

10-5-2011

UC Minutes 2011-10-05

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UNIVERSITY COUNCIL MINUTES
Wednesday, October 5, 2011, 3 p.m.
Holmes Student Center Sky Room

VOTING MEMBERS PRESENT: Alden, Bender, Bond, Bozikis, Brandt, Coles, Corwin, Dawson, Downing, Echols, Elish-Piper, Farrell, Fox (for Neal), Greene, Gupta, Haliczzer, Holt, Hurt, Johnston-Rodriguez, Kapitan, Lee, LeFlore, Lin, Lindvall, Long, Lopez, McCord, Middleton, Mogren, Mohabbat, Munroe, Peters, Poole, Pritchard, Quick, Rollman, Rosenbaum, Sagarin, Shortridge, Small, D. Smith (for Latham), K. Smith, Thu, VandeCreek, Venaas, VonEnde, Walker, Willis

VOTING MEMBERS ABSENT: Holly, Houze, Kreitzer, Kowalski (on sabbatical), Latham, Lenczewski, Mirman, Neal, Rosato, Schoenbachler, Vohra

OTHERS PRESENT: Bak, Blakemore, Brady, Cassidy, Griffin, Hansen, Hemphill, Shockey, Stone (for Freeman), Sunderlin, Williams

OTHERS ABSENT: Cunningham, Finley, Freedman, Freeman, Kaplan, Prawitz, Slotsve, Snow, Waas

I. CALL TO ORDER

Meeting called to order at 3:10 p.m.

II. ADOPTION OF THE AGENDA

R. Lopez: made the motion. **S. Willis:** was second.

The agenda was adopted as written, without dissent or abstention.

III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 7, 2011 UC MEETING

D. Haliczzer: made the motion. **G. Long:** was second.

The minutes were approved as written without dissent or abstention.

IV. PRESIDENT'S ANNOUNCEMENTS

J. Peters: made the following points:

Performance-based funding would not start until next year and would only affect a small portion of the budget.

It's not about faculty productivity but rather how the institutions perform. The goal is referred to as 60/25 which means 60 percent of Illinois high school grads moving into post-secondary education by 2025.

The metrics are going to be few and they'll be normed to the institution. We will get performance funding based on how we improve over time.

The NIU Today homepage now has a link to a performance funding website that provides a great deal of information including the initial act, testimony before the task force and national reports on budgeting.

NIU Today is a 24-hour news and information blog that gets 3500 hits per day.

The five state pension systems (SURS included) are in trouble because the state has failed to make its contributions. Steve Cunningham monitors these developments for NIU and will be paying close attention to the veto session which begins the second week in October.

“There is only one unambiguous clause in the 1970 Illinois Constitution and that is the No Diminishment Clause for public employee pensions.”

The BOT has embraced the conclusions of the Vision 20/20 initiative and want us to move forward with it.

Requests for proposals to address the recommendations that emerged from V 20/20 will soon be issued: \$1 million has been set aside for research initiatives, \$2 million for facilities and beautification, and \$3 million for academic enhancement.

Associate Vice President for Sustainability and Community Initiative and Strategic Funding, Bill Nicklas was introduced.

J.Peters asked **A.Rosenbaum** to explain the new voting procedures to the Council.

A. Rosenbaum: We're introducing a new way of voting in Council. We have ordered the clickers that some of you use in classrooms and we're going to distribute them. We're not assigning them to anybody because your vote is going to be a private vote and so we're going to just give them out. In future meetings, you'll be able to pick up a clicker at the door when you come in and we want you to leave it on top of your attendance sheet which you have signed when you leave. For voting purposes, unless otherwise stated, we are only going to use three buttons. Button 1 will be a yay vote, yes. Button 2 will be a no vote and Button 3 will be an abstention. You can change your vote, you'll see the number that you have voted displayed on the display; it will say 1, 2 or 3. Or, if you didn't follow the instructions, 5, 6, 7, 8. If you want to change that, you simply have to press the other button. They are already on, you don't have to turn them on and so when the President calls for a vote, 1 yes, 2 no, 3 abstention.

Clickers were distributed to voting members.

V. CONSENT AGENDA

A. Approve [maintenance updates](#) of various position titles referred to in the Committees of the University Book – Pages 3-6

S. Willis: made the motion. **A. Quick:** was second.

The vote was taken using the clickers and the motion passed with 47 yes votes, 0 no votes and 0 abstentions.

J. Peters: announced that we now have hearing assist devices that operate through the microphone system and are available to any Council members that request them.

VI. REPORTS FROM COUNCILS, BOARDS AND STANDING COMMITTEES

- A. FAC to IBHE – Earl Hansen – [report](#) – Pages 7-13.
- B. BOT Academic Affairs, Student Affairs and Personnel Committee – Kerry Freedman and Andy Small – no report
- C. BOT Finance, Facilities and Operations Committee – Alan Rosenbaum and Greg Waas – no report
- D. BOT Legislation, Audit, and External Affairs Committee – Todd Latham and Rosita Lopez – [report](#) – Pages 14-17

J. Peters: All right, moving on to BOT Legislation Audit and External Affairs, Professor Lopez will be giving the report.

R. Lopez: Yes, thank you. Let's see on August 25th, we met for our LAEA Committee with the Board of Trustees. The meeting was called to order by Chair Cheryl Murer. She also introduced the men's basketball coach Mark Montgomery and he gave a very optimistic preview of his philosophy, the team and the upcoming season.

Lori Baker presented on performance-based budgeting requirements.

Also the pension, Steve Cunningham, presented on the status and it was not a positive picture as the President noted. He did talk about looking at some options and those may be establishing alternative fund choices, statutorily reduced benefits for employees or amend the Constitution as some possible stabilizing strategies.

There was also a Congressional Report on the Pell Grant and, basically, a compromise was reached and this included a financial aid package, financial aid and higher education legislation for the Pell Grant program including, \$10 billion for Fiscal Year 2012 and \$7 billion for Fiscal Year 2013. On university communication, Kathy Buettner introduced an enlightening study on how students and parents choose universities and they found that one of the first deciding factors is the website. If the website is poor or not user friendly, that is usually a determining factor in making the decision. So having a user friendly website at the university is very important.

Also there was an Intercollegiate Athletics report by Jeff Compher which was very upbeat and positive on the academic success of student athletes.

Finally, there was information on the Freedom of Information Act requests and categorical requests for information from June 1, 2010 through August 15, 2011.

E. BOT – Greg Waas – [report](#) – Pages 18-19

A.Rosenbaum gave the report for G.Waas.

J. Peters: We're so blessed to have such a solid Board and now we have new leadership going forward. They serve without pay and we've called upon them to do an awful lot and they are very responsible people.

F. Academic Policy Committee – Karen Brandt, Chair – no report

G. Resources, Space and Budgets Committee – Laurie Elish-Piper, Chair – [report](#) – Pages 20-21

L. Elish-Piper: Several of the items have already been covered in the President's remarks. We talked about the 3.1 percent decrease in student enrollment and how important it is that we look at factors that facilitate recruitment and retention of students, including the upgrades that have been made for student residence halls and other upgrades that are taking place on campus to appeal to students. Another one of them being the website and the importance of that website in terms of first impressions and also accessing information.

We also talked about the issue of safety and how that impacts both recruitment and retention and we found out that all residence halls now have NIU officers on site. We also learned about the new lock and ID systems in the residence halls and about the number of our officers who are EMT trained and paramedic trained.

In addition to that, we talked about the use of performance contracts as a way of trying to deal with some of the maintenance issues on campus without having to expend funds and we received an update on what some of those projects are around campus and how that's been a way to deal with some of those pending repairs that needed to be made without having to come up with all of the money.

In addition to that, Item 2 on page 21, we identified some other topics that the committee members brought where we are going to seek additional information and we'll have report on those topics including an update regarding the True North campaign and how those funds are being used. We'll be meeting with a representative from the Foundation at our next meeting to gather that data and also looking at those other items there that were brought by members of the committee.

H. Rules and Governance Committee – Suzanne Willis, Chair – [report](#) – Page 22

1. [Proposed amendment](#) to Article 9.2 of the University Constitution –
FIRST READING

S. Willis: Yes, we are bringing a Constitutional amendment for a first reading which you will find on page 22. The Board of Trustees has recently passed an updated non-discrimination statement which will appear in various places as the official university non-discrimination policy.

There is also a non-discrimination statement in Article 9.2 of the university Constitution and so that first paragraph makes changes to the list of things that we won't discriminate against to bring them into alignment with the Board of Trustees statement.

I. University Affairs Committee – Richard Greene, Chair – no report

J. Student Association – Austin Quick, Speaker – [report](#) – Pages 23-24

A. Quick: The big thing that we are working on now concerns MAP funding. That's a great concern to students. President Echols and a couple of student leaders met with Dr. Jones from the Division [of Student Affairs and Enrollment Management] to discuss ways to get our voices heard in Springfield. And we are going to try a few different options both in letter writing campaigns and different legislators and also a trip, possibly, to Springfield to let our voices be heard down there. Just to put on the record, it's very concerning to us that, at a time when our State is raising taxes and raising fees, that they are going to cut us in funding for education. So our concern is where's the money going? Someone's getting paid somewhere and we definitely want to fight for our share here at NIU and for our students.

The second thing we wanted to discuss is the cartoon that appeared in the Northern Star article today, which was a concern to us. This type of continual reminder of violent activities is no good for this institution. We've definitely shown support for Dr. Hemphill and his staff for the new community standards and this type of cartoon and this type of writing is not something that is moving us in the right direction. And we, as a student organization, want to say that we find it to be pretty much offensive to us and we want it to be known that we as a student body want to move forward and show the good things that are happening at the university.

And lastly, the thing that we were discussing prior to coming up here is the Northern Star article related to break-ins. It's obviously becoming enough of a concern the Northern Star decided to write a front page article relating to the number of break-ins during the day on campus here. And that's another thing that we'll work closely together as a team to find out – at a time when we've hired an additional 20 police officers on campus and fees have been raised, parking fees, that students are having their car broken into and where we can implement putting people in more strategic locations so that doesn't happen.

K. Operating Staff Council – Andy Small, President – no report

L. Supportive Professional Staff Council – Todd Latham, President – [report](#) – walk-in

J. Peters: Todd Latham has a walk-in report but Donna Smith is going to give it.

D. Smith: Just briefly. You have the report in front of you. I just wanted to note at the top that Todd and I had a really constructive meeting with Steve Cunningham and Celeste Latham to discuss some of the issues facing our Council and most of these issues came out of a survey we did with our constituents a couple of years ago.

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

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

A. [Proposed University Holidays for 2012](#) – Steve Cunningham – Page 25

E. Williams: made the motion. **D. Haliczzer:** was second.

N. Lindvall: Did you remove the Wednesday holiday? I know that in previous year's you had Wednesday, Thursday and Friday off for the Thanksgiving week.

J. Peters: That is not an administrative holiday; that is just for students.

The motion passed 47-0-0.

B. Committees of the University Book – [maintenance updates](#) – Pages 26-30

A. Rosenbaum: This is just a continuation of the project that we started last week. There are three additional changes. The boxes that you see on pages 26, 27 and 28 explain the nature of these changes. The one that seems to be the most extreme is that we are removing the description from the IACUC committee and instead we're going to place a link in the committees book that will get you to the home page of the Office of Research and Compliance, the IACUC research page that you see on page 29. The other one that's of interest is that we are adding the General Education Coordinator to the General Education Committee. We didn't necessarily expect that Council members would have problems with these changes but we wanted to put them on the agenda in case somebody did. I'll make a motion that we accept all three of these maintenance changes.

A. Quick: was second

J. Peters: All right discussion. I presume when go to the link to the IACUC committee, you can keep those changes up to date quickly versus having to go to printed format and revote.

The motion passed 45-0-2.

C. [Academic Misconduct Policy changes](#) – Pages 31-36

J. Peters: Now, let's move to C., Academic Misconduct Policy Changes, 31 through 36. This takes some explanation.

A. Rosenbaum: This has been a long-term project. We first began dealing with this in the Fall of 2009. The Academic Misconduct Policy was stated differently in the Undergraduate Catalog and in the Student Code of Conduct. This created a legal liability for the university. The decision was to ask the Faculty Senate to develop language for the Academic Misconduct Policy that, hopefully, was acceptable to both the Undergraduate Coordinating Council and also to the Student Judicial Office.

The Senate came up with language that essentially kept the language of the current policy the same but added a possibility where if a student felt the penalty was inappropriate, an appeal of the penalty only could be made to their College Council. This was sent to the UCC and also to Student Affairs. The Student Affairs office embraced the language and changed the policy to conform to the language. The UCC and APASC had some discussion and eventually changed the last part of it which allowed the appeal to go through the grade appeal process instead of through the College Councils. The grade appeal process, as it stands, does not accommodate grade penalties as a result of academic misconduct, so they also rewrote the grade appeal process.

Because the UCC changed the language from what the Faculty Senate approved and because the policy had to be reported to the University Council where it could be contested, we brought it back the Faculty Senate to see if the faculty had any problems with the new language. This was discussed at the last meeting. At that meeting, the Faculty Senate felt that the catalog language which you see on page 32 under “new” was acceptable. The Faculty Senate also felt, however, that the language in the grade appeal policy was vague in many cases and erroneous in some cases but the Senate decided to not ask the Council to send this back to the UCC.

Subsequent to that meeting, in consultation with General Counsel, it has been decided that the UCC has jurisdiction over catalog language, but they do not have jurisdiction over the grade appeal process which belongs to the University Council.

The Council has several possible choices. The first thing the Council can do is it can allow the language on page 32 to take effect. This only makes sense if they also approve the grade appeal process that has been modified by the UCC. Now they don't have the authority to do that, but the Council does and it could accept their recommendation. Alternatively, the Council could send the catalog language back to the UCC with the recommendation that they rewrite the catalog language. That is, we could propose that they come up with a different appeal process such as the one recommended by the Faculty Senate. Or we could send the grade appeal modifications to our Academic Policy Committee for reconsideration. If we send the grade appeal policy to our Academic Policy Committee, then it makes no sense to approve the catalog language that was approved by the UCC because it refers to a policy that might ultimately be changed.

I'm going to make the motion that we send the catalog language back to the UCC with the recommendation that they wait until the Council has approved a new appeal policy for grade penalties resulting from academic misconduct and that we remand the appeal policy to our Academic Policy Committee for consideration and possible rewriting.

K. Thu: Second

C. McCord: First of all, let me say that I want to express appreciation for the grade appeal process for giving me the opportunity to get to know the General Counsel's office a whole lot better. These are policies that we urgently need to fix. But I absolutely agree with Alan, we need to fix these policies and not piecemeal them. We have been piecemealing it for the last several years and we are getting closer and closer to convergence, but we still have a policy that's not a whole coherent policy yet. I agree that changing one policy without changing the other leaves us in a real mess and, given the governing structure, I think your proposal to send it back to UCC, ask them to hold it until the other piece that must be coherent with it is ready to go and then bring

them back to University Council together is an excellent proposal.

As it goes back to UCC, I would further suggest, there are still some passages that are unclear. I will argue that clarity of what their intentions are is really essential here. For example, the language is very clear on what happens if a hearing board finds a student to be responsible. The parallel language of what happens if the hearing board finds the student not responsible, one has to infer from the current language, it's not explicit.

J. Peters: Okay so two thoughts there, one was a support for the motion that's on the floor and the other was some specific suggestions.

K. Thu: Well, I just want to add my support and also share some of the sentiment from my colleagues who are chairs and program directors in the College of Liberal Arts and Sciences. We've been trading e-mails on this issue and 11 different department chairs or program directors have strong reservations about some of the language, lack of clarity in the language and so I think they would support the motion that Alan offered.

R. Alden: I would like to also support the fact that this is being viewed as an opportunity for the committee charged with this to go through this and make sure there is clarity in a very important due process component of our APPM. One point that I made to Alan when he and the President and I met: The language about what happens when a grade appeal recommendation comes down, the statement that the Dean shall direct the instructor to make the grade or penalty change, doesn't comply with the recommendations of AAUP. That is more in what I've understood the practice where an administrator will meet with the student and meet with the instructor, either together or separately, try and resolve with the grade appeal recommendation in hand, and not compel the instructor if they say no, which brings on the next sentence, which is in compliance with the AAUP type of position which is, if they can't resolve that negotiation, then the Dean or administrator can make the grade change themselves, based on the recommendation of the grade appeal committee. This issue of using the words, "shall direct the instructor," is a little bit too strong and I would suggest that we reflect more of this mediation type of negotiation with the administration having ultimate authority on behalf of the good of the university to perhaps make the grade change if it is not something that the instructor is willing to do on their own.

J. Peters: That's pretty standard practice across the country that either the Dean does it or directs a department chair to do it but you don't force the professor to do it.

G. Long: One thing I have a question about too is: I was at the Faculty Senate meeting and there was extended discussion on what people perceived as remaining ambiguities in the language and I think one of the issues we face is whenever we are trying to be so precise with language, it's difficult. Some of the senators at the meeting had also suggested maybe making a flow chart or a diagram, and I'm wondering if would be helpful to start thinking about presenting things visually, in addition to the text-based description? Because if you had the flow chart with the description, I think you would remove a lot of the potential ambiguities.

J. Peters: Excellent suggestion.

R. Alden: Related to that, I know many universities that do have these flow charts also have

electronic flow of information so people can keep track of where any given kind of activity of this sort is in the process. Not to divulge what is being debated, but just so that people know who's on first and where it is in the process. So having a flow chart is kind of a prelude to an electronic document flow, which we may get to one day.

N. Lindvall: Hi, I'm Nora Lindvall from the Student Association. I just wanted to comment from the students' perspective about what Dr. Long just said about having a flow chart. I sit on the UCC as well and I've had trouble understanding exactly the issue what's going on with all the language. I think a flow chart would be very helpful to students' understanding and making it a much clearer situation for us. Thank you.

J. Peters: Okay, hearing no more discussion, there is a motion on the floor. You want to repeat the motion for the record.

A. Rosenbaum: Okay the motion is that we send the catalog language back to the UCC, the catalog language is on page 32, with the recommendation that they wait until the Council has approved the new appeal policy for grade penalties resulting from an academic misconduct finding and that we remand the appeal policy to our Academic Policy Committee for consideration and possible rewriting.

The motion passed 41-2-3.

IX. COMMENTS AND QUESTIONS FROM THE FLOOR

J. Peters: Comments or questions from the floor?

N. Bender: Noted that while there are real safety issues, he disagrees with the way they were depicted by the Northern Star cartoon and feels that such depictions are a threat to the goals of Vision 20/20.

J. Peters: The Northern Star is independent and they are student journalists and I've received a lot of e-mail and it does, for those of us who have been through that horrible moment, February 14th, this is quite alarming and disheartening. Anyway, it's a teachable moment. This is a university and these are student journalists. Life will go on and we are a very safe place relative to this world.

N. Bender: Absolutely sir, anywhere you go you have a threat, anywhere you go.

J. Peters: Do you like the clickers? [positive response from the body] Me too.

A. Rosenbaum: Don't take them with you.

X. INFORMATION ITEMS

- A. [Alternate Policy](#) – Page 37
- B. [Annual Report](#), Athletic Board
- C. [Annual Report](#), University Benefits Committee

- D. [Minutes](#), Academic Planning Council
- E. [Minutes](#), Admissions Policies and Academic Standards Committee
- F. [Minutes](#), Athletic Board
- G. [Minutes](#), Campus Security and Environmental Quality Committee
- H. [Minutes](#), Committee on Advanced Professional Certification in Education
- I. [Minutes](#), Committee on the Improvement of Undergraduate Education
- J. [Minutes](#), Committee on Initial Teacher Certification
- K. [Minutes](#), Committee on the Undergraduate Academic Experience
- L. [Minutes](#), Committee on the Undergraduate Curriculum
- M. [Minutes](#), General Education Committee
- N. [Minutes](#), Honors Committee
- O. [Minutes](#), Operating Staff Council
- P. [Minutes](#), Supportive Professional Staff Council
- Q. [Minutes](#), Undergraduate Coordinating Council
- R. [Minutes](#), University Assessment Panel
- S. [Minutes](#), University Benefits Committee

XI. ADJOURNMENT

Meeting adjourned at 4:20 p.m.