'll notice, there were a number of references to approval of the vice president for research. And down here, the plan would be drafted in consultation with the office and forwarded to the vice president for research. The vice president for research doesn't want these things. He doesn't know what to do with them. They're taking up space and he does not know how to manage them. So, this was the proposal to make it clear that the exceptions require the written approval of the unit dean who becomes the one responsible, and then the dean, this is replaced with the dean shall notify or that they have developed the plan. I'm sure they will appreciate that. But the unit, sorry, the unit itself has the responsibility for managing it. So that is change number one. Any questions or comments on that?

PEAR: Sally?

LETSINGER: Yeah. I'm the chair of the BFC Research Affairs Committee and the committee had a couple of comments on that change, which might be by design, but the concern was potential inconsistencies and application of the exceptions, including whether all of the deans would have the same sort of guidelines and know things like the two-year embargoes allowed by the Graduate School for Department of Defense or other classified research. My suspicion is that it's by intent or by design so that the unique considerations for the type of research in each unit can be accommodated but I was hoping to have your comment on that.

TANFORD: Yeah. I think, I agree with that. That it was intentional. I can't speak entirely for the Office of Research Administration motivation behind this but certainly to the extent that it came through our committee, that there seemed to be three choices. You house it all in the Office of Research Administration and that seemed just logistically impossible. And a bad idea because the primary focus is the protection of, not so much whether to accept the grant, but to make sure

that it protects the particular faculty, particularly probationary faculty, grad students and postdocs who are working on the grant. And that there just was no way. Even the same criterion of might play out differently if it's a grant to a principal investigator in the School of Medicine versus if it's a grant to a principal investigator in the chemistry department that's going to serve as the primary vehicle for someone's progress towards tenure or promotion.

And so, the other choice was kind of some, what this sort of existed was a hybrid program. And that's retained to the extent that the dean must notify the Office of Research Administration that they have developed a plan and approved the restriction so that if it looks like in consistent decisions are being made, at least there's some realistic possibility that they'll go to ORA.

And the third one, which we thought was the only way to make this work, given that proliferate in some units, given the proliferation of grants, the proliferation of restrictions. So yes, we recognized the potential problem. But we analogize it to standards for promotion and tenure. That is, no one but the unit can really evaluate how important the grant funding is to particular people, how significant a portion of the research it represents.

All right if nothing else, the other change is the elimination of Section E, plan review. And there, the problem was for one thing was ambiguous. If you look at the first line of that, it said the Research Affairs Committee or other groups every year for the first three years after the first exception request is granted under this policy. Well, the first exception to what was granted under this policy back in 2013, I believe. So those three years have expired and during that period of time, no request has come in from IFC or BFC Research Affairs Committee. Whether you know, something reviewing all exceptions granted and determined and our so that there was the opinion, and I don't deal regularly myself in the law school with funded research, so I may not be able to answer specific questions about how this is work. But basically, the Office of Research Administration said they've had no interests, questions, concerns, requests for information, or response to any of their sort of do you want to see any of this stuff as long as this policy has been in effect. And they didn't understand the purpose of it. So, they recommended that it be repealed. It was the general opinion on our committee that there's this idea of just somebody informing somebody and sending them reports without any particular command that they do anything, reports just generated access files. So that was the recommendation there. And I didn't explain that very well. Any question on that, Elizabeth?

PEAR: I don't see any.

TANFORD: All right. Then I defer back to the chair. This is a motion coming the committee for a vote.

PEAR: All right seeing as there have been no more questions, if it's all right, I will go ahead and put up a poll for a vote. Speak now or here we go.

All right. Everyone's in. Okay and it passes. Congratulations.

**AGENDA ITEM SIX: DISCUSSION OF POLICY ISSUES FOR REVISING ACA-17,
FACULTY BOARD OF REVIEW STANDARDS**

TANFORD: Are we moving? Am I also next on the agenda?

SIMPSON: Yes, you are.

TANFORD: Right. The next thing is not a not an action item, it's a discussion item. It concerns revisions and updating to ACA-17, the standards for faculty boards of review. That has, again, the existing policy at the university level has not been updated in over 20 years. Partly because of that, some individual campus policies have drifted slightly apart. And so in trying to decide where we need to have standardization of the faculty board review process across campus. The Policy Review Committee sort of did a draft and a consolidation. We read all the campus policies, tried to put them together and phrase things where there was consistency. And then be in consultation with the campuses and with people who've recently served on faculty boards review. We also identified some areas in which we need to ask whether or not there need to be changes in current practice. For that since our policy committee has not been really authorized to make substantive changes in academic policy. We've referred it to the UFC Faculty Affairs Committee. And we are in now cooperating, it's kind of a cooperative venture between the two committees to update the faculty board review standards.

We have identified eight questions on which we need broader input. And I'd like to have some discussion of those today. And I'd like also to urge all of you to take these eight questions back to your campuses, to your faculty governance organization, to people on your campus who've recently been on faculty boards of review, to the appropriate deans and academic affairs officials who deal with these things on your campus. We suspect on these things that there will not be universal consensus. And so that's why we think the broader the discussion, the more input we have, the better

Is my screen large enough for people to read the text? If anybody can't shout out.

SIMPSON: It's large enough.

TANFORD: Okay, good. So again, in a particular order, we kind of ranked them one to eight. In terms of how we saw some disagreement, some lack of consensus, and some need for rethinking. And so, the first one is who should be able to sit on a faculty board review? The current policy is written that only tenure eligible faculty can be on the faculty board of review. So, the first question is, do we want to include NTT faculty to be able to sit on boards of review?

And then the second one is that currently probationary faculty that is tenure-track but not yet tenured, are allowed to sit on boards of review as long as the majority is tenured. I think that the committee in its discussion was generally in favor of expanding the number of people who were allowed to serve and or leaving it to the discretion of the campuses. But there were some fairly strong feelings, particularly about NTT faculty and secondarily about probationary faculty for fear that without tenure, they're susceptible to direct or indirect pressure from the administration and so the board of review to be insulated for that kind of influence should be either all or majority tenured faculty. So that's the first issue on which we seek critique, comments and thoughts.

PEAR: Yu Kay has his hand up first.

LAW: So, assuming firstly, of course that campuses can exceed these minimum standards. And I will also note one aspect that is, there are rules regarding what the minimum proportion of regular faculty are so that might weigh into a portion of representation even in this sense as well. I would argue that we should include and based on some feedback, include non-tenure track faculty. But because of the pressure issue, I would discourage including probationary faculty of all stripes. So, in other words, for non-tenure track faculty to be on it, they should have long-term contracts. And the majority, I would say maybe even above 60% should be tenured, reflecting a proportion of that type of faculty.

TANFORD: Right. I think the policy currently says a majority shall be tenured. So that would be at least 60% on a five-person. Rebecca?

WATSON: Yu Kay, one of the things that caught my ear was you mentioned the long-term contract. My understanding is that that's not as much used up here in Indianapolis, so I'm worried that that would be an expectation. I understand your point.

LAW: So, what contracts do senior lecturers in Indianapolis get then?

WATSON: I think five years is the most.

LAW: Which is a long-term contract.

WATSON: Oh, okay. All right. So according to your definition, oh okay. Then never mind.

SIMPSON: Rebecca.

SPANG: It may not be at popular position, but I would be among those who would argue that it would be, that the FBR will be most effective if its membership is senior tenured members of the faculty, who do not, we're not, in a position to be pressured or to feel recriminations from the administration. And I see in the chat that that may not be the structure right now. And I do worry about that a little bit.

TANFORD: Question to follow up Rebecca, what about when the grievance is an NTT?

SPANG: I think that also is going to relate to your other question about who should be able to bring a grievance. And I think this may go to the discussion between Yu Kay and John about what constitutes long term contracts and what constitutes, I mean because if somebody is a visiting post-doc on a one-year appointment, it is a one-year appointment, right? They know.

So, Yu Kay says visiting does not qualify as faculty. And I don't think that the grievances of an NTT in the context of the FBR shouldn't necessarily be imagined to be such that a FBR made up of tenured faculty could not understand the complaint. All right. This doesn't seem to me that you have to share an appointment category with somebody. And in fact, maybe it's easier to see patterns if you don't. There's a lot happening in the chat.

SIMPSON: Can I just remind people that the chat is not an official part of the meeting. So, if you want to have a comment to be recognized moving forward, please raise your hand and say that so Alex can recognize here, and it can be brought into the main conversation.

TANFORD: I would urge you to discuss it outright. For one thing when my screen shows up, I can't see the chat. And if you have a comment, you think is sort of not really for discussion. You can email it to me and that's another way. Also, when you go back to your campuses and you get further information, you can send that to me. All of it will go into the pool of information from which we take our next steps.

SIMPSON: Right. Because the chat is not going to be part of the transcript and we need all that. If you want your comment to be officially part of the meeting, it needs to raise your hand. Okay. That's all I just wanted to throw that out there. Yu Kay, your hand is raised.

LAW: I would like to point out for the benefit of those worrying about visiting, adjunct, et cetera, appointees that those the ACA-14 states visiting, and adjunct appointees do not have voting rights in faculty governments. And they do not have the kind of relationship that justifies voting participation in faculty governance. Therefore, I would argue that visiting faculty should not be allowed by default on FBRs anyway. They need to be voting faculty.

SIMPSON: Thank you, Yu Kay. Joe?

WERT: Sorry I was muted. I'm sorry if I missed this but are these eight question is going to be sent to each of us so that we can take them back for our campuses?

TANFORD: It should be one of the circulars attached to the agenda.

WERT: Okay. Okay. Thank you.

TANFORD: If not e-mail, if for any reason, I'm happy to send it and I can dump all sorts of documentation on it additionally Joe, if you need it for your campus, just let me know.

WERT: Okay. Thank you very much.

PEAR: I can confirm it was linked to the agenda and on the website. It will remain there as well as the current policy.

SIMPSON: Thank you. Joe. J Duncan.

DUNCAN: Yes. Sorry, my camera is not working right now. I would strongly argue that senior NTTs should be represented on these councils and Rebecca's comment about it being easier to understand an issue if you do not share an appointment category. I can't possibly understand where she's coming from. That would argue that we should replace all the tenure track members entirely with NTT because they would be most suited to understand the tenure track issues since they're not in the same appointment category. It's simply ridiculous. We need NTT representation.

SIMPSON: Thank you, J. John Watson.

WATSON: I want to note that the IFC Executive Committee favors having NTT people serve on these committees, these tasks.

TANFORD: Can you clarify? I believe that Indianapolis draws its boards of review from a pool. Am I correct? Rather than having a standing five people?

WATSON: Yes, that's right.

TANFORD: In these comments, if anybody has any feelings about whether, for example, there ought to be a pool system so that NTT faculty could serve on boards of review that involved NTTs or whether they and not on those that involve tenure track faculty and or vice versa. It's in essence, whether we agree with Rebecca that everybody understands the academic process generally or with J, that there ought to be separate boards, a review for NTT faculty and tenure track faculty.

DUNCAN: Just to clarify, Alex, I did not say there ought to be separate boards, NTT and tenure ideally should be represented in the same board.

TANFORD: I didn't. I'm sorry I spoke that badly. My question was, does anybody think that there should be separate boards?

SIMPSON: Alex, let me, to be clear. Are you asking people to take that information back to their units and have that discussion or you trying to have that discussion right now?

TANFORD: Both.

SIMPSON: Okay. So, let's get to the hands that we have raised, and people can make comments on that. The next hand up is Rebecca. And after Rebecca, Steve Sanders.

SPANG: Just to briefly clarify, had no intention of saying anything ridiculous. I stand by my original statement that I think senior tenured faculty are in the strongest position to resist pressure and fear of incrimination from of the administration and that's why I believe that FBRs should be made up of senior tenured faculty. Thanks.

SIMPSON: Thanks, Rebecca. Steve.

SANDERS: Thank you, Marietta. First, just one out of order, Alex, I apologize if you said this, and I missed it. As co-chair of the UFC Faculty Affairs Committee along with Harold Olivey, we are also considering this policy.

TANFORD: I did tell them that we were working hand in hand with you, particularly on the substantive policies, but we all thought it needed a broader, a broad input, a discussion.

SANDERS: I had to take a brief phone call. I'm sorry, I missed that. My only substantive content is I agree with Rebecca. I think it would be awkward if not impossible to roll back the situation now where NTT faculty do serve, and I have no doubt serve ably as members of the board of review. So, I think a recommendation to go back to a situation where NTT faculty are not on boards of review would be very problematic. The only thing I would add and Alex, I don't know how you capture this in language, but the most important thing is that all the appointees,

whether they are tenured or senior NTTs, have to have a sense of independence, have to have the sense of the faculty role. The sense of the independence, the sense of academic freedom that I think is what Rebecca was saying. Typically, we associate with senior tenured faculty members. That's not to say that NTT faculty members can't also have that same sense of themselves in their role, in their independence. But we need to make sure that those who were appointed to faculty boards review have that. I have personally heard tons of stories from NTTs on long-term contracts who still feel that they are vulnerable to pressure or to not having their contracts renewed after five years if they make a misstep. And so, I think there is something to be said for the idea that tenure does give both practically and in terms of one's sense of oneself, stronger protections than even a long-term contract does.

But again, I think we are not in a position to roll back the precedent of what we're doing now. In Bloomington, it's a question of making sure that this isn't about representation. This is an interest group, politics. This is about making sure that faculty boards of review have faculty members who have the strongest backbone and the strongest character, whatever their appointment category is.

SIMPSON: Thank you, Steve. Israel.

HERRERA: Yeah. So, Alex, I have a question regarding this question for the different campuses. Because something has been mentioned and is related to the representation that we now have in the faculty board of reviews in our campus in Bloomington. I don't know if the request is to be for all the campuses if this doesn't happen. But we have had for recent years representation from different NTT ranks. And I believe we need to keep this representation. This has been discussed in our campus. And the thing is that there are some cases, there might be cases where NTT should be represented in order to have a voice and to have a representation for any case that is brought to the board. So, I believe that if we just think about the senior tenured, a more protected colleagues, it's some kind of discriminating the NTT faculty engaged in each campus. So, I will urge you to keep the representation as it is in Bloomington.

SIMPSON: Thank you Israel. Yu Kay.

LAW: While I corroborate concern, I don't think, I don't know if it's already codified is the idea maybe I mean, resist a measure pressure is perhaps explicitly excluding, say administrators from serving. I know that some campuses have that. I don't know if it's in the minimum standards.

TANFORD: I don't know either. I think it's been done traditionally, but again since we don't have a draft yet until we get these questions answered. I think that's a good thing for us to think about. But if we can segue into the related question two, currently there is some uncertainty and differences among campuses on whether the academic specialists, adjuncts, visitors, and acting faculty have any access to a faculty board of review. And I think that the question here is not whether they should have access for the purposes of complaining about non-reappointment. But whether or not they have access for complaining about something that happens during the term of their appointment. So, for example, a visiting faculty who gets here to do a particular task and halfway through the semester is told you can't do it anymore. Should there be access to the faculty board review by these sort of currently excluded categories for the purposes of filing

grievances about their current working conditions and the terms of their current contract? We're not asking about whether they should have the ability to complain with the exception of acting faculty, that they should have the ability to complain about non-reappointment. Any thoughts or comments, particularly academic specialists has been an ambiguous category for a while. Let's put it this way, I mean, I think the committee is inclined from our discussions to allow all academic appointees no matter how far up or down the hierarchical ladder, to have access to a board to review, to complain about the terms and conditions of their current employment status.

SIMPSON: J Duncan has his hand up.

DUNCAN: I agree with Alex that everyone who's an academic appointee in that context should have access to some kind of board of review. And it should be clearly delineated that they can do so. If they can't, under current policies, that's problematic. We should never put people in a position where they cannot report an incident that they think would fall under those policies.

Thank you, J. Wayne Madsen?

MADSEN: Are there any distinctness distinctions here between more concerned now as the associate and assistant lecturer positions, senior lecturer positions, whatever we're calling that now, whether or not the higher appointed on those tracks have differing weights on these board of reviews or whether or not those also have differing board of reviews themselves? I'm just curious whether that distinction at all is being made in this.

TANFORD: I heard a general consensus that different boards of review is a bad idea. But and so from what I've been hearing here and elsewhere, is that if we you know, as long as we say that NTTs are eligible to serve, then to some extent that has to get delegated to each individual campus to figure out what the actual selection appointment process is. If for no other reason than some of the regional campuses have fairly small faculties. And may not have as broad a base for selecting people as IU Bloomington, for example. But yeah, I think that I heard the expression of opinion that we should not have separate boards of review.

SIMPSON: Yu Kay.

LAW: I would also point out that I think one thing to remember is that these are the minimum standards. So, if you're going to put together standards that are even more rigorous than the ones described. And a campus can do that. Am I understanding this correctly?

TANFORD: Yeah, the question then becomes the definition of what is more or less rigorous. I think you're right. There is single tailed distribution, that is, that the, the minimum may say a direction. For example, if we intended after some discussion to say that a board of review should be five people, if for some reason a campus wanted to make it more than that, that's their bureaucratic problem. But we wouldn't let them make it fewer than that because of concerns about representation and discussion. So that some of the extent to which I think that we may write the policy gives discretion to each campus to make it work as long as they would fall below the minimum standard. But the minimum can be, not to confuse people, the minimum could be a maximum number as well as a minimal number. So, we will articulate direction.

All right, question 3. We just mentioned, Marietta, I think mentioned in her opening remarks about movement on the Bloomington campus on student disciplinary process about taking steps to reduce the amount of time that everybody's hanging in limbo. There were the same concerns in existing policies. So, everybody came forward with at least one example of some faculty board of review grievance process that went on for more than a year. And so, we kind of, having discussed this at some length on the committee, we came up with this middle category of 14 and a half weeks from the filing of the complaint to the final decision, final appeal of the provost or chancellor as a kind of a target ideal time frame. Putting aside that it can always be shortened or extended because all the parties agree it should be handled slightly differently. But as a general sense, that is the amount of time for them to keep it running efficiently. But give people enough chance, opportunity to get, to do their writing, do their investigation, do the next step.

And so, our question was whether people thought, agreed with us that that seems to be the right timeframe. Or whether it should be run even faster or slowed down a little bit? And what this base chart does is gives the amount of, you know, if one sped it up and tried to do with say 11 weeks, what would be the impact? The impact would be that there would be one week to do some of the tasks. You'd really have to get done in a week. And if that happens to be the week when you're off, or when someone's off giving a paper somewhere, something like that, it might not work.

A longer period, 18 weeks is the length of a spring or fall semester sort of from beginning to the end of exams. And we thought we ought to be able to get this done in the same amount of time as we can teach, grade, and evaluate the entire group of students. And again, that's how much time people would have for the various stages if we expanded it to 18 weeks. So, the question there is really two-fold. One is, does 14 and a half weeks, as a target time seem reasonable? And do any of these individual times seem unreasonable? And there's some adjustment that can be made in there. But if anybody has thoughts about the overall timeframe or specific timeframes.

We did hear from administrators, vice provost for academic affairs and things like that, who said, in terms of the time that administrators need to respond, that they really never need more than two weeks because if you give them longer than that, it just goes to the bottom of the pile, and they don't get to it. That is, they've got so many things to do. Give it to them, give them a reasonable but short deadline, and they'll get the response done because it'll stay on their desk. So, then the question really was, how much time does the grievance need and how much time does the faculty board of review itself need to meet and issue a recommendation? And so, we wondered if anybody has any comments on that. Again, our default is the middle category of 14 and a half weeks.

SIMPSON: John Watson has his hand raised and then Harold.

PEAR: One quick reminder, there's still a lot going on in the chat, including questions and discussion. So, if that's stuff that you want to be part of this discussion, then please raise your hand, and say it. The chat is not going to be saved or archive.

WATSON: Yeah. There was a question raised about the 18-week schedule because that would mean that 10-month appointees or would be probably expected to be involved in the board at a

time when they're not getting paid, which is probably not reasonable. So that was one issue. Basically, we didn't much like the idea of a schedule in the first place. We're very fine with the parameters we set. You're not locked in stone. If we're going to keep these schedules, we need to make clear that their guidelines, they should be guidelines but not rules. The time frame needs to be flexible to some extent.

SIMPSON: Thank you, John. Harold.

OLIVEY: Thanks. I just want to bring out something that Yu Kay brought up in the chat, but I was having the same thought. Half weeks seems very impractical from a logistic standpoint. And Alex, that you were just saying about administrators saying they don't need more than two weeks. It seems to me that if you slim some of these half of weeks off with the administrator time lines, and maybe added them to like time to file an appeal. Or maybe even gave the professor or chancellor full two weeks or so. This could either be bumped down to 14 or bumped up to 15. And I would strongly advocate for that because I just think having half weeks makes it, it adds a layer of confusion that I don't think is necessary.

TANFORD: The actual bit at the actual draft policy talks about things like ten days.

OLIVEY: Even then it's hard to think in terms of those things. Weeks makes a lot more sounds.

TANFORD: Okay.

SIMPSON: Thank you, Harold. Are there any other comments?

I have a question. I don't know if it's really a question. With the expanded group of people that will be eligible to appeal, has there been thought about for the committee, about the implications of that? The stress that this will now put on the number of people that will be involved with these boards of review and what that will require? Has there been a thought about that and how that will affect each of the campuses?

TANFORD: Yeah. There was some discussion on that committee, and we thought two things. One is that the current experience on some of the regional campuses is that they have so few of these it would be, of any kind, that an entire year can go by, and the faculty board was not even convened. So, they didn't think it was an issue there.

There was some concern out of IUPUI particularly with respect to the med school and what the structure of their appointment structure was. But overall, we thought we had no data, we had no basis for deciding one way or another. And so that the principle that every person with an academic appointment should have some avenue to bring a grievance prevailed understanding, if chaos results, we can change it, that other things can happen, but we talked about it.

SIMPSON: Please understand that I'm not saying that every academic person should not have access. I'm just saying somewhere in here there seems to me there should be a consideration for the stresses that that will create for our colleagues who are volunteering their time to do this. Because just on the periphery hearing about the mechanics that it takes when I was even going to do this for a faculty member to clear their schedule to participate in this process. It is not an easy process for any of those people involved. And so just thinking through the logistics of it, of what

it takes to set them up, how you have to, what you have to do to participate in the process. To be fair and equitable to everybody involved in it. It will take a lot of. And so, I'm just, looking further down the road to more people having that opportunity, what that will mean for the stresses on the system? That's all.

TANFORD: Other people raised that concern. And we actually thought as a committee that IUPUI had the right answer to that. Like the student disciplinary process, if that's true, have a panel, have a pool of people instead of picking this one group of five people to hear everything that comes up, a campus can decide that it ought to go to a pool or to two boards to handle the workload. So, it came up and we didn't have, we sort of deliberately left that decision of how big is the pool of people participating to the individual campus.

SIMPSON: Great. Thanks. Lisa Thomassen.

THOMASSEN: Yeah. I just have a couple of quick points. The first is sort of something that Alex said, and that Marietta also mentioned and that is on some of the regional campuses. I guess I could put my hand down. Some of these regional campuses where there may not be as many faculty it does make sense to have as much inclusivity as possible because you're going to need people to sort of man these or whether you're going to rotate people through kind of like academic fairness committees where there are a bunch of people to serve and then you convene a panel or you convene a group for where it makes sense. But if you have low numbers, especially you have faculty of various appointments, it makes sense to be as inclusive as possible. And of course, then everybody can feel like they have representation and a voice.

The other thing, about 11 weeks, 11, 14 and a half weeks and so forth. If we're looking to have alignment in our policies, this was exactly the whole business about calendar versus business days that we got into with the length of time for the hearings there that when this policy is written it might want to be specific about the days being business day when the university is meeting.

TANFORD: I absolutely agree with you on that. I think with that. But we with a general sense at then we can start working to how to fit this in. And think about things like how you fit the timeframe in with the winter break with ten-month appointees being gone in the summer and denote how you phrase deadlines. Yes, No, I absolutely agree that that has to be clear. That's been a consistent interpretation issue. And old policies that just used some of them just to talk about days, weeks, months, and are not very specific.

SIMPSON: Any further comments? John Watson.

WATSON: I too am concerned about the potential increase in the number of cases brought forward. I wonder if this might be a place where, I haven't heard us discussing whether everyone will get a board of review just by filing a complaint. Do they have to present some evidence or at least explain why they think they deserve a board of review?

The way we approach this in Indianapolis is that the grievant submits their request first to the president, president of the faculty, and then he takes it to the, he or she takes it to the to the

executive committee. It's the IFC Executive Committee that gives it the thumbs up or the thumbs down to move forward to form a board. So, there's a screening process.

Yeah, that's sort of incorporated in question eight on this list. Because it's really screening one direction only, it's does someone have the power to tell a grievant they may not bring a grievance. That's because the screening process isn't needed to allow someone to go forward, only to tell someone they cannot go forward. And so that is some campuses, Bloomington allows the board itself, the grievance goes right to the board, but the board can say now dismissed without a hearing. I know that it goes, I like the IUPUI system of going to the president of the faculty council. While I can't speak for Marietta, as a former president of the faculty council, I've got news for you I would not have wanted all that additional paperwork on my desk. Plus, I'm not sure that that's an idea that there, but we've got a kind of a placeholder in there for questions about can there be some kind of a screening or preliminary hearing process? Analogizing it to a court system just because you've got a \$100 and you'd go down and file a complaint, doesn't mean you can drag the other person into court. They can ask for a quick hearing in front of a judge to dismiss it is baseless. A kind of a screening mechanism seems like a good idea. I agree with John on that and then but leave it to the campus to decide how to do that would be my instinct on that.

SIMPSON: Thank you, John. Are there any other comments or questions?

TANFORD: We can segue to four, some of these now become fairly specific questions.

SIMPSON: I just want to give you a reminder about our time, Alex.

TANFORD: Yep, that's the others. That's why I think the others are relatively specific questions for people who have thoughts and if we don't get to them, email me with your thoughts. One is the policy is currently ambiguous about how the faculty board of usability handle salary complaints, salary, and equity complaints. Right now, the board is limited on promotion and tenure to procedures because a board of review really does not, is not in a position to judge the level and significance of a person's contribution to their individual intellectual discipline. So, to the extent that salary may be tied into questions about what one's value is on the market in your own discipline. We wondered whether salary should be added to this category of promotion and tenure issues. That the way the board reviews is limited to a review of the process and not the merits of the salary.

SIMPSON: Steve.

SANDERS: Alex, could you clarify? I'm sorry. Right now, are all salary grievances fair game as it stands now under the board of review procedures?

TANFORD: Right now, it's unspoken. At least the UFC level. It has the ability to hear salary grievances but doesn't state the basis. I don't know. And it's an issue that was not, has not systematically been addressed and campus policies either.

SANDERS: I mean, my recommendation, my thought I don't know if this is something your committee has talked about is that opening it up to all salary grievances and evaluations of merit

would be unworkable and probably inappropriate. I would suggest you try to find some language that say if a salary, denial of a salary increase or some sort of adverse salary action is alleged to be tied to retaliation, a violation of academic freedom. Some bad reason that this is being done as punishment, as opposed to a genuine evaluation of merit than it should be fair game for the for the faculty board of review. I thought I heard somebody speaking to me. I suppose anybody can allege that but to me that's the dividing line. If the if the salary issue the faculty member is greeting about seems tied to some kind of inappropriate punishment, administrative misconduct, retaliation for participation in faculty governance or something like that. So, and then if that's the case, it's just like any other substantive grievance that just happens to take the form of a salary denial in concrete terms. But otherwise, I would tend to say salary review should be either treated the same as tenure and promotion or perhaps even off-limits entirely.

TANFORD: Yeah. I guess here was our dilemma, which is the grievance says it's retaliation, the administration says it's related entirely to their standing in the discipline. How do we resolve that?

SANDERS: I suppose with whatever evidence the grievant comes forward with to demonstrate that. I guess this might be tied back to the previous question about sort of a look at the outset to see similar to a legal pleading is there something here that incredible allegation? If the faculty member can't seem to produce evidence that it is some kind of inappropriate retaliation or punishment as opposed to just a good faith evaluation, then you know, it can be put in that category of things that could be quickly dealt with, perhaps dismissed for not providing a plausible factual basis.

It just seems to me sort of natural. I'd be curious for others thoughts as well, that adverse action that we would want the board of review to be able to reach could often take the form of treatment in the salary process. So, I think it would be bad and an ill-advised to take salary out of it completely.

TANFORD: Would you then, sorry, what about denial of promotion? A person that has tenure, denied promotion as a retaliatory act by the chair that they've gotten crosswise with or so.

SANDERS: At least in my own experience with how this works, promotion is a much more involved process. I mean, promotion at least four tenured faculty. I can't speak for the process for NTT faculty, I mean involves a committee vote and a decision by the provost and a decision by the dean and so forth. So, whereas typically a salary decision might just be the decision of one person, a chair, or dean. So, it seems to be, it would be much easier to see the opportunity for one bad actor to act through the salary process whereas promotion, even as I understand it, I mean, for NTT faculty, there's a long and involved process with many different people's voices. A part of that makes it unlikely that a single bad actor who wants to retaliate against somebody could work there will by denying a promotion.

SIMPSON: Thank you, Steve. Rebecca.

SPANG: I think this does maybe relate to Marietta's earlier point about the pressures this may put on the members of the faculty board of review. If it were to somehow become common

knowledge that everybody with a salary grievance could just go to the FBR. That seems to me to be problematic and actually to undermine the importance of the faculty board of review. So, I wouldn't want it to be perceived that just if you were of the impression that, gosh, I really should get more of a raise because I've been doing all this work, that you automatically have access to the FBR, that seems really problematic.

SANDERS: I agree with you. I hope everything I said was exactly not that out. But again, it has to plausibly and specifically allege some kind of wrongdoing that then was expressed through the salary process.

SPANG: This may be completely apocryphal, but I remember five or six years ago hearing of some retired, an emeritus faculty member who every single year went to the FBR and said, I was supposed to get, I don't know, \$15,000 in severance pay when I retired and then I didn't get it and every single year. Now, hoping to catch a new chair of the FBR, didn't realize that this has actually been settled in, I don't know, 2002 or whenever the individual that retired.

SANDERS: I'm sorry for the cross talk here and I'm not meeting the jump the queue, but just to respond to that quickly, I would think it, I don't know if Alex's committee has considered this that could fairly easily be dealt with, I think by some sort of I mean, lawyers would call it *resjudicata*, once a decision has been made, that's it. It's not reopened that. You can't just keep bringing it back. A decision is final and there's some record kept of it to avoid the kind of thing Rebecca talking about that shouldn't be hard to head off.

TANFORD: Yeah. No, we are to indefinitely in discussions about how to, how to make sure that each campus faculty board of review has an institutional memory, which right now they often don't have because it can be a completely new group every year. And that's definitely on that. We thought there was not likely to be any controversy over trying to find some way to get them an institutional memory. So, it's not on this list, but it is on ours.

All right, that gets us to, of course, my favorite topic, number five. What about lawyers? Nothing that we talked about in our committee created more polarized opinions than the question of participation by lawyers and that includes the question, what about university council? And so, this is sort of five and six combined, which is what do people think about lawyers? I can tell you on the committee itself, there was no agreement. There was a group that thought lawyers in general, we're A. inevitable. If they weren't in the room, they were out in the hallway talking through earphone or something. And B. occasionally quite helpful. That is, for example, in many situations, where a person is grieving against the administration. The administration is an experienced repeat player at the system. They know how it works. They know how to marshal evidence. And the grievant, who may in some instances be international, can be very shy, could be just have paid no attention to the real world for years may simply be out gunned. And that that was the argument why lawyers should be allowed.

The flip side, consisted of people including some who had been on boards of review, gone horribly awry because the lawyer for the grievant was a complete jerk. And as a lawyer, I can assure you some of us are complete jerks. Who will attempt to bully and harass a board of review

but if you take them out, then it's the administration left by themselves in a position to bully and harass.

So, I think the committee was leaning towards a cautiously allowing the lawyers on both sides but trying to empower the board itself with tools to say, shut up and sit down if they're getting abusive. But there was by no means consensus. So, I'm wondering what people's thoughts are.

SIMPSON: Okay, so let me jump in here because we're at 3:27 and there are two hands raised and I just want to make sure we get to this point. Alex, would you like the point is that you want these documents to go back to our campuses for further feedback?

TANFORD: Yes, please.

SIMPSON: When would you like this feedback to come back to you? When should people be looking to get the feedback to you by?

TANFORD: We are looking to get this for a vote at the April UFC meeting.

SIMPSON: All right.

TANFORD: So, and it'll have to obviously go through the executive committee as well. So realistically, 1st of February, kind of target date. I realized we're getting into holidays now and I don't know when campuses are going to send it out to their faculty affairs committees and things like that. Mid-February, the sooner the better.

SIMPSON: Okay. All right. So, everybody please be aware that Yu Kay you got a minute, Steve you got a minute. Yu Kay go ahead.

LAW: Okay. I think the issue of consultation is very different than the issue of a lawyer actually speak because I don't know how you would stop someone from talking to a lawyer outside of the hearing.

Okay. That being said at the hearing, I think, and I would say whatever you do to the participants right to have a lawyer should also apply for the actual university council. And I would argue that the presumption should be no lawyers unless there are specific reasons why the, that the FBR agrees that if you don't do it, it would be unfair. For instance, if I'm grieving against Alex Tanford, Alex Tanford is a lawyer.

SIMPSON: Okay. Thank you. Steve.

SANDERS: I don't think somebody else can make the decision on a case-by-case basis whether somebody is entitled to a lawyer. It seems to me that this is already dealt with pretty clearly with student misconduct proceedings. I think with sexual misconduct proceedings, at least at the Bloomington campus with the Faculty Misconduct Committee, which is that a faculty member is entitled to have an advisor that can be a lawyer, doesn't have to be, but can be, but the advisor can participate, can give confidential information and so forth. I feel like this has already been dealt with and kind of this precedent exists in other situations and I would simply carry that over.

One thing I would add something Alex and I had talked about offline some time ago, is the perception that the faculty board of review should not be relying on university general counsel for legal advice because the university general counsel is understood to be an interested party and defends and represents the administration. And so, Alex, I don't know if you're still thinking about it, but I'd hope there'd be some thought given to developing a sort of pool or cadre of lawyers with faculty governance experience on the faculty at various campuses who could be available to consult with faculty boards of review if they had substantive or procedural questions so that they are not relying on the general counsel's office as a general rule.

SIMPSON: Well, thank you, Steve.

Ladies and gentlemen, we are at 3:30. I want to say thank you to all of you for being here. Thank you especially to President Whitten for being here with us today. Thank you to Sue for being with us today. Thank you to all of you for your participation. Alex, thank you for the discussion of the policies. Thank you so much, President Whitten. It was a pleasure to have you with us today. I appreciate you sharing our meeting today and it was great to hear from you so much. Thank you, Elizabeth. I look forward to seeing everybody at our next meeting. Have a safe rest of the week. Okay.

WHITTEN: Thank you.