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UNIVERSITY COUNCIL MINUTES
Wednesday, April 6, 2011, 3 p.m.
Holmes Student Center Sky Room

PRESENT: Alden, Bennardo, Bishop, Blakemore, Bozikis, Brandt, Brubaker, Bruce, Butler, Carter, Coles, Cunningham, Elish-Piper, Feurer, Green, Gupta, Haliczzer, Hemphill, Henry, Holly, Jones, Kaplan, Kowalski, Lash, Latham, Lee, Lenczewski, Mirman, Mogren, Mohabbat, Monteiro, Neal, Newman, Peters, Quick, Rosato, Rosenbaum, Sagarin, Schoenbachler, Shortridge, Small, Thu, Vohra, vonEnde, Williams, Willis, Yamagata-Lynch

Byron Anderson attended for Patrick Dawson, Michael Peddle attended for Chris McCord. Scott Peska attended for Debbie Haliczzer who had to leave the meeting early.

Parliamentarian Ferald Bryan was present.

ABSENT: Bond, Bowers, Calmeyer, Castle, Collins, Cummings, Fox, Freeman, Greene, Hall, Henderson, Houze, Hurt, Jaffee, Lusk, Prawitz, Richmond, Robertson, Slotsve, M Smith, R. Smith, Snow, Venaas

I. CALL TO ORDER

President **John Peters** called the meeting to order at 3:06 p.m.

II. ADOPTION OF THE AGENDA

J. Peters: Well, first order of business is the adoption of the agenda. There are two walk-in items and two additions. The first is VI. A. – the Faculty Advisory Committee to the IBHE – Earl Hanson’s report. Earl is not here today so there will be no verbal report. Number two is VI. I. – University Affairs Committee –Cecil Smith was unable to attend today. However, instead of “no report,” Alan Rosenbaum is going to make a brief verbal report on behalf of the University Affairs Committee. The third change is a walk-in item, VII. A. Article 11 Grievance Procedures for Faculty and Staff, second reading. In addition to the information that begins on page 10 in the agenda packets, we will also have a walk-in item titled “Changes Proposed by Steve Cunningham.” And the last item, a walk-in, VIII. B. – Student Conduct Board and Community Standards and Student Conduct Advisory Board – John Jones. John is going to describe the changes made to the name description and duties of these two committees of the University and that’s because you approve name changes and description changes, but not necessarily content as I understand it on this.

P. Vohra: made the motion to adopt the agenda with the four changes.

T. Bishop: was second.

The agenda was approved without dissent or abstention.

III. APPROVAL OF THE MINUTES OF THE MARCH 9, 2011 UC MEETING (sent electronically)

R. Holly: made the motion to approve the minutes.

S. Willis: was second.

The minutes were approved as written without dissent or abstention.

IV. PRESIDENT'S ANNOUNCEMENTS

J. Peters: Began with a statement regarding a shooting incident which occurred off campus the previous night. The victim was an NIU student, Devon Butler, 19 years of age, from Pembroke Pines, Florida, and a member of our NIU football team. "So, officially and on behalf of all our faculty and staff, students and alumni in our community at Northern Illinois University, I extend NIU's thoughts and prayers to Devon and the Butler family. And while I don't have very many details, I do know that Devon is out of surgery and recovering and the family seemed optimistic about a complete recovery. The suspects are in custody and I want to give a special thanks to the DeKalb Fire Department, our NIU Department of Public Safety was involved, and the other first responders for their efforts as well"

J. Peters: I want to turn my attention to something that I have been spending a great deal of time on and that is our State budget situation. Currently, in this fiscal year, we have received to date \$37,502,916 and our outstanding vouchers that we are owed total \$60,168,290. That totals up to about \$100.7 million. We're at \$35 million and we are owed \$60 million and we've got two months left. So, needless to say, it's getting tense for us to meet payroll. We're using our reserves and anything we can to make our \$9 to \$10 million payroll every two weeks. Now in the fall we received a payment for monetary award funding of \$11,930,000. We are still owed \$338,000 for the fall. We have not received a payment for the Spring (\$10,341,000).

Last week, on Wednesday, I was down in Springfield representing NIU. The nature of our hearings is much different than they have been because they actually have to make decisions about what programs they are going to cut or not cut or reallocate to and that's a new experience. Now, one other level of complexity, there was some indication in our travels and talking to Appropriations Committee members, that they may even complicate that even more because they may take their higher education number, and normally what would happen, they would just apply that to the historical pro rata basis of each unit. They are talking about not doing that this year but differentiating among their agencies. So it could be that NIU gets more and SIU gets less or the other way around or the community colleges get more, at least that's what they're talking about. Then once that's done, the Senate is not operating that way. It's operating the old fashioned way, so that will go over to the Senate and so for the first time in a long time there will be a Conference Committee that will have to reconcile these two budgets. Then it goes to the Governor for signature and the Governor has made noises about vetoing anything that doesn't

support education. I know he means K-12. I don't know if that includes higher ed

Therefore, it looks like we're going to get a budget cut. This Monday in the cabinet meeting, I went over this with the Senior Cabinet in more detail with a few more numbers and illustrations, but I've asked the Senior Cabinet to do a couple things. Number one, right now, let's try not to spend anything we don't need to spend on. Now, we're not spending much, but we are spending some and so I guess the rule ought to be – and this will percolate down to everybody – if you don't need it, don't buy it. Because we could use that money in case we have a permanent cut. The second point, I asked the Vice Presidents, the Cabinet, to start seriously thinking about permanent cuts for the fall. I don't have a number, I don't have a percent yet, and we're not decided on that. We have to carefully watch what's happening in the Legislature, we have to blend in other factors like revenues and enrollment. But I don't see how we're going to escape without a permanent budget reduction next year. Because we are so thin in every aspect of what we do, there are no easy cuts. I suppose everything has to be on the table this year. We have to consider all kinds of cuts. I didn't get any more specific.

That's my update on the budget as we sit to date, but there's more because any analysis of our pension funds adds up to a train wreck. We all know that and we all know it's not our fault. We paid in faithfully, the State hasn't made their payments. So you have this huge accrual of deficit that, unless it's accommodated in some way going forward, the system it implodes on itself in a very short period of time. In all these matters, I'm trying to be involved and engaged and have my voice heard and I hope our collective voices are heard on all these issues, yours, mine the other presidents, the other universities, because I think that, going forward, we need to protect our pensions and it may be that we have to start contributing more to save what we have. To not do that is to risk the system blowing up on us and then we are in real trouble. But anyway, this pension issue is very much on my mind.

There are other things that are out there and I just want to mention one. There are more bills, but one that's coming forward that I'm involved in, trying to get involved in, is moving budgeting from the way we budget now to outcome measures. The number of students we graduate, the number of students who complete Political Science 100, outcome measures, how efficient we are. I have made myself obnoxiously involved in this because I have some knowledge of it. That's not a very great exciting thing to have knowledge of, outcome based budgeting, but I happen to have that knowledge from a previous employment situation. I'm involved in every one of these activities and more, every day, and I urge you to be involved in any aspect of this that you feel important within the appropriate ways that as State employees we can participate.

I want to end with a few good things and there are always good things this time of year as we wind up the academic year. This Friday, our Honors Program celebrates its 40th year and there's going to be a big celebration out in the suburbs and I'm going to attend that. April 18, mark it in your book, groundbreaking for the new student housing, a 1,000-bed unit. That's going to be a good thing. I'm pleased to introduce the newest member, maybe not now the newest member, but a new member of the cabinet and the University and that's Mr. Jerry Blakemore, General Counsel. We are so glad to have you, Mr. Blakemore.

V. CONSENT AGENDA

VI. REPORTS FROM COUNCILS, BOARDS, AND STANDING COMMITTEES

- A. FAC to IBHE – Earl Hansen – [report](#) – Page 3
- B. BOT Academic Affairs, Student Affairs and Personnel Committee – Kerry Freedman and Ferald Bryan – no report
- C. BOT Finance, Facilities and Operations Committee – Alan Rosenbaum and Greg Waas – no report
- D. BOT Legislation, Audit, and External Affairs Committee – Jay Monteiro and Todd Latham – no report
- E. BOT – Alan Rosenbaum – [report](#) – Page 5

A. Rosenbaum: The Board considered quite a number of items; you can read them in the reports. In the interest of brevity, I'm just going to highlight a few of them. The Board had to approve the student fee recommendations and also the room and board charges. As usual, they tried to keep the increases as low as possible. You can see that the room and board rates increased about 5.2% and that's with the Board, I believe, staying level. The Board also approved the fiscal year 12 NIU Foundation contract. These are people that are trying to generate the revenue for the NIU Foundation. It's very important to us and they've just finished the first True North Campaign, which was very successful. They also approved the Electrical Infrastructure Plan Phase I, which is hopefully going to keep us from getting electrocuted when we walk around campus. The Board approved the 2011-2012 sabbatical leaves for faculty and supportive professional staff and again, in the face of fiscal difficulties, the Board approved all of the sabbatical leaves and we're grateful to them for that. And they approved, as you just heard, Jerry Blakemore, as Vice President for Legal Services. They approved the awarding of an Honorary Doctorate of Science to Eric D. Isaacs, a physicist at the University of Chicago and Director of the Argonne National Laboratory and also a Doctorate of Humane Letters to Leland Strom, Chairman and Chief Executive Office of the Farm Credit Administration and those will be awarded at May graduation. One last thing, at the beginning I think I should have mentioned this, Chair Strauss pledged the Board's support to help President Peters fight for NIU in Springfield and to try and do everything they can to shepherd us through the financial crisis that is looming.

J. Peters: I could just add that's a very good report that from the Senate side appropriation hearings I was pressed to defend sabbaticals. Number one, every president was so that issue has come up and I think we were successful in indicating that our, actually our sabbatical policy, it's really not a sabbatical it's a competitive professional development program where they are chosen on merit, they are not entitlements.

A. Gupta: Just curious, actually, it's in President's Report, that elimination of dependent waivers. It's a plan that stalled in the committee or it's moving forward?

J. Peters: I am glad you brought it up because that was another item that was raised, particularly by the Senate Republicans. It is at this point a proposal. I don't know if it will see any action, but we did defend it and we're prepared to defend it some more.

F. Academic Policy Committee – Pat Henry, Chair

1. Student Evaluation of Instruction – Common Question [Proposal](#) – Page 7

P. Henry: We met last month and discussed this, especially based on the work that last year's Academic Policy Committee Chair, Kendall Thu, had collected for us, and decided that it seemed reasonable to include a common question. The question is, and this would be something that is included on either paper or electronic evaluation forms: "My overall rating of the instructor's effectiveness is: outstanding equals 5; very good equals 4; average equals 3; below average equals 2 and inadequate equals 1." And then there's obviously additional questions that can and should be included for each department's evaluation of particular courses. From what we saw from what last year's committee had done, there are very similar questions to this and most departments already and it seems like this is broad enough to be able to be used pretty much in all situations given that it's certainly not going to be the only way of evaluating these courses.

J. Peters: Alright is this an action item?

A. Rosenbaum: I think we need a motion to include this common question in the APPM.

P. Henry: So moved.

G. Bennardo: was second.

K. Thu: I guess I have two questions. One is a question for the body as a whole which is: Does the question that Pat and the committee came up with adequately address the diversity of teaching styles and topics that we provide at the University? And the second question is: Can we get some clarity on what the question data is going to be used for?

P. Henry: The committee also wondered about that second part and we did not have an answer. As to adequate, I would be perfectly happy for some feedback on this. It seems in some respects to be sufficiently vague as to possibly be completely meaningless.

J. Bruce: I guess my issue is, as a student, I understand you want it to be broad, but this is a little too broad or vague for me. Because if you ask me what my rating of the instructor's effectiveness is, I'm going to look at this, I'm going to say on my rating how effective they taught me, how effective they engaged me, how effective they kept me from falling asleep in their lecture. And that's the problem I have, as a student, is maybe the actual vagueness of it.

P. Henry: I appreciate that, I think those would have to be built in other questions because not all classes are lecture classes. You have lab classes, we have online classes, we have all sorts of

variety of things and, indeed, effectiveness is purposely left open-ended with the specificity that would have to come from the parts the other aspects of the evaluation, I think.

J. Bruce: That's where I'm confused. If this is the question, then how am I going to know what I'm rating their effectiveness in?

P. Henry: The overall effectiveness of the instructor visa-vis that particular class. Again, effectiveness is very open-ended and I think that was the problem that we came up with in terms of trying to make anything anymore specific. It would make it not apply to all the classes that are possible, all of the configuration of classes that are possible.

T. Bishop: One alternative is to insert the word the "instructor's teaching" effectiveness." That helps at least shape it a little bit more. I'm not sure you're ever going to take a question that's very general and make it more specific and transferable to all the different means by which we teach. But I do think the word "teaching effectiveness" might help sharpen the point a little bit.

J. Peters: Is that an amendment?

T. Bishop: I would propose that it be.

A. Quick: Second

After brief discussion it was decided that this would be a friendly amendment and it was accepted as such by **P. Henry**, maker of the motion.

R. Holly: I thought as a friendly amendment, we might want to say, "My overall rating of the instructor's effectiveness in meeting the course's stated goals and objectives is"

T. Bishop: I like Dean Holly's suggestion and I would withdraw my amendment because I do like that. I think that makes a lot of sense.

M. Peddle: I think it's a mistake to try to over-engineer over wordsmith this. You have to consider this question as one question in an entire evaluation. We have used this question in several of the units that I have been affiliated with as the last question on an evaluation. The bottom line is, "okay, overall, what do you think of the effectiveness of this instructor." I think it's relatively innocuous and, when combined with the other questions in almost any evaluation, it works as a common question.

T. Bishop: I don't disagree with at least the spirit of that, but I was on the committee that kind of dealt with this last year with Kendall and we were told something very different – that this sole item could be used to compare the teaching quality of an entire department against another unit or faculty across the entire institution. In that sense, the question's certainly not innocuous and we're investing a lot of hope that this question is capturing some meaningful metric. So I think spending some time making sure that it actually, indeed, measures something which is comparable is worth every minute that we spend deliberating over it. And I don't want to dismiss

it as being unimportant and the last question on the list when it's the one that might be used to do this comparison across units.

T. Bishop withdrew his friendly amendment and **P. Henry** agreed to accept **R. Holley's** friendly amendment. She restated the question as amended.

P. Henry: Okay, I think it would be: "My overall rating of the instructor's effectiveness in meeting the course's stated goals and objectives is."

P. Henry: Again, we were thinking of it as sort of the last question in the list and it would be contextualized by the previous questions. But I take Terry's point that, if it is in fact extracted and then compared across departments or colleges or whatever, it loses that context so this introducing a little bit more context into it.

K. Thu: I just want to make one point in here which is in the language, and I thank Pat for taking over as the chair of the committee. The previous language makes clear that this general question is optional. What's happening here now is that this question will be mandatory in this new language. It says, "must include the following question." Previously, it was optional and I remember very clearly last year that, when we discussed the possibility of a generalized question, even if we came up with one, it was still going to be optional.

P. Henry: I am somewhat confused because what we had, at least what I was given as part of the APPM, Section II, says "the only specific question to be included" and I assumed that wasn't optional then.

K. Thu: "To be included" but it doesn't say which one ought to be included.

P. Henry: Well, the only specific question to be included in all paper and electronic forms is one requesting an overall rating of the instructor's effectiveness.

K. Thu: Correct, but it doesn't say which kind of question that a department or division can ask that attends to the issue of overall instructor's effectiveness. There's a difference there.

P. Henry: Right, okay

K. Thu: So now we're saying, "This is the specific language that must be used that must be responsive to that provision of the APPM."

P. Henry: But it was not optional for a department to completely leave out an overall effectiveness type of question.

K. Thu: That's right

R. Shortridge: I am on the committee and the discussions that we had were that it was required that everybody have an overall question. So we tried to craft an overall question that was general

enough that could be used across the University. Based on our interpretation of that, everyone needed to have the same question and sounds like that's up for debate now whether that meant that or not. We had a large sample of questions that other departments across the university used for this question and they're very consistent with the one that we crafted with slight tweaks. So they're not substantially different than the one that we proposed.

J. Peters: So basically you're saying probably 98% doing it this way anyway?

R. Shortridge: There might be slight wording changes, but they're not dramatic to make the content different.

K. Thu: I don't want to belabor the point. I'm comfortable with the language that Pat's come up with. I guess a question for the Provost or maybe the Deans is: "Are we assured that this generalized question isn't going to be the only, or the primary ingredient in evaluating a department or division's teaching effectiveness?"

R. Alden: I can't tell you the direction for pay-for-productivity may take us. I know some states do have students' satisfaction for teaching as a metric that is evaluated in a complex formula for evaluating pay for productivity. I haven't heard it on the table in this state. Often times, the people sitting around the table don't recognize what the teaching questions are if it has to come into the teaching evaluations. I wasn't thinking in terms of pay-for-productivity. That can go anywhere and that's going to be legislated by law and we'll have to catch up. So this may be our chance to make it something we can live with.

J. Peters: We had a question like this in other institutions and the way it was used is it's kind of normed to a department. So because departments are a little different and there may be some variation in effect of this question across disciplines, but if you're looking at it individually, it's normed to their department.

G. Bennardo: Since this question is being made compulsory, can we also specify that this should be the concluding question.

J. Peters: Pat's trying to figure out if that's friendly or not.

G. Bennardo: We can suggest it maybe.

P. Henry: I don't know, that seems kind of micromanaging.

G. Bennardo: We can suggest to close at least with this general question because the previous question they basically clarified the content of this final question. Otherwise, the student as represented here, would be completely puzzled on what am I evaluating in general.

P. Henry: Alan, I don't know, does the APPM accept suggestions?

J. Bruce: As the wording was friendly amended from the Dean that eases all troubles I had as a student regarding the vagueness of the question. And I believe Mr. Quick over there agreed with me on that too – that as far as the vagueness of the question goes, the way it was worded as amended is completely fine with me.

A. Rosenbaum: Pat, I think we are recommending the language that will go into the APPM. I don't think the APPM Committee will play with it, so either you want this additional item or not.

P. Henry: It's this business of a suggestion.

A. Rosenbaum: Right, so if you don't want that, you can reject it as a friendly amendment and we can put it to a vote.

J. Peters: You could do this; you could say, "All evaluation forms written and electronic must include the following question, normally at the end of the form."

P. Henry: Okay, that sounds good. I will accept that as a friendly amendment, normally at the end.

P. Henry: Do you want me to re-read it?

J. Peters: Yes, re-read it.

P. Henry: This is the suggested changes to the APPM, Section II, Item 14.2 beginning with the bolded underline thing. "All evaluation forms, written and electronic, much include the following question normally at the end of the evaluation. My overall rating of the instructor's effectiveness in meeting the course's stated goals and objectives is: outstanding, very good, average," and that's it; the rest of it is the same as it is now.

The motion, as amended, passed by a voice vote. There was some dissent.

G. Resources, Space and Budgets Committee – Laurie Elish-Piper and David Goldblum, Co-chairs – [report](#) – Page 8

L. Elish-Piper: I'm just going to draw your attention to page 9, item number 5. Our committee is working to put together a memo regarding NIU's budget priorities to represent, not just the committee, but also the constituent groups that the committee represents. And so we're asking if you have specific feedback or information that you would like for us to attempt to include in this memo, to please direct that to me or to my co-chair, David Goldblum. Our e-mail addresses are listed there. We're in a pretty time sensitive situation in that we want to have this prepared for the last Faculty Senate meeting, which means that, if you have feedback, it would be appreciated if I could get that or David could get that within the next three, four, five days, so that we have time to do something with that and share it with our committee and move along with that. Our goal in doing this was to take seriously the advisory responsibility of the committee and to put something in writing. We do a lot of reporting back, but we want to put something in writing just

so that could be on the record. We've listed some items there that you might want to share input regarding budget priorities, changes to pensions, tuition waivers, healthcare benefits or any aspect of the budget. Our goal is not to do an exhaustive list of every possible thing, but to really target those big areas and put something into writing. We will not simply be compiling feedback, we'll be trying to kind of organize and provide our representative summary or synthesis of that information.

J. Peters: Alright, I know that the Provost and Dr. Williams and I have appreciated the work and involvement of the Resource Committee. It's been a good sounding board for us as we try to explain the difficulties that we're facing and hear the view of faculty and staff. We appreciate that.

H. Rules and Governance Committee – Suzanne Willis, Chair – no report

I. University Affairs Committee – M Cecil Smith, Chair – report

J. Peters: Alright, now the walk-in item, VI. I. University Affairs Committee, Alan Rosenbaum is going to give that report.

A. Rosenbaum: This isn't so much a complete report as just to notify the University Council that in accordance with the Constitution and Bylaws that the University Affairs Committee did its annual review of the Ombudsman, Tim Griffin, and that report has been presented to President Peters and it is also presented to the University Council.

J. Peters: And I'll receive that report and make some sort of commentary that can be inserted in our information items.

J. Elections and Legislative Oversight Committee – Abhijit Gupta, Chair – no report

VII. UNFINISHED BUSINESS

A. Article 11: Grievance Procedures for Faculty and Staff – [second reading](#) – Page 10
“Changes Proposed by Steve Cunningham” – [walk-in](#)

J. Peters: Alright, moving on to Unfinished Business, Article 11 the Grievance Procedure second reading on page 10.

S. Willis: Well I certainly don't want to take full credit for it, because I had certainly plenty of hard work done by my committee which I greatly appreciate and also by a number of other people. So you have before you Article 11 presented for a second reading. There are some small changes from the first reading which was two meetings ago which I would like to point out and I believe they are all pretty minor. One concerns the title of the person in Human Resources who is responsible for handling all of this stuff. The original suggestion was SAHR, the Senior Administrator for Human Resources. That was discussed during our last meeting and it seemed general consensus that that was a rather confusing way to put it and so with the consensus of my

committee I have changed that to VPHR along with a definition which you will find at the very end. So that's the senior administrator responsible for Human Resources whose exact title may change. At the time of writing the person's title is Vice President for Resources and Compliance or designee.

Another change is on page 17. We added a list of things that should be sent to the grievant and respondent, there was one item that was inadvertently omitted from the list which is the third item there, the summary of the principal evidence presented in support of the charge and the preliminary list of witnesses the University administration plans to call. So that got omitted by mistake and so I put it back in.

Also, earlier in the paragraph that precedes that list, which is 11.5.32 (h), we eliminated an AVP from the list of people who should take care of all of this. Although, if you look at Steve Cunningham's suggested additional changes, he suggests that now that we've added this whole list of things that it also ought to be done that we ought to leave that in. But anyway, we took that out.

At the end of that whole section, at the end of (g), which is just above (h) also on page 17, we amended that final sentence there just to say that no further information shall be provided to the grievant. In this case, the original set of amendments that we had proposed had allowed some discretion to the hearing committee and then, on the advice of University legal counsel, we have removed that discretion so the process is clear.

Other than fixing a couple of typos that keep sneaking into these things, I believe that is the total number of changes from the first reading. What you see here as a second reading is a set of proposed changes to Article 11 with the text that we proposed deleting crossed out and the text that we proposed adding underlined.

A. Rosenbaum: We have a walk-in from Steve Cunningham.

J. Peters: We have a walk-in from Steve which he took it and did a human resource scrubbing of it and I'm not sure how we handle this. I'll let Steve make a presentation but I'm not sure how that blends into the work that has come forward from the committee.

S. Willis: Alright, well there are certain of these items that I would be willing to accept as friendly amendments and then there are certain of them that I would rather have discussed.

S. Willis: So now can I just ask Ferald because after all this time I should be up-to-speed on all these details, but since this is a second reading, I don't have to move this again right or do I?

F. Bryan: No, we know that this needs to be voted on by this body.

S. Willis: Alright, and then if I accept friendly amendments do they need to be also approved by the original seconder?

F. Bryan: Yes, technically they should be and, if you don't accept them, then this body would then have to determine if they're willing to accept them as amendments to this document and then we would have to discuss those amendments and vote on it.

S. Cunningham: Thank you. Following the first reading, we appreciate the committee's giving me another opportunity to look over the grievance procedure. Just through the aspect of having administered the procedure for many years, we've run into certain areas that needed some additional clarification for both parties who use the procedure and these are outlined in the attachment. I did discuss these with Sue last week on behalf of the committee and I think we resolved the status of the ones that were listed here.

The first one, Section 11.4 is generally a section of informal resolution. 11.4 encourages informal resolution of the grievance. The original language says a request for mediation and you'll see in the comment, mediation is a very technical process that's very specific. And the goal is to really seek an informal and alternative resolution. There are other options; for example the parties might meet and negotiate a resolution agreement. A third party who's a non-mediator might become involved and assist in resolving the grievance at the informal level. Hence, the reason to place the alternative resolution option language in there.

Then 11.5.1, 11.5.2, this is where the grievance is formalized and moved to the supervisor and the supervisor's supervisor and so forth. And at each step, the original language indicated that the respondent would seek to resolve the matter. That's resulted in some confusion in both the respondents and grievants as to what does this mean. Does it mean they have to meet and seek a resolution, although maybe they tried that in the informal stage and could not seek one? Or is a response actually required or not? So this makes it clear that they can still seek to resolve the matter but also a response is also in fact required at each step unless it's waived. So that's 11.5.1 11.5.2.

11.5.32(h), as Sue indicated, at this point, we're going to the grievance committee and the set of information that was listed in the attached document is very consistent with the procedure that relates to faculty in the faculty dismissal for cause procedure. And here it's very important that the record be compiled because this becomes the official university record that will go to the grievance committee if the committee is convened. And so as the custodian of the records – in the procedure there are two roles and this is kind of the case with all grievance procedures – in this one there's a shared governance role which the executive secretary largely fulfills. And there's also a university agency role which is the role that's fulfilled by my office. So this is an effort that, whenever possible, we reflect this dual role and this collaboration in the procedure. We've added, I think retained the role of my office in compiling and transferring that record along with the executive secretary. And then we've added in the next a copy of the grievance record including the appeals and responses would be included with this information because that's really the heart of the grievance record and associated documentation.

And then 11.5.33 is simply a clarification that we're going to retain all the documentation along with the hearing proceedings.

11.7(b) relates to affirmative action cases. There's a clause in the grievance procedure where, if there is a question of discrimination or harassment, the affirmative action officer may become involved in responding and investigating the grievance. There is another procedure in the Constitution and Bylaws where the UCPC can also convene a hearing board if a question of discrimination is raised. We need to coordinate these two procedures. If the UCPC has already investigated a case and ruled on it, we need to incorporate that information into this grievance procedure as well. It's an attempt to coordinate those two procedures.

Finally, 11.8 just re-asserts the consultation with the executive secretary if we, instead of just my office doing it, if we decide there's a need to consolidate grievances. Periodically, there may be several grievances filed on or about the same time about a similar subject and it's more efficient to combine those especially at the hearing committee level.

T. Bishop: As we know when we talk about alternative dispute resolutions (I am referring to 11.4 the sentence for alteration) you propose inserting alternative resolution options. ADR or alternative dispute resolutions includes up to and including arbitration. I'm suspecting you're not meaning to imply or insinuate arbitration may be an option.

S. Cunningham: No, that's correct.

T. Bishop: And yet somebody might read this and maybe interpret it to mean virtually any ADR or alternative might be available. So would we want to exclude arbitration?

S. Cunningham: Well, that's a good point, Terry, or we could say available alternative resolution options if arbitration is not available in the procedure, which it isn't.

T. Bishop: Okay, I would hope to not create some sort of understanding or belief that I can chose my own version of ADR here including arbitration so I'd like to do arbitration.

J. Peters: So you are accepting that in your friendly amendment as another friendly amendment.

T. Bishop: Yes, if ultimately Sue believes that that's one of the things that the committee would accept I would offer to amend it.

J. Peters: Alright, so now we have a set of Steve Cunningham HR type suggestions and now Sue will have to go through those indicating which you can accept and where you have issues.

S. Willis: Okay, so the ones that I accept as friendly amendments, actually most of it, but let me go through. 11.51 and 11.52 including and/or provider response to the allegations, I would accept that in both cases. Retain VPHR in 11.5.3.2(h) I have no problem with that including also adding a copy of the grievance record to the itemized list of information and then including that also along with the tape recording in 11.5.33(e) and also the appending of the text to 11.7(b) about the coordinating affirmative action compliance.

The very first thing that he proposed in 11.4, that was something that the committee had

discussed and had not elected to put in. Because of that, I would not accept that as a friendly amendment. I think it should be discussed on the floor.

In 11.8 there are actually two changes in there. I would accept the first one as a friendly amendment including the VPHR in consultation with the executive secretary – I would accept that as a friendly amendment. However changing approval of the grievance and notification of the grievant, that I would rather have discussed.

S. Willis: So I am accepting everything except 11.4 and changing approval of the grievant to notification of the grievant. Those two, if Steve wants to propose those, I would asked that those be discussed on the floor.

J. Peters: Alright, Steve do you want to make a counter argument here?

S. Cunningham: Yes and thank you, Sue. On the first one, the alternative resolution options, the goal here is actually to encourage informal resolution and get the grievance resolved if at all possible informally. Mediation, as we discussed, is a very specific process and there are a lot of other options as well. As Terry indicated, arbitration is not one of them. I think pursuant to our discussion, I would offer to change that at least to put the word “available” in between “or” and “alternative” so it would say “or available alternative resolution options and parenthetical after that excluding arbitration to take into account concern about that as well.” Terry has another friendly amendment that’s even more friendly which is the following. Instead of what I said, “alternative informal resolution options.”

J. Peters: It’s up to Sue to accept either one of those friendlies.

S. Willis: Okay I accept the alternative informal.

J. Peters: Alright so read it to us now.

S. Willis: “Request for mediation or alternative or informal resolution options may be made to the office of the VPHR.” I don’t know if we need to say informal again in the next sentence, I would just leave it as. So I would insert informal in the first phase and I would accept that as a friendly amendment.

J. Peters: Okay now, Steve – 11.8 do you have a counter on that?

S. Cunningham: Yes on 11.8 actually the current language does say “with approval of the grievant or grievants,” I did make it “s” because sometimes there are multiple parties. Alan might also have some feedback here because he and I have dealt with cases where there are multiple grievances and the purpose of this is, when we go to the hearing committee, hearing committees have to put a lot of effort into their research, their hearing, the record, the documents, their deliberations and if there are multiple grievances filed that are very similar, the question is: Why require multiple hearing committees to review what might be essentially the same or different parts of a central issue. That is the effort here, to be able to make that consolidation if

appropriate. Not just one person deciding it but two people. So that's the effort there; but, Alan, I don't know if you have any perspective on that or not.

A. Rosenbaum: Well my only concern about it is, I agree with you that in many cases we've felt that these really should be handled together, but there are cases where the grievant makes the argument that one prejudices the other in some way and that, if you put them together, then they are no longer able to get a fair hearing on each of them. I think the grievant should also have to approve that. I don't know if I can agree with taking out "the approval of." I agree with you that it would be nice to be able to do that but I don't know if it would be fair.

S. Cunningham: Yeah I am fine with that. I think we just table that amendment then, Sue, and proceed without it.

S. Willis: Okay so you're withdrawing "with notification to" just leaving "and approval of" then?

S. Cunningham: Correct.

S. Willis: In that case, I will accept that as a friendly amendment as well.

J. Peters: Alright so now we've reconciled the Steve Cunningham changes and so now what do we do? We should vote on it.

F. Bryan: I would suggest under the circumstances to have a formal motion to accept this as the second reading with minor technical changes, which is what Robert's allows, and then a formal second that we'll clarify in the minutes.

S. Willis: Alright so I will make such a motion then to have this accepted as...

J. Peters: Technical, minor technical changes.

S. Willis: A second reading with minor technical modification.

A. Gupta: I second it.

E. Mogren: I am curious, and I was wondering if somebody could refresh my memory on 11.5.32 (g) which appears on page 17. The last sentence of that reads, "The executive secretary shall immediately notify in writing the grievant and the respondent of the committee's decision." And then the addition is that "no further information shall be provided to grievant in this case." I'm curious about that. I can imagine that in denying a grievance by the committee a denial might be based on a variety of things ranging from substantive or evidentiary problems all the way down to very specific technicalities. And I think that having a grievant understand why their case is not moving forward might be helpful.

I think the second question I have is somebody who is filing a grievance is frankly aggrieved;

they are upset and if they do not have a sufficient case to move it forward for evidentiary or substantive reasons, I think offering some amount of explanation about that can go a long way to resolving some of the bad feelings that somebody might have. So I was just curious as to why that is included in there. I can certainly see the executive secretary filing a memo to the person that simply says “no” and I’m not certain that that’s the best way of operating.

S. Willis: Okay this item, this modification, was brought to the committee after concerns had been raised that in the case where the committee has decided that there are not sufficient grounds for a grievance, there were concerns for the privacy and the safety of committee members in some cases where you might have a person attempting to file grievances who had no case and that there might be cause for retaliation. If we made it a policy that no further information would be provided, then that would remove such opportunities. Now in my conversations with the university legal department, this doesn’t mean that they can’t get the information but they would have to pursue other ways of getting it other than through our Bylaws. They could file a Freedom of Information act request or a lawsuit. This gets into legal things which are sort of beyond my ken, but what I was told is that, as long as our processes are clear and unambiguous, then we can have them be whatever we want them to be. There’s not necessarily a legal issue with saying that in the case where the committee determines that there really are not grounds for a hearing, that we really don’t have to give any information to the grievant in that case. That was the genesis of this clause were some concerns that were raised and again, I have no direct knowledge of this, but this was how it was presented to the committee that there were concerns from people serving on hearing boards that in the case of unfounded grievances that they were concerned on a variety of grounds and didn’t necessarily want all that information automatically coming out.

E. Mogren: I actually find that to be a remarkably unsatisfactory answer. We as faculty members and administrators make decisions everyday that might lead us to be exposed to retaliatory measures if that’s even possible. I can certainly see that giving somebody a rundown of how each member voted might be inappropriate, but I think that having some explanation about why a person’s grievance isn’t moved forward are they technically entitled to that information, perhaps not, but I’m not certain that that’s the way that we want to conduct business. I think that we want to conduct business at the University where if somebody has a complaint or if somebody has an issue that we go above and beyond to try to resolve that as much as we can rather than simply shutting the door in somebody’s face. You know in the scenario where you get a letter that says, “No it’s not going forward without some explanation,” I think really creates a difficult climate in which to work. And I think that we don’t want to do that. We want to make certain that people who have problems and complaints have the ability to understand why, if their complaint is insufficient, that there’s some reason for that.

A. Rosenbaum: If I could make a comment here, I think they are really two separate issues that we don’t want to muddle them together. In terms of the person being told why the decision was made, it’s pretty straight forward because what they are saying is, “The grounds are insufficient,” and the person knows what the argument is that they made and the committee is saying, “We don’t think that those are sufficient.” I don’t know that we want a committee to have to say, “Well we don’t believe you or we thought that the other side was more convincing then you are.” That’s kind of implied.

The second question being: Should the committee be able to be anonymous or is the grievant entitled to know the names of the people that are on the hearing panel? That's a legitimate question. It's been argued both ways because if there is a hearing, the person does know who's on the hearing panel and it's only in the case where a hearing is denied that the person doesn't know who's on the hearing panel.

And so I would suggest that we separate those two and I would suggest that in the first case it's built into the process. In other words, you've made an argument, we don't accept your argument; therefore, we're not going forward. The second issue is should they be entitled to know who is on the hearing panel and that would be a question for the body to decide. Some people might feel "yes." We can ultimately put that to a vote.

S. Willis: If I could point out the person, even if a committee declines to hear it, the person does have copies of responses from the respondents and whatnot so they essentially have all the information that has been submitted directly to the committee on the matter. It's basically a concern, as Alan has put it, for whether a person who's been turned down has the right to know who is on the committee. The other thing is that they have already seen the pool of potential committee members and have had the right to exclude any persons from that pool that they find unacceptable. So they have also had – they have knowledge of – who's in the pool. They may not know exactly who is on the committee. That was the primary question.

A. Gupta: I just want to share what one of my colleagues said. He said if the identity is disclosed, he will not serve in such committees because he's afraid of his personal safety. So I just want to share what I heard.

T. Bishop: Eric, after working with you on UCPC issues such as this, I understand where you are coming from. But I think in this initial determination whether the grievance is going to be considered, Sue's answer relative to the point of and Alan's that it's pretty obvious, the answer is "no, we didn't find that there's a reasonable basis to hold a hearing." On the other hand, once there is a hearing, I agree with you fully then at that point there's kind of an incumbent responsibility to give a more in depth response to what the finding is from the hearing. A committee at this stage should have a legitimate right to say, "We didn't find any evidence that suggests that a formal hearing is warranted." And that may be a sufficient response.

E. Mogren: Well, I think that both of you actually are conflating two things. One is the substantive nature of the argument, and the second would be how well the argument is presented and the material that backs it up. I think those are two different things. I think that one can have a very strong grievance claim, possibly, but have an inability or to not do a good job of presenting it either in writing or in other ways. But that doesn't necessarily mean that the underlying claim is not valid. And so I think that having a statement in there that says something like, "The committee finds that the evidence to support your claim is insufficient" is very different than saying that the claim itself is without merit.

J. Peters: Is that a friendly amendment?

E. Mogren: I don't have the wordsmith.

J. Peters: Unless we get an amendment we are not going anywhere here.

E. Mogren: Well, I would move to strike it personally.

A. Rosenbaum: He wants to strike it. Do you accept his move, his motion?

S. Willis: No.

J. Peters: Called for a vote on the motion as amended.

A. Rosenbaum: We need a count.

The motion passed by a vote of 21 in favor, 5 opposed, no abstentions.

S. Willis: There is actually something that I managed in the past couple of months to forget about and I apologize for that. When I originally brought this article to the floor for the first reading, I also said that we were going to need to revise Section II, Item 15 of the Academic Policies and Procedures Manual by striking all the text that had do with grievance procedures since we've now replaced it with this Article 11. And I should have remembered to bring that back into the packet. I don't know if we can do that now or should I bring it back at the next meeting so we can all look at it again or how should we handle that? It needs to come out of the APPM.

J. Peters: Bring it at next meeting.

S. Willis: Okay I will do that. So you all have fair warning.

D. Haliczzer: That was another addition that SPS Council is working on and will bring forward, so we'll start doing the work for us and then bring it to the Council?

S. Willis: On the APPM you mean?

D. Haliczzer: Yeah.

S. Willis: You want to do more than just strike that part?

D. Haliczzer: There are various other things that need to happen, that need to change, so I think a fuller review of that whole policy needs to be done and HR's working on it and SPS Council's reviewing it.

S. Willis: Okay, so you want us not to strike that and leave it in there until we have more?

D. Haliczzer: I would say leave it there and then we will do most of the work and then there will

be just room for discussion later.

S. Cunningham: Perhaps it would be useful to have in the minutes that the newly adopted revisions to the grievance procedure do replace the APPM language which is really no longer than technically available in case such a case comes up until we update the APPM journal.

J. Peters: We need to get that into the minutes to make a record.

VIII. NEW BUSINESS

A. Guests in Class Policy [Proposal](#) – Page 27

J. Peters: Okay, New Business. Guests in Class Policy Proposal on page 27. That comes forward from the Faculty Rights and Responsibilities sub-committee and it's to be included in the Academic Policies and Procedures Manual.

A. Rosenbaum: It comes from the Faculty Senate.

A. Rosenbaum: I know it's late and we appreciate people staying. The question was, whether faculty have the authority to prevent guests coming into class without permission. The assumption was always that the faculty decide, who is allowed to come into a classroom, but it is not written in any of our policies. The Faculty Senate took this on and came up with the policy that is bolded on page 27. It says only instructors have the right to allow guests in their classroom. When deciding whether a guest is appropriate, the instructor should take into consideration the effect that that guest will have on the learning environment. The individual's presence in the classroom should be limited to the instructor of record, students registered to class and individuals invited by the instructor. This was approved by Faculty Senate and it is brought to the Council. We can send it to committee if we wish to do that or we can vote on it today. This would go into the Academic Policies and Procedures Manual.

E. Mogren: What's the definition of "guest"?

A. Rosenbaum: Anybody who is not a registered student in the class and I'm assuming they also did not mean to exclude working dogs or personal assistants.

E. Mogren: What about public security?

A. Rosenbaum: That would be excluded under this policy, without the instructor's permission.

S. Willis: Unless they're registered for the class.

J. Peters: What if it's a peer review of teaching? Department Chair and

A. Rosenbaum: Under this policy, that would be excluded without the permission of the instructor.

J. Peters: So you can't have peer review of teaching?

A. Rosenbaum: Without the permission of the instructor according to this policy.

J. Peters: That's pretty peculiar.

A. Rosenbaum: We don't have to approve it; I'm just saying that's what this policy says.

J. Peters: We need a motion of some kind or a table or something.

K. Thu: I would move sending it to Academic Policy Committee, is that the appropriate?

J. Peters: So the recommendation is to send it to Academic Policy Committee?

R. Holly: Seconded the motion

The motion to send the guests in class policy to Academic policy passed without opposition.

B. [Student Conduct Board](#) (formerly University Class II Judicial Board) and [Community Standards and Student Conduct Advisory Board](#) (formerly University Judicial Advisory Board) – John Jones

J. Peters: We have one last item – a walk in – changes to the committee book and John Jones is here. John, I'm sorry you had to wait so long to explain these changes in the Student Code of Conduct, which is a walk-in. Alan, would you explain the reason why the Council is looking at this?

A. Rosenbaum: The Council has to approve all title changes, wording changes in the committee's book.

J. Jones: Good afternoon. My name is John Jones. I'm from the Division of Student Affairs and Enrollment Management. Under the leadership of Dr. Brian Hemphill, we commissioned an external, as well as an internal review, of the office of what was commonly known as Judicial Affairs but now the Office of Community Standards and Student Conduct to look at four basic areas: to look at the function and structure of the program; to look at the education outcomes of our students; to look at the Student Conduct Code and also to look at the program philosophy. From this internal and external review, we identify over 50 recommendations which were implemented.

As regard of the first document, the Student Conduct Board, there are essentially three essential changes from this particular document. First is the name change of the title. Again, we're no longer calling that office Judicial Affairs; we're calling that office Office of Community Standards and Student Conduct so obviously we would like to eliminate "judicial" in any capacity within this document.

The second change is in regards of using language such as “Class I Hearing Boards” and “Class II Hearing Boards.” We no longer refer to our hearing boards in that particular title, so throughout this document we are eliminating that language as well.

And the third item of significance that we are changing in this particular document is from line item 4. Previously, because the Director of the Office of Education Services and Programs has been vacant, generally, Vice Provost Seaver will make that recommendation in terms of identifying professional staff members to serve in that capacity. In consulting with Vice Provost Seaver, he suggested because typically he will make recommendations in terms of professional staff members that the nomination should come from the Vice President’s office, more specifically from Vice President of Student Affairs Enrollment Management. So, as you can see from this particular document, the suggestion is along that line, to change how we are nominating and identifying staff members to serve in that capacity.

A. Small: I’m sorry I didn’t have this question on this previous situation, but I am looking through this particular document and I see all sorts of references to the makeup of the particular Student Conduct Board and I see members from supportive professional staff and faculty and students and such and just wondered if you had some background, why aren’t there any operating staff members on this particular board?

B. Hemphill: I’ll respond to that. Part of it is that this is something that needs to be updated within this document because we do have operating staff that are a part of the Advisory Board and we have operating staff that actually advise the Student Conduct Board, and so this is something that has been in this document probably since the document originated and it’s something that needs to be adjusted.

A. Small: I might suggest that, and I appreciate that, and if maybe we could make that adjustment and include some operating staff on this particular board and that would help the people that I represent anyway.

J. Peters: So does that mean we have to edit the document or you will bring wording changes at a later date?

B. Hemphill: That’s one of the pieces that we have to take a look at. We’ve had them involved; it’s just a matter of making the document reflect that.

A. Gupta: made the motion to accept the wording and title changes as written.

S. Willis: was second.

K. Thu: I just think it’s a little bit too much at a late hour in the meeting for us to digest. I appreciate all the work that you guys have put in, but I think this body needs to have a little bit more time to take a look at it and my suggestion is that it would be tabled until the following meeting.

J. Peters: That's a motion to table?

K. Thu: Yes.

A. Rosenbaum: We need to vote now.

F. Bryan: Since we only have one meeting left, the motion should be to postpone rather than to table.

K. Thu: Postpone, thank you.

G. Bennardo: seconded the motion to postpone.

F. Bryan: It has to be voted on immediately.

J. Peters: All those in favor say aye.

The motion to postpone passed.

K. Thu: On behalf of the environment and perhaps some of environmental faculty associates, could we all please put our cups in the recycle bin when we leave? Thank you.

IX. COMMENTS AND QUESTIONS FROM THE FLOOR

R. Feurer: I know it's really late, I just wanted to ask about the comment you made in your opening remarks. There wasn't an opportunity to ask questions about that and you said that there's a pay-for-productivity committee that you're a part of. Could you, is there anywhere that we can find out what your reflections are on that committee or could you tell us?

J. Peters: The wolf isn't at the door yet, but if the legislation passes sometime in July, a committee will be empanelled to develop a set of outcome measures that will be negotiated between Universities and the Illinois Board of Higher Education. It will take a while, a year or two. Right now, the debate is on the enabling legislation to do this and no specifics.

R. Feurer: But could you tell us what your position is on this?

J. Peters: I am the convener of the Illinois Presidents and because of that I've had discussions with the new director of the IBHE on this issue and the sponsor in the Senate. Giving my input as to my experience with it and some of the pitfalls and some of the dos and don'ts so that's my role.

R. Feurer: And could you give it any more specifics about what your position is?

J. Peters: Oh, I am for outcome measures.

R. Feurer: What kind?

J. Peters: Well the graduation rates, increasing graduation completion rates, retention rates. In Ohio, for instance, and if you're interested I'll send you Ohio's 20 measures that they just negotiated, if you're attempting in ten years to try and get a higher percentage of high school graduates graduated, then you have a goal that your university is going to try to bite off so much of this.

J. Peters: I can send that to you if you give me your e-mail address and it's, 11 states have them now and there is a movement going through the country for outcome measures for all funding. I lived with it when I was Provost for eight years under Nebraska and what they usually do is they have your base funding and then they have a percentage of that base that you can maximize based upon these performance criteria. So it won't necessarily be your total budget. It may be five or ten percent of your base. That's the normal way they do this. I could put it this way: As one state senator told me, "we want to know what we're buying. We want to buy outcomes."

R. Feurer: Well my position is that the faculty would have different visions of what productivity means and what measures there might be, so I think it's pretty important for us to know what our President is advocating for us.

J. Peters: Well, I'm an open book. Alright, we're adjourned.

X. INFORMATION ITEMS

- A. Academic Policy Council [minutes](#) – November 8, 2010
- B. Committee on Advanced Professional Certification in Education [minutes](#) – February 7, 2011
- C. Graduate Council [minutes](#) – October 4, 2010
- D. Graduate Council [minutes](#) – November 1, 2010
- E. Graduate Council [minutes](#) – December 6, 2010

XI. ADJOURNMENT

Meeting adjourned at 5 p.m.