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## UC Minutes 2011-01-26

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**UNIVERSITY COUNCIL MINUTES**  
**Wednesday, January 26, 2011, 3 p.m.**  
**Holmes Student Center Sky Room**

**Present:** Alden, Bennardo, Bishop, Bond, Brandt, Brubaker, Butler, Carter, Collins, Cunningham, Dawson, Elish-Piper, Freeman, Greene, Griffin, Gullio, Gupta, Haliczzer, Hansen, Hemphill, P. Henry, Holly, Houze, Howell (for Neal), Hurt, Kowalski, Lash, Latham, Lee, Lenczewski, Lusk, McCord, Mirman, Mohabbat, Monteiro, Peters, Quick, Rosato, Rosenbaum, Sagarin, Small, M M C. Smith, R. Smith, Thu, Venaas, Vohra, Williams, Willis

Parliamentarian Ferald Bryan was present

**Absent:** Bowers, Bozikis, Calmeyer, Cassidy, Castle, Coles, Cummings, Feurer, Hall, Henderson, Jaffee, Kaplan, Mogren, Neal, Newman, Prawitz, Richmond, Robertson, Schoenbachler, Shortridge, Slotsve, Snow, Von Ende, Waas, Weber, Yamagata-Lynch

**I. CALL TO ORDER**

President John Peters called the meeting to order at 3:10 p.m.

**II. ADOPTION OF THE AGENDA**

**J. Peters:** There are two changes to be made to the agenda. The first change, under Roman V, Consent Agenda, add a D item, which is to confirm Pat Henry as Chair of the Academic Policy Committee, replacing Kerry Freedman. Move item Roman VI, I. University Affairs Committee Report to Roman VI, A.

The motion was made by an unidentified Council member and seconded by S. Willis. It passed without dissent.

**III. APPROVAL OF THE MINUTES OF THE DECEMBER 1, 2010 UC MEETING (sent electronically)**

P.Henry made the motion which was seconded by an unidentified council member. The minutes were approved as written and without dissent.

**IV. PRESIDENT'S ANNOUNCEMENTS**

**J. Peters:** Welcome everyone. Something happened today that is of extreme import to us. The Illinois Appellate Court today has struck down the State's Capital Construction Program and all of its funding sources. They claim that the legislation violated the Constitution's Single Subject Rule and when the Legislature votes on a capital program and a revenue source, it should be single purpose and not multiple. This was passed, you might recall, by the General Assembly in 2009 and many of these projects across the state are under way. And as I walked in, Dr. Williams

told me that there is a suspicion that the Capital Development Board, which is the administrator for all these programs, will issue a halt order tomorrow on things. Rich Miller, wrote, "This has to be, without doubt, the biggest Appellate Court ruling on Illinois policy in decades. Everything, and I mean everything, has to be redone if the capital projects are to be saved." Speaker Madigan indicated just a few minutes ago that he estimates that 40% of the funding sources for the State's major capital construction program passed in 2009 were eliminated by the court ruling today.

Now, what does that mean for NIU? Here's what it means. I guess first the good news is Cole Hall funding remains safe and intact. In fact, the University has already received the funds for this renovation through the hard work of a lot of people and when the Governor came and visited us last year, he brought the check. However, NIU's funding for Steven's renovation, \$22.5 million, and the planning funds for the technology building, the Computer Science Building, \$2 million planning money, have been nullified through this Appellate Court ruling as well as most of the millions of dollars in capital renewal funds for general infrastructure upgrade and for ongoing projects not yet completed. Somebody just handed me this as I walked in. "From the Governor's office, the Administration," that means the Governor, "intends to appeal the Appellate Court's decision and to seek an immediate stay from the Illinois Supreme Court. Capital bill projects are putting thousands of people to work in every corner of the State while supporting local businesses, improving our infrastructure and increasing energy efficiency." I think he's trying to make the argument there that that's the single purpose, even though there have been many sources, that's the single purpose. "While the Administration's request to stay is pending in the Illinois Supreme Court, capital projects already in progress will continue as scheduled." "We would expect the Supreme Court to rule on this request and stay in the very near future."

**K. Thu:** Does that also mean then that the planning money for Stevens is gone?

**E. Williams:** Those funds are also subject to the Appellate Court ruling and therefore, they are frozen.

**J. Peters:** Let me talk a little bit about the budget. Now, the 96th General Assembly did wrap up its session with final action to substantially raise State revenues. Senate Bill 2505 increased the personal income tax from 3% to 5% along with the corresponding increase of 7% in the corporate income tax, not including the personal property replacement tax. It's estimated that that increase will generate up to \$6 billion annually and has been described as part of the solution but not the resolution of the Illinois fiscal dilemma. It's going to take revenue enhancement; it's going to take budget restraint and probably some borrowing to set the financial house in order.

I try to explain it to people, and it's not this simple at all, but think in simple terms: If a household gets itself into trouble and its cash flow can't meet its obligation, you consolidate its debt, maybe re-borrow and refinance and pay it based on a cash flow. That's what I think the borrowing bill, which has to be debated in this session, does. I think it needs to pass, along with several years of fiscal restraint. Then with economic growth, I think we can be out of it in a few years. Our issue is cash flow. We're using our local funds to make payroll while we're waiting on the State to pay us, and it's getting old. The Legislature also passed Senate Bill 3514 to fund

the \$3.7 billion pension obligation for the current year. The larger borrowing proposal, Senate Bill 0336 for \$8 billion to pay the current obligations to vendors, including universities, did not achieve the required 3/5 majority of 71 votes and failed on a vote of 68 to 49 in the lame duck session. They came pretty close, and, as I said, the importance of this measure will come out in the forefront in the new session and probably in the Governor's agenda. That is high on the Governor's agenda.

House and Senate Republicans withheld any votes supporting either the tax increase or borrowing because I think most of them wanted to see spending cuts and discipline before they would approve borrowing or new taxes. Remember, there was a university borrowing bill last year that ran out and the proposal for us to borrow on our funds was not acted on and probably would gain added importance if new state revenue is not used to bond for sufficient cash to pay our general obligations. I'm not a big fan of that bill but if that's our last card we play, to borrow on our local funds, I guess we have to play it, and it would be great to have that authority and remember our trustees very reluctantly voted in favor of that.

We have received, so far, \$9.1 million for this fiscal year. But, that's the good news. The bad news is we're owed \$77 million. No MAP funds have been received for fiscal 2011. We're owed from the fall semester \$12.2 million. A student applies and receives MAP funding from the Illinois Student Assistance Corporation and they determine what they're eligible for, a dollar amount, and they receive an award letter and we apply it. So based upon the fact that the students receive the letter, and the assurances that we receive that we were going to get the money, we have covered the \$12.2 million, but have not received any of it. So, add that to your \$77 million. Then, of course, we have to be concerned about MAP funding for the spring semester, another \$12 million.

I believe we're able to deliver on the quality of our educational experience under tight budget constraints, meet our payroll, invest where necessary in our infrastructure, addressing safety and other related matters, which is always the highest priority as well as positioning the University in our highly competitive market for new and returning students. So, we're doing all of that, but it's getting harder and harder in this environment. We're managing and we'll continue to manage, utilizing the strategies and the priorities we put in place. We have an employment freeze, but we do let positions go when we determine they're critical or necessary and we have the funds to support without jeopardizing payroll. The winter shutdown does save money, especially when it's real cold, and it was real cold. And I've heard stories about our wonderful building service people in the middle of the night making sure that boilers are fired, that water pipes that freeze and break are repaired and many times, students, staff, faculty, administration, we don't even realize that something happened. So, I want to thank the building service people.

I've got more good news regarding pension reform. This is shaping up to be the biggest issue facing the State and all of you as tax payers and State employees and our retirees and our annuitants. As employees, you have faithfully and regularly contributed your 8% of your gross earnings into your pension plan during your tenure here at NIU. You are not eligible for Social Security credit if you are in the SURS system. Unfortunately, our political leaders have for years underfunded public pensions and now a real crisis is here. You've paid your share, I've paid my share, they haven't paid their share, they've taken a holiday. The obligation has built up and

now the viability of the pension funds is threatened and then the public gets mad at us and blames us. There's just something wrong with that equation, but that's the way it is. NIU has been working really hard and our hero there, Steve Cunningham, is spending a great deal of time working on this. I urge you to review House Bill 146, and we'll probably get that up on our budget website. It was introduced by a suburban legislator last week that would basically enact most of the changes to the pension plans for current employees that took effect January 1<sup>st</sup> of this year for new employees, which is capping and limiting.

So, we really have our work cut out for us and there's a lot of strange legislation out there like the piece of federal legislation that would give authority to the states to declare bankruptcy, which I think is an ideological thing and I hope they're not serious about that because it would send shockwaves through the bond markets. If a state goes bankrupt, who would buy bonds or at what rate? Now, with that, let me just end by saying how fortunate we were that our Board of Trustees gave us the authority and our administrative group, came up with the idea of bonding to get \$135 million in Build America Bonds. They were sold in two issues and we have that money to do our new residence hall and our renovations.

**J.Peters:** At least one aspect of Vision 2020 is how do we, within 10 years, become more self sustaining and less dependent on the State? We need the State, we want their money, don't we? We are a State institution. We're chartered by them to deliver and yet, they've not been reliable. So, we have to do more on our own. I'll give you a little update on Vision 2020, we now have across the Steering Committee and the seven working groups, we have about 113 people involved and it's a broad representation from students and faculty, alums, administrators; it's really a good group. We've had a Steering Committee meeting— it's pretty big, 30-40 people – and I've met with the co-chairs of the working groups, and they are in the process of meeting and most have met multiple times already, working on coming up with benchmarks in their areas. I've scheduled monthly meetings with the working group co-chairs to discuss their progress and early in February we have our next meeting, and we're going to have a Steering Committee meeting in March. I know that many of the groups are putting in place processes to get input from the larger community, whether they're focus groups or websites, they're all doing it in their own way, depending on the issue. Our timeline is ambitious. I've asked the working groups to have their reports finished by April 15<sup>th</sup> so that they can be presented to the Steering Committee by May 15<sup>th</sup> and presented to the Board of Trustees in June. And in between there, there will be public comment on the various drafts.

**P. Henry:** In terms of the websites for the various subgroups, is there some sort of central website?

**J. Peters:** There is: [www.niu.edu/Vision2020](http://www.niu.edu/Vision2020). Now, there's not a great deal of update on there right now, but there will be in the next several days.

## V. CONSENT AGENDA

A. [2020-2021 academic calendar](#) – refer to University Affairs Committee – page 3

- B. Review and update [Guidelines](#) and Principles for Establishment of Academic Calendar – refer to University Affairs Committee – page 4
- C. Annual Evaluation of the University Ombudsman, [Bylaws 19.4](#) – refer to University Affairs Committee
- D. Confirm Pat Henry as chair of the Academic Affairs Committee (replacing Kerry Freedman)

**J. Kowalski:** Made a motion to approve the consent agenda, **S. Willis** was second.

The consent agenda passed without opposition.

## **VI. REPORTS FROM COUNCILS, BOARDS, AND STANDING COMMITTEES**

- A. University Affairs Committee – M Cecil Smith, Chair – report
  - 1. [Collegiality Policy](#) – page 10

**M C. Smith:** I would like to call your attention to the University Collegiality Policy on pages 10 and 11 of your agenda. There is some accompanying documentation on the following pages, the rationale for the University Collegiality Policy, which University Affairs has been working on for about the past year and a half. There are two issues, one is first for the University Council to accept the policy, and I'll make a motion to that effect in just a moment. The second issue pertains to the appropriate placement of the policy, I'll let you think about that for a moment, and I'll make a motion in regards to placement of the policy, but before making any motions, I would be happy to entertain any questions that you might have about the Collegiality Policy and I'll try to answer your questions.

**M C. Smith** moved the approval of the collegiality policy. **P. Vohra** was second.

**J. Peters:** Alright, now discussion.

**K. Thu:** I would just offer a friendly wording suggestion, change for section 1.13, the very first sentence where it reads, "Allegations or complaints of a documented pattern or frequent and pervasive un-collegial activity," I would suggest putting the last or the second part of that sentence there, which is, ", or a severe un-collegial act that clearly interferes with the professional working environment." So, you delete, "resulting in the same circumstances," which is somewhat ambiguous.

**J. Peters:** The record shows that Cecil Smith agreed to that change.

**J. Kowalski:** As I was reading this, I noticed that the reference to, "student" or "students" was uniformly excluded. On Faculty Senate, we had a recent discussion about the need for student grievance and I read Buck Stephen's memorandum that's posted on that site, so I'm asking what

was the reason for striking, “student” from this at this point.

**T. Latham:** I believe the committee discussed that this particular policy really dealt with the employees as a whole and that the student grievance process would be separate. So, when we’re looking at this policy, we look at faculty and we look at the civil servants as an encompassing document and students, we believe, should have been left to another policy to address their process.

**M C. Smith:** As you can see, the language for the policy is largely drawn from the bylaws and from the AADR.

**J. Kowalski:** I think that answers my question. It provides a rationale for making this primarily about people who are employed at the institution in some way, whatever their particular status is of employment. But, it might make it more imperative that we then consider whether or not we have need for a student grievance policy.

**J. Peters:** So, what I’m hearing is that the issue of student grievances is unresolved by this document and that that’s an issue that should be considered in some other fashion.

**J. Kowalski:** I’m saying I could accept excluding the word, “student” or “students” from this, but there should be an understanding that there are other reasons why we need, perhaps to consider it elsewhere or in other ways.

**A. Rosenbaum:** Historically, I think though, Cecil, your committee did not strike, “students.” That’s the way it came to you, am I correct on that?

**M C. Smith:** That is correct.

**A. Rosenbaum:** So this, as Cecil mentioned at the beginning, has gone through a number of different bodies including legal counsel. And that was stripped out early in the process because it seemed inappropriate to delay this process by trying to also craft a student grievance policy at the same time.

**J. Peters:** called for the vote, which was approved without dissent or abstention.

**M C. Smith:** The second issue pertains to the placement of the policy, so I would like to make a motion that the policy be placed into the APPM, section 2, item 21. That section is titled, The Statement on Professional Behavior of Faculty. As part of the motion, we recommend changing the heading to The Statement on Professional Behavior of Employees.

**P. Vohra:** seconded the motion.

**D. Haliczzer:** Hello, I apologize Cecil because I’m going to reverse what I was talking to you about last time. We’ve discussed a great deal about the placement of this policy and, while it makes a great deal of sense and procedurally it’s pretty efficient to put it in the Academic Policies and Procedures Manual, I would be concerned that that would mean that operating staff

might not feel it applies to them, as non-academic staff.

**P. Vohra:** I sit on the committee. This was discussed in the committee and one of the suggestions that was made by the members was that we should list this policy on the HR website and link it to the APPM place where it is listed. So, everybody who is looking for some policy is going to go to the HR website and the academic world will go to APPM, so we will cover both the worlds.

**J. Peters:** Alright, so the APPM usually is involved with faculty matters.

**S. Willis:** Faculty and SPS.

**J. Peters:** Did the committee consider other appropriate places?

**M C. Smith:** Yes we considered placement into the Constitution and Bylaws.

**A. Rosenbaum:** There was also something that was raised the other day about the possibility that we have some policies that are neither in the APPM nor in the Constitution, and we were going to try and get some clarification of where those policies reside.

**S. Cunningham:** There are a number of policies that exist that are adopted in various ways. They are adopted by this body, they can be adopted by the administration, they're administrative policies, in accordance with statutes and regulations; and, of course, there is the Board of Trustees regulations. On the HR website, we do have an Employee Conduct and Accountability Guide that attempts to incorporate as many of these policies as possible, sort of as a single reference point. So, it's not a problem, to put this policy in that. As a dually-adopted University policy, it carries weight independent of where we put it, and I think, you know, we probably have some work to do longer term in terms of indexing and compiling all the various policies that exist out there. But probably the APPM is sufficient for this policy and we can also place it in other areas where we put policies that pertain to all staff, both academic and non-academic.

**S. Willis:** I have a point of clarification Cecil. When you said you wanted to change the title to Professional Behavior of Employees, is that the title of all of section 2 that you are referring to?

**M C. Smith:** Yes.

**S. Willis:** OK.

**J. Peters:** called for the vote which was passed with one no vote.

**J. Peters:** thanked the committee for its good work.

B. FAC to IBHE – Earl Hansen – [report](#) – page 5

**E. Hansen:** The meeting on December 10th was held in Springfield. The meeting had a blue ribbon study group look at the MAP bond funding proposal. You can find information on that if



you look at the [www.illinois.org](http://www.illinois.org). At the meeting on January 21<sup>st</sup>, which was last Friday, we met with some business leaders and I'll present that at the next meeting. The IBHE has hired a new Executive Director, George Reed, who was the Assistant Secretary of Planning and Academic Affairs of the Maryland Higher Education Commission and he came on board on the 27<sup>th</sup> of December in Springfield. The Governor's office has finally asked for a list of four names from the IBHE Faculty Advisory Committee to put on the IBHE Advisory Committee, and those names have been sent forward.

**S. Willis:** On the second page of your report, in that first full section, it says something about, "In response to a question about eliminating advanced degrees and about teaching loads at public institutions, Don said he expects no movement on the latter, however, legislatures might want to take a look at the former for public institutions since everything is on the table." Does that mean that they are looking at eliminating advanced degrees at public institutions? Am I looking at that, am I reading that correctly?

**E. Hansen:** I think they are just looking at everything across the board from an IBHE perspective. I seriously doubt, from what I hear and see at our meetings, that we're going to see any big movement on teaching loads at public institutions and/or doing away with degree programs. I don't know. There are funding issues at each state institution and those institutions are going to have to address those funding issues as best they can, which SIU did just last month.

**J. Peters:** I've heard nothing but anything's possible. You have a new Director of the IBHE, you have a new legislature, who knows, but I haven't heard anything about that.

- C. BOT Academic Affairs, Student Affairs and Personnel Committee – Kerry Freedman and Ferald Bryan – no report
- D. BOT Finance, Facilities and Operations Committee – Alan Rosenbaum and Greg Waas – no report
- E. BOT Legislation, Audit, and External Affairs Committee – Jay Monteiro and Todd Latham – no report
- F. BOT – Jay Monteiro – [report](#) – page 9

**J. Monteiro:** The Board of Trustees met Thursday, December 2<sup>nd</sup>.

A. Information Technology services multiyear Blackboard licensing agreement, and what this does is this adds mobile access to our Blackboard system.

B. Northern Illinois Proton Treatment and Research Center grant agreements. A grant from the U.S. Department of Defense for \$9.4 million will be received over two years, and there is a potential of a third year of funding.

C. Finance and Facilities enterprise resource planning infrastructure replacement, and this is approval to fund another upgrade to the PeopleSoft system.

D. Selection of architectural engineering and consultants for projects related to campus non-instructional modernization. This is contingent upon IBHE approval, and this allows people

to design and engineer, to pick engineer consultants for improvements to Grant Towers and Gilbert Hall, the Holmes Student Center and several of the roadways and infrastructures on campus as well as some new intramural fields that will be constructed over by the residence halls.

E. Collective bargaining agreement for the Metropolitan Alliance of Police. This was a small union agreement, and it affected about four employees on campus, and they are in the security guard area.

Then, President Peters gave his Vision 2020 plan. The BOT set the meeting dates for this year and then at the end, there was a resolution read and presented to Ken Davidson in honor of his retirement and his service to NIU.

**J. Peters:** I think the next meeting of the Board is March 24<sup>th</sup>.

- G. Academic Policy Committee – no report
- H. Resources, Space and Budgets Committee – Laurie Elish-Piper and David Goldblum, Co-chairs – no report
- I. Rules and Governance Committee – Suzanne Willis, Chair – no report
- J. Elections and Legislative Oversight Committee – Abhijit Gupta, Chair – no report

## **VII. UNFINISHED BUSINESS**

## **VIII. NEW BUSINESS**

## **IX. COMMENTS AND QUESTIONS FROM THE FLOOR**

## **X. INFORMATION ITEMS**

- A. [Committee on Initial Teacher Certification – October 15, 2010 minutes](#)
- B. [University Assessment Panel – November 5, 2010 minutes](#)
- C. [University Coordinating Council – November 4, 2010 minutes](#)
- D. [Committee on Undergraduate Curriculum – September 16, 2010 minutes](#)
- E. [Committee on Undergraduate Curriculum – October 14, 2010 minutes](#)
- F. [Committee on Undergraduate Curriculum – November 11, 2010 minutes](#)
- G. [Committee on Undergraduate Curriculum – November 18, 2010 minutes](#)
- H. [Annual Report – Athletic Board](#)
- I. [Committee on Advanced Professional Certification in Education – October 4, 2010 minutes](#)
- J. [Committee on Advanced Professional Certification in Education – November 1, 2010](#)

## **XI. ADJOURNMENT**

Meeting adjourned at 4 p.m.