Indiana University
BLOOMINGTON FACULTY COUNCIL
February 15, 2022
President's Hall
2:30 pm – 4:30 pm

MEMBERS PRESENT: Banks, Karen; Calloway-Thomas, Caroline; Carini, John; Cohen, Rachael; Daleke, David; Davis, Allen; Deeds, Anna; Deliyannis, Constantine; DeSawal, Danielle; Dunca, J; Fleming, Jackie; Gill, Brian; Giordano, Anthony; Guerra-Reyes, Lucia; Herrera, Israel; Johnson, Colin; Kravitz, Ben; Kunzman, Robert; Letsinger, Sally; Libson, Scott; Lion, Margaret; Loring, Annette; Miller, Theodore; Nicholson-Crotty, Jill; Northcutt Bohmert, Miriam; Ossi, Massimo; Pavalko, Eliza; Peters, Chuck; Potter, Rob; Angie, Raymond; Reck, Cate; Sacks, Dan; Sanders, Steve; Shea, Elizabeth; Sherman, Jim; Simpson, Marietta; Singh. Kashika; Spang, Rebecca; Sterling, Svetina, Dubravka; Thomassen, Lisa; Walbridge, John; Wyrczynski, Stephen; Yanites, Brian; Zaleski, Jeffrey; Zorn, Kurt

MEMBERS ABSENT: Ansaldo, Jim; Arcuri, Toni; Banai, Hussein; Dederichs, Marlene; Doucette, Kaitlin; Eskew, Kelly; Frazier, Lessie; Freeman, Ky; Gupta, Nandini; Lester, Jessica; Luketa, Valentina; Machado, Pedro; Olcott, Courtney; Raymond, Angie; Shy, Katie; Sterling, Thomas; Willis, Erik; Wu, Jiangmei

GUESTS: Lemper, Tim

AGENDA:

1. Approval of the <u>minutes of January 18, 2022</u>

2. <u>Memorial Resolution for Jon Michael Dunn</u>

3. <u>Memorial Resolution for Susan J. Eklund</u>

4. Executive Committee Business (10 minutes)
   Marietta Simpson, Faculty President

5. Presiding Officer's Report (10 minutes)
   Rahul Shrivastav, Provost

6. Question/Comment Period (10 minutes)

7. Proposed amendments to BL-ACA-D27 Faculty Misconduct (10 minutes)
   Tim Lemper, Co-chair of the Faculty Affairs Committee
   Steve Sanders, Co-chair of the Faculty Affairs Committee
   [Second Reading - Action Item]

8. Questions/comments on the proposed amendments to BL-ACA-D27 Faculty Misconduct (25 minutes)

9. Report on the survey on non-tenure track faculty participation in governance (15 minutes)
Sally Letsinger, Chair of the Research Affairs Committee
[Discussion Item]

     • Resolution concerning voting rights of full-time non-tenure track faculty (approved by BFC 3/19/2019)

10. Questions/comments on the report on the survey on non-tenure track faculty participation in governance (20 minutes)

TRANSCRIPT:

SHRIVASTAV: Good afternoon, everyone, and welcome to the February meeting of the BFC. I'm Rahul Srivastava, Executive VP, and provost and I'm absolutely thrilled to be here.

I apologize in advance for breaking protocols as I certainly will because I've not been in this group or run this meeting before, so please excuse me but I do have an agenda and wonderful training from Marietta and several others on this, so hopefully this will go without a hitch.

AGENDA ITEM ONE: APPROVAL OF MINUTES OF JANUARY 18, 2022

So the first order of business is approval of minutes for January 18th. I assume we take a vote on this. So if you've read it and have no concerns, do we go straight to vote, or is that open for discussion?

00:03:44,540 --> 00:03:49,545
[BACKGROUND] That's right, we need a motion.

00:03:49,545 --> 00:03:52,245
Thank you. First 10 seconds so most of you have a vote. We have a question.

00:03:55,620 --> 00:03:56,805
>> No, a second.

>> We have a first and the second so we are ready to vote on this.

00:04:03,645 --> 00:04:05,205
Is this a voice vote I assume?

All in favor, please say aye.

00:04:07,455 --> 00:04:12,385
>> All opposed. Motion passes. Thank you.

AGENDA ITEM TWO: MEMORIAL RESOLUTION FOR JON MICHAEL DUNN

The second item is a memorial resolution for Jon Michael Dunn. This will be read by Professor John Walbridge.

WALBRIDGE: Thank you. I'm going to break protocol on my own behalf and explain why I'm reading this. For 20 years I had lunch almost every Tuesday with Mike Dan and a group of his retired friends.

There are only two of them left now, but it was an honor and pleasure for me for all those years.

And I would hope that you would take the opportunities to spend time with the people who came before you, how to feel filial piety, but also because there's much to be learned from them.

Jon Michael (Mike) Dunn was a native of Indiana—born in Fort Wayne to Jon Hardin and Philomena Elizabeth Dunn, and raised in Lafayette. He received his Bachelor of Arts at Oberlin College in 1963. He received his Ph.D.
three years later from the University of Pittsburgh (in 1966) with a dissertation on The Algebra of Intensional Logics, where he studied with Alan Ross Anderson and Nuel Belnap. He taught at Wayne State University in Detroit and at Yale University before joining the philosophy department at Indiana University in 1969. He remained at IU until his retirement in 2007 as the Oscar R. Ewing Professor of Philosophy.
Professor Dunn was a fellow of the American Academy of Arts and Sciences, president of the Society for Exact Philosophy, on the executive committee of the Association for Symbolic Logic, editor of the Journal of Symbolic
Logic, and chief editor of the Journal of Philosophical Logic. He was the author or co-author of seven books and over 100 papers. Professor Dunn was a Fulbright-Hays research senior scholar and visiting fellow from 1975 to 1976 at the Institute for Advanced Studies, Australian National University in Canberra. He was also a senior visitor at the Mathematics Institute, Oxford University, in 1978 and an American Council Learned Societies fellow, 1984–1985.

Professor Dunn had a huge influence on the development of the Department of Philosophy and its ascent during the 1990s to national and international prominence in the field of logic. He was chair of the philosophy department from 1980 to 1984 and from 1994 to 1997. He also served as an associate dean in the College of Arts and Sciences, 1988-1991, and as the executive associate dean, 1991-1993. The founding dean of the School of Informatics at Indiana University in 2000 (later, the Luddy School of Informatics, Computing, and Engineering), Dunn was a professor of computer science from 1989 to 2007, and a professor of informatics

from 2002 to 2007. In 2007, he received the Indiana University Bloomington Provost's Medal and was appointed a Sagamore of the Wabash by the Governor of Indiana.

Much of Dunn's work would be called algebraic logic in the sense that it uses ideas from abstract algebra. This is a rare profile for a philosophical logician, and it is reflected in his book, Algebraic Methods in Philosophical Logic (with G. Hardegree, 2000). But he also developed proof-theoretic methods and brought both algebra and proof
theory to bear on a wide range of logics. He was an especially important contributor to relevance logic, and on that topic, he was one of the world's foremost experts. His work on the algebra and proof theory of relevance logic anticipated the much later development of linear logic by others. He also introduced a new topic known as gaggle theory (generalized Galois logics), developed especially in the book of that name (with K. Bimbó, 2008). In addition, he worked on quantum logic and computation and proved, with Katalin Bimbó, the decidability of Ticket Entailment, an open problem since 1960. He was a prolific contributor to work on the family of logics called substructural logics, and there again, he was one of the world's experts.

In his autobiography and in his talks, he said that he thought of logics as tools and called himself a tool-builder. His work as a whole did not try to advocate for one or another approach to logic but rather to offer a full toolbox to working modelers and scientists who use logical systems.

Despite being a very busy researcher and administrator, Professor Dunn always made time for others. He was a wonderful conversationalist, and often hilarious. Many of his jokes were logic jokes. He and his wife Sally hosted annual holiday parties in December, which brought together a wide cross-section of the IU community. These gatherings were filled with good cheer, camaraderie, joy, and spirited exchange. He was generous with his time and knowledge, unpretentious, and very supportive of students, young researchers, and colleagues, who remember him with affection and admiration and as a role model not just for being an academic, but for having lived a full, rich life. In the words of one of his most famous students, "[he] was a force of nature and a gentle soul."

He married Sarah (Sally) Jane Hutchison and is survived by her and their two children, Jennifer Anne and Jon William Dunn.

00:09:22,560 --> 00:09:25,300
SHRAVISTAV: Thank you, Professor Walbridge.

AGENDA ITEM THREE: MEMORIAL RESOLUTION FOR SUSAN J EKLUND

SHRAVISTAV: We have a second memorial for Dr. Susan J. Eklund. It'll be read by Vice Provost Rex Stockton.

STOCKTON: Susan J. Eklund was born June 2, 1939 in San Antonio, Texas. She was the oldest of two daughters and became a leader in everything she did. Professor Eklund received her B.A. in psychology from the University of Texas in 1961, M.S. in psychology from Trinity University in 1962, and her Ph.D. from Vanderbilt University in 1970. While teaching at

Indiana University for 35 years, she progressed from assistant professor to full professor to titled professor. Eventually she became the Bryon A. Root Professor in Aging. During her career, Susan received high honors, including the Pinnell Award from Indiana University for her distinguished service, The Distinguished Teaching and Mentoring award at IU's graduate school, and the charter fellow for the Association for Gerontology in higher education for her contributions to gerontology education. For one so prolific a scholar, Professor Eklund served on many committees, from departmental to organizational.

Professor Eklund initially taught educational psychology when she began her career at Indiana University in 1969 as director of the school psychology program, housed in the educational psychology department (later the Department of Counseling and Educational Psychology). In that role, she generated several innovative training programs at the undergraduate and graduate level. She was active in mentoring graduate students and directed 33 dissertations while serving as a member on another 95 dissertation committees. Her teaching has been described by former students as having a major life-changing influence on them. From Susan, new faculty learned the complexities and nuances of the academy's expectations for research, teaching and service. Her advice was given in a gentle and caring manner.
In addition to being a first-rate scholar, Professor Eklund had important administrative roles as well. In 1969, Susan came to Indiana University as director of the school psychology program. Later, she became acting chair of educational psychology for one year, followed by two years as chair. Susan served for 16 years as director of IU's Center on Aging and the Aged, as well as associate dean of the faculties.

In the late 1970s, Susan had the insight to see that the next major wave of interesting research questions and applied needs in psychology was in the field of ageing. So, she pursued postdoctoral training at Duke University and the University of Arizona to prepare herself for a substantial career change. Following this, she developed a major new emphasis in the educational psychology department. She trained numerous professionals and pursued important research in this area. Susan's basic research interests were in life-span development. She examined cognitive and memory function in adults as they age. She conducted research in several areas: school psychology, adult development and gerontology, and academic administration. She and Barbara Hawkins conducted the first major longitudinal study of the cognitive and memory functioning of individuals with autism. Susan and her colleagues also conducted cross-cultural investigations of cognitive and memory functioning of elderly individuals in the U.S., China, Australia, and other countries. She subscribed to a systems model of human development and behavior, and is one of the few people who were able to implement both a broad, highly contextualized view and, at the same time, focus quite specifically on the question or problem of the moment.

Professor Eklund, along with professor and dean of the faculty Moya Andrews, established "The Emeriti House"—a place for retired faculty to gather, socialize and share intellectual interests. This has become a favorite place for retired faculty whose programming is going strong to this day. Emeriti House has served as a model for other institutions to emulate.

As an individual, Dr. Eklund had the wonderful ability to make and keep friendships. She was a loyal and loving friend to many. As one of us, Marianne Mitchell, commented, "She was a marvelous traveling companion."

Thank you very much.

SHRAVISTAV: Thank you, Laiser. For those who are able, please stand for a moment to silence in recognition of her colleagues.

AGENDA ITEM FOUR: EXECUTIVE COMMITTEE BUSINESS

SHRAVISTAV: Thank you. I will now pass it onto Marietta for Executive Committee Business Report.

SIMPSON: First, today I'd like to say welcome to our new provost. It's clearly a momentous occasion in the room and we'd all like to wish you well in your new tenure as the provost of this campus and our representative and our advocate, and we are very excited to have you with us today.

[APPLAUSE]

The executive committee received a request from the Indiana Graduate Workers Coalition that the executive committee will discuss in our next committee meeting, but I wanted to inform you that we had received that request.

Last week, the chairs of your school policy committees received an email from the BFC office with a memo from Tim Lemper and Steve Sanders who are presenting here today, the co-chairs of the Faculty Affairs Committee. The memo explained that the UFC will soon be considering versions to the university level policy governing faculty boards of review.

The Faculty Affairs Committee has begun its own study of those proposed revisions and will provide feedback to the UFC on behalf of the Bloomington Faculty. But because of the importance of the FBR's to faculty, the BFC Executive Committee asked Tim and Steve to also share the UFC proposals with your school policy committees.

While this sort of faculty grievance policy is not a typical subject for school policy committees, we felt that as elected faculty bodies, they are in position to also play a useful role in assuring an effective faculty voice in this process.

So that the feedback from your school policy committees can be incorporated into the faculty affairs committee's work. The memo asked your policy committees to provide thoughts or concerns to Steve and Tim by March 11th.

Why do I mention that?

Because we would like you to give a nudge to your school policy committees in case they have not responded or have not even looked at this yet.

So please be engaged representative that I know all of you are, and speak to your school policy units to make sure they actually do look at this and do respond.

Your feedback is important.

In that same vain, I'd like to remind you that proposals have been sent out to the units regarding adding sustainability literacy as a shared goal in the Gen Ed program.

Please urge your policy committees to respond as soon as possible with feedback to Kelly Eskew and David Bukowski, the co-chairs of the EPC.

I also want to forecast an upcoming vote. The EPC has been working with David Johnson and Sasha[inaudible] on the test optional policy and more specifically, on an existing exemption to the policy previously approved by the BFC.

Test optional is an IUB policy adopted in January 2020. That's not what's up for discussion. But the policy does not include home-schooled students, NCAA athletes, and students who attend high schools that don't have a traditional grading scheme. With COVID, we approved an exception that allowed these three discrete groups to also be included in our test optional admissions process.

Admissions, like all campus departments, plans ahead and we'll be working on Fall 2023 admissions shortly. They would like a one-year extension of the policy exception that will require our approval.

The EPC has asked to see the data on how these three groups did this year, the first year of the exception. They anticipate a favorable report. Recall the David Johnson just presented some encouraging data to us on the test optional approach in January. That data on the three exception groups will be available at the end of March.

EPC will review that and vote on extending the exception and then assuming that all goes well, that vote will come to us at our April 5th meeting.

I just wanted you to file that information away since we won't have two readings. Again, it's an exception we approved previously. We were just merely being asked to extend it for one year.

We'll have an opportunity to have a review of that data before we take our vote.

Please direct any questions you have on that to the co-chairs, Kelly Eskew and David Bukowski.

And the last thing I want to mention is most of us were able to attend the mental health form that we had at our February 5th meeting. And it was very well-received, but we don't want that to be a one and done situation. So if you have any comments, any suggestions that you have to further the conversation moving forward, please send an email to me or send an email to the Bloomington Faculty Council office.

We want to continue that conversation moving forward. Thank you so much.

AGENDA ITEM FIVE: PRESIDING OFFICER'S REPORT

SHRAVISTAV: Thank you, Marietta.

Let me start with my report, which really will be relatively brief considering I've been on the job for about four hours.

[LAUGHTER] First of all, thank you everybody. It is an absolute delight to be back on campus in a completely different role.

Well, let me go more informal here, I was talking to the Herald Times reporter this morning and he asked me, "Sir, what's different about this job?"

I said, "The biggest difference is, it's not just a job, it's personal."
It really is. I've come to this union, I've walked on this campus many times, several years ago and it is absolutely a privilege and an honor to be back here in a different capacity.

Thank you, everybody for the many warm messages of welcome we've received over the last several weeks. It has made transition that much more fun, not any easier, but that much more fun. And I really look forward to working with all of you at all things IU Bloomington.

Before I go any further, I really want to acknowledge the great job that Lauren Robel and John Applegate have done. I know neither of them are here, but really both of them and certainly people before them too have positioned IU into such a great institution.

It has not let off steam in two decades that I left and it's really to their credit. And everybody else who was part of that last two decades of hard work, and particularly last two, two and a half years of incredibly challenging work environment for everybody that IU's positioned as well as it is. So I know I have big shoes to fill and I hope I can continue the momentum that IU's had for the last many years.

I'd say the most important thing here is to acknowledge the anxiety and the unknown, I'm sure you all are facing right now with a number of leadership changes. President Whitten's relatively new, I am about as brand new as I can be.

I know the entire president's cabinet is changing, even as recently as yesterday I believe one of the new vice presidents was announced. So there is that change happening, the same thing is

happening on the IU Bloomington campus. I'm sure it is a little nerve wracking for everybody not knowing where things are headed.

But I just want to say everybody who's here, everybody who I'm talking to, I'm already engaged in all the interviews for other dean candidates or provost vice-president candidates.

The goal for everybody is to come and make IU better and I don't think we will lose the character or the good things that have defined IU and particularly IU Bloomington over the last many decades.

I know my goal is to maintain all the good things that IU has been for me personally and for everybody else here and I will continue to be an advocate for this flagship campus for IU.

As I said during the interview process, for those of you who participated, to me shared governance is a very important element of higher education in the United States.

This is what really defines US education different from the rest of the world. It has a lot of responsibility on all of us. It requires us to work in a way that forms consensus, that respects opinions but that also continues to move forward.

We cannot afford for consensus building to slow things down, but at the same time, we have to respect the range of opinions and range of perspectives that a wide group like the faculty governance teams that universities in the US bring.

I really believe that is what has kept US higher education on top in the entire world and we have to defend it and we have to continue working effectively as a team. And I will certainly be part of that discussion with you all as we move forward.

The same goes for tenure and academic freedom.

Again, in an era where truth is being challenged, facts are being questioned, the value of tenure and academic freedom is more, not less. And we have to make sure we preserve it and we continue to work effectively with those two systems in place.

There are certain topics, Gen ED, as Marietta mentioned, is critically important and I really believe that our students would benefit greatly with a strong liberal arts focused Gen ED. That is something we have to evaluate and re-evaluate periodically.

I know you all have been active in doing that, I believe it's still a work in progress. But in things like promotion, curriculum, student performance, evaluation, these are all things that are directly under the purview of faculty governance.

And I hope we can all partner and continue making sure that it keeps updated and be ready for the world that our students will face when they graduate and head out into the world.

In the spirit of these things, I'm already working with Eliza. One of the first high-priority things is reviewing the many tenure and promotion documents she's sending over on my email.

That has been a fun job [LAUGHTER] and it really is a way for me to learn about the excellent work that is happening at IU Bloomington and the people who are on the frontlines doing that work.

I'm sure you're all waiting to hear a vision for IU Bloomington, and let me tell you in very broad terms, my vision is to grow, promote, improve our research. We are a research-intensive AAU school, and by research, I mean not just the publications, I also include in that word the creative activities that happen on campus, the art, the music. Those are all creative productions that happen from the talent that our faculty are.

We have to make sure we expand it, we make it more impactful. We have to find ways to take ideas that are happening in the lab, in a classroom, in
a studio, out to the world. It doesn't help if research ends up in a publication, but it doesn't go past that. We have to, as a university, develop the infrastructure to not only do cutting edge discoveries, inventions, creative activities, but to also take it to its end result.

And so it actually impacts the society at large. So the whole infrastructure, that's going to be a priority. Student success at all levels, undergraduate, and graduate, and professional will continue to be a big focus.

The world around us has changed and continues to change. You look at some of the futurists as they say, and some of the big firms that project the future of the workforce, and you see incredible statistics like 60-70% of the jobs of tomorrow don't exist today.

And when you see those things, you have to make sure that what we do in our classrooms, in our academic programs, in our curriculum is preparing our students for that success.

It's not just about the first job they get or the first internship they take after they graduate, it is really about a career that's going to be 30, 40, 50 years long.

And we have to make sure that whatever we do in the classroom or outside the classroom, in the residence halls, our campus widely is preparing our students for a successful future that is several decades ahead of them.

So that will continue to be a priority.

A third thing, as I've said to some of you is deeper engagement with the broader community. That means the City of Bloomington, Monroe County, but the state, it's about economic development, it's about making sure that the talent and the energy and the passion that we have on a campus like IU between amongst our students, amongst our faculty, amongst our staff, that really goes out and has a measurable impact on the larger community.

It also means that we learn from what the needs are outside, what is happening, what's the demand of the workforce, and bring that back onto campus to see if we can provide those skillsets, provide those competencies within what we do on campus.

So both of those things will impact research as well as our academic programs. So in a nutshell, those are the three big themes that I can mention we will pursue.

I'm deliberately not giving any specific programs or any specific office or a person because for the next three to four months, my priority is really to learn from you.

As I have said to some of you, I'm not walking into a system or a school that is in crisis, this is not a place where we are trying to put fires out, and I need to go and make dramatic decisions immediately, rather, I want to be very deliberate, work with our deans, work with our faculty, work with our vice provost, learn what the opportunities are, learn from things that have been attempted and not worked out like they should have,
and collectively build programs and opportunities to support our students, our faculty, and the broader community.

I started this morning meeting several of the faculty PFC leaders. I met with several staff council leaders, the CTR right in front of me. Just before this meeting, I've met with the Student Government Association, several representatives from there.

To me, it's about people, it's about valuing what they do, and it is making sure that as administration, we are helping them achieve the goals they have set for themselves and for the institution.

So next several months there will be a lot of learning for me to do.
I will ask a lot of questions and I hope you are generous with your answers in helping me educate myself about all things IU Bloomington.

I want to mention two other things. One is the pandemic. I really hope we are turning the corner. All things look good, but we've come pretty close to this before.

Last October I had almost similar conversations and then came the dreaded omicron. And I hope we don't have another setback like that, but we've learned a lot over the last two years and we need to be cautious, but also gently try and move forward with the world as whatever the new normal will take us to.

I know everybody is extremely fatigued and exhausted by the pandemic.

And in addition to exhaustion, it leads to anger.

Sometimes it leads to a lot of cynicism. It's natural, and I think we all have to support each other in getting through whatever it takes before we can all feel like we are back in an engaged society like we were before the pandemic.

It will take time and it will take empathy from all of us.

Everybody has a different set of risks and everybody has a different set of risk tolerance, and we just have to acknowledge that and we have to help people through whatever challenges they are facing.

I'm going to try my best to do that, and I hope we are all continuing to be civil, respectful, and supportive of each other as we have been over the last two plus years.

I know each passing day that exhaustion creeps up just a little bit more, but the more we take care of each other, I think the easier it is for us to get back to normal.

Finally, none of this is on my script by the way, I hope you recognize that the decisions administration has to make whether it's a department head or a dean or a vice provost, or me or president. Our jobs would be very easy if the choices we had to make were between a good and a bad option, or better versus a poor option or a right versus a wrong option.

Unfortunately, most decisions end up being having to pick between two good choices but you can only do one, or having to pick between two bad choices where you have to pick one when you'd rather do neither.

And that's what makes these administrative jobs very difficult and challenging.

I hope you recognize that in the coming weeks, months, and years, and collaborate.

None of the decisions when they are made in favor of your preferred topic or against the preferred topic are really personal.

I think every dean, every vice president, every vice provost
that I've talked to, that intentions are always to help move IU Bloomington forward, and that is what our focus will be. To the extent possible, I will try my best to be transparent and explain why certain decisions were made.

I am very reliant on data in making decisions.

Many times data is available, it's clear, it's good, but many times data is fuzzy and doesn't really tell you much, or it's incomplete or even little things have so many different definitions that it can mean different things to different people.

So those contexts become really important in reviewing any decisions
that are made. So to the extent possible, I'm happy to share the rationale behind any decisions that are made.

But again, please remember, more often than not, decisions are made between two positive or two negative choices.

Making a good versus bad would make my job so much easier that this would be a piece of cake.

With that, thank you again for your welcome and I look forward to working with you all, and I'm happy to answer many questions you might have. No questions?

Thank you very much.[APPLAUSE] Thank you.

AGENDA ITEM SEVEN: PROPOSED AMMENDMENTS TO BL-ACA-D27

SHRAVISTAV: We will then move on to the next item. There are proposed amendments to BLACAD27 Faculty Misconduct. This will be presented by Tim Lemper and Steve Sanders. Steve.

SANDERS: Since it has been four weeks, and to refresh your memory, and since we're at the end of the meeting, we're going to run through, again, a presentation of what the major features are of the policy that you have in front of you.

So again, here you have the members of your Faculty Affairs Committee this year. The faculty misconduct policy is what lawyers, at least, would call a procedural policy. It sets out the rules and processes for how a case of alleged serious professional or personal misconduct by a faculty member is presented and heard.

The substantive standards for faculty conduct, the thou-shalt-nots and the thou-shalls come from what's called the code of academic ethics and other UFC level policy. We can supplement that, we can't otherwise
amended or replace it.

The UFC Policy Review Committee is currently at work on considering that policy and appropriate revisions. So that is a separate policy that is not at issue here.

Alleged sexual misconduct or research misconduct are governed by separate faculty-approved procedural policies and are also not at issue here.

Our goal in this process was to address perceived problems with the existing policy while making the amendments as targeted, and as modest as possible.

We decided not to do an overhaul or a complete rewrite, but only to fix what was perceived as needing to be addressed. The existing policy, as it stands now, covers both tenure stream and non-year tenure-track faculty.

If you read the policy, you can tell it is a policy that was originally drafted only with tenure-track faculty in mind because that is pretty much all the campus had some years ago. But non-tenure track faculty were added to it.

All faculty are held to the same standards of conduct provided by the code of academic ethics and are held to the same procedures under this policy.

The policy acknowledges the academic freedom guarantees that protect all faculty regardless of the category of their appointment. And the policy applies to cases of alleged, the terms overt here are serious personal or professional misconduct, which is defined for the purposes of this policy as an egregious violation of some provision of the code of academic ethics.

So if you are accused of serious personal or professional misconduct, that is the charge that needs to be made in reference to some egregious violation of the code of academic ethics.

The existing policy allows for a range of committee recommended sanctions where misconduct is found, ranging from a letter of reprimand from the provost.

Everything the committee does is a recommendation to the provost, ranging from a letter of reprimand to dismissal. And so it underscores, though, that these actions may only be taken at the end of a process through a process of this faculty-approved misconduct policy.

The policy incorporates an evidentiary standard of clear and convincing evidence. That's actually a higher standard than some other conduct policies, such as the sexual misconduct policy, which are governed by a lower level of standards, simply lower level of evidence, simply preponderance of evidence.

At the last meeting, there was some discussion about this concept of incompetence in the policy.

So let me try to address that. Need to backup and understand that according to an existing university level policy, there are basically three circumstances under which a tenured faculty member may be dismissed. Financial exigencies of the university, serious personal or professional misconduct.

We've discussed what that is or there's this other concept in there that just says incompetence. That is one basis on which the university can dismiss a tenured faculty member.

The current iteration of the misconduct policy refers to incompetence and says almost in throwaway line, cases of alleged incompetence are also to be adjudicated under this policy.

But the problem we noticed was incompetence was never defined, and we weren't comfortable, I think, with that. One of my favorite Supreme Court justices has a famous line in an opinion talking about a principle that lies about like a loaded weapon ready for the hand of any authority that can put forth a plausible claim of urgent need.

That's a fancy way of saying we didn't want this vague and coy idea of incompetence out there that could potentially be invoked by a dean, by the provost, by the vice provost. We wanted to give that a definition as well.

So in other words, it was not our idea to introduce the idea of incompetence into this policy. It was already there mand it was already
there because it's part of a larger existing university policy on setting forth the basis for potential dismissal.

So one of our key achievements here in this proposed revision was to provide ma specific definition of incompetence. I know this may not be what you think of when you hear the word incompetence. What we're saying is, incompetence for purposes of this policy is defined as chronic or egregious dereliction of duty, such as by a faculty member willfully refusing to perform their job duties, unreasonably neglecting their job duties.

Or and I'm sorry, I didn't fix this language to update it after the last meeting, but it is accurately reflected in what you have. mWe've removed the reference to substance abuse at the recommendation of a number of colleagues. And so that language now reads, or manifesting behavior that renders them incapable of performing their job duties. That just for purposes of being brought before this Faculty Misconduct Committee, that is what incompetence means.

And I think that's a good idea because it takes a concept that is broad and vague mand not that we think it would be abused by administrators, but there's often that mfear and it cabins and limits that definition in
a way that has been approved, hopefully, by a faculty body.

So this is the meaning of incompetence for purposes of discipline or dismissal of any faculty member.

Some other key features of the proposed revision. It makes NTT faculty who are on long-term appointments eligible to serve on the Misconduct Committee.

That was not the case previously. Recognizing that expectations for faculty are primarily set at the school level and that not everything should or needs to be brought as a formal misconduct case at the campus level.

It clarifies the circumstances under which deans may raise concerns about a faculty member's conduct short of bringing a formal complaint to the committee.

This is discussed on Pages 5 and 6, but it does reserve reprimand or any other formal sanctions for the Faculty Misconduct Committee process.

The policy introduces some new language that clarifies the obligations that participants in these proceedings have to maintain confidentiality. But it also makes clear that principle should not impair a faculty member's First Amendment speech rights, a faculty member's right, in appropriate circumstances, to raise concerns about the process to which they have found themselves engaged in.

It adds some caveats about the role of the university general counsel. This is also some language we tweaked since the last meeting, largely at the suggestion of former provost,

Applegate. And it clarifies some time issues and in general, seeks to assure that hearings are completed expeditiously and addresses some potential gaps are places in the policy that could have been exploited to make one of these things drag on longer than is necessary and recognizing that the policy can't anticipate every eventuality.

It empowers the chair of the committee to make certain judgments that are intended to assure that the hearings are both fair and efficient.

Something that came up at the last meeting. This is not a policy, thankfully, that has been frequently invoked in the memory of the people here who are involved in these things and engaged in these things like Eliza and Elizabeth, there's only been one case in the past 7, 8, 10 years, something like that.

It's not something we necessarily have a lot of experience with, but that's not to say that we didn't learn from that experience of that one hearing about some of the things that may not have been working in the existing policy.

So that's the end of the formal presentation. You have the proposed language in front of you. Hopefully, this addresses concerns or clarifies some things that were left hanging at the end of the last meeting.

Tim, anything to add? Eliza, anything to add to this?

PAVALKO: No, I think you've covered everything.

AGENDA ITEM EIGHT: QUESTIONS/COMMENTS ON THE PROPOSED AMMENDMENTS TO BL-ACA-D27

SANDERS: Okay. I guess we're happy to entertain questions or comments before ultimately calling for a vote. This is the second reading, and so we will request a vote on adopting the revisions that you have after discussion and questions.

DUNCAN: First of all, I wanted to thank you for making sure you write this policy to include NTT members. Especially, since it's a policy that could be involved to cover them, it needs to consider the possibility that they could also serve on this board.

What I wanted to ask is what provision is there to make sure that if there is a case involving an NTT member, that at least some percentage
of the board is constituted of NTT members because right now the policy is written to allow their participation, but it doesn't mandate their participation.

SANDERS: That's right.

DUNCAN: Which is non-ideal in that circumstance.

SANDERS: Yeah. I understand the concern. I think we assume that through the process of appointing this committee every year, the nominations committee and the executive committee or whoever is responsible for it, will appreciate the importance of having NTT representation.

That seems like something that is likely to be firmly enough in all of our consciousness right now that it shouldn't be a problem.

I don't know that we have many similar policies that mandates.

For example, NTT faculty currently serve on the faculty board of review as well.

Somebody can correct me if I'm wrong. I don't think there's any provision that says X number shall be NTT, X number shall be tenure track.

John, do you want to correct me on that?

CARINI: First off, this is an elected committee. It depends on the results of the election, but also the nomination process plays an important part.

SANDERS: I think also our sense was unlike say, decisions about teaching or research that factor into P&T decisions where people were bringing a certain level of expertise.

Misconduct probably is not the thing where NTT faculty members versus tenure track faculty members are uniquely capable of engaging in particular misconduct.

In other words, I think it seemed to us that the need for a special expertise seemed less plausible or less likely given the subject matter of what this committee deals with as opposed to, say, a P&T committee, but you're right, we don't specify something and, I think, we hope and assume that will take care of itself through the nomination and the election process.

DUNCAN: Just to respond really quickly to that. I would agree with you for most of the provisions here. The one that I'm specifically worried about is the notion of incompetence as [NOISE] you've defined it and thank you for defining it.

But I'm worried that might bring up specific circumstances that are viewed differently from the point of view of NTT and tenure track members.

When you talk about the performance of duties in a timely fashion, it has been my experience that there are some duties that the different faculty categories look at a little differently.

That's come up in faculty discussions I've been part of for things like how quickly you respond to email, for example, from students.

SANDERS: I think my response to that would be that that problem would not come close to meeting the definition here. The policy says a chronic or egregious dereliction of duty, willfully refusing to perform job duties,

unreasonably neglecting their job duties.

I would say that thing wouldn't even get off the ground as something that is eligible to be brought to this committee, that it can be addressed at the lower level if the chair or the dean wants to counsel the faculty member, that's fine.

But that doesn't even get out of the gate as a plausible violation that meets the standards of this policy.

SHRAVISTAV: Professor SaCKS, you had a question.

SACKS: Thank you. Thanks for updating and providing this definition of incompetence.

I'm worried, it maybe unintentionally of it too broad, which is a currently it seems to me to define incompetence both as chronic or egregious dereliction of duty, but also doing things that might eventually lead to chronic or egregious dereliction of duty.

I don't really see why we need to say additional, or as an example of additional behavior for incompetence things that render someone incapable of performing their job duties.

That seems like a more subjective assessment about potential future incompetence that we wouldn't necessarily want to put in this definition.

SANDERS: Let me try to answer that by asking Eliza. During the process of drafting this policy, Eliza serves ex-official on our committee and is the source of a lot of wisdom and experience.

Again, one of the thing I want to underscore the reference to substance abuse is now out of the policy, it says manifesting behavior that renders them incapable, but Eliza, do you want to speak to why you think this provision does some independent work that's important?

PAVALKO: We certainly discussed it quite a bit but luckily there are very few cases of this. But thinking about what would be Mthe things that would lead to this clause and it's somebody who is coming to class drunk [LAUGHTER] every day, or just not coming Mto class ever, so really again, very egregious things.

We did feel like we wanted to be clear that it's very extreme behavior but certainly we want to have somewhere where we have some policy that guides us if we have somebody who is completely neglecting their job duties and not teaching their classes.

SANDERS: I think we also assume if it's a case say, of a serious level of mental decline that simply can't be managed any longer at the school level.

The person continues to insist on teaching and really comes to the point where they can't be allowed to do that.

That's probably not a dereliction of duty, it's not a willful refusal. It is incapable of performing your job duties. I think that's one of the scenarios we were anticipating would come under this.

LEMPER: I just want to add to that, the one issue that I've heard back from faculty from that isn't in there is, what about the person who that's exactly as Steve pointed out, through no fault of their own is simply lacks the capacity to be able to teach.

They may still be showing up [LAUGHTER] and holding class sessions. [NOISE] That last phrase there gets at that but focuses more on the idea of engaging in behavior—well, the discussion focused more on, what if you have someone who refuses to take steps to try to address a problem? Obviously at some point the incapacity becomes an issue but the policy, at least thus far, focuses on the behavior of the faculty member.

SACKS: I don't think it's written that this policy addresses the concern that you raised, which both sounds sensible to me because if it's like cognitive decline or something and it's not showing up to class, like there's no behavior that renders them incapable, I think the definition should be something like chronic or egregious dereliction of duty or a failure to perform your job duties. Chronic egregious failure to perform your job duties.

It's actually narrower [inaudible]

SANDERS: Correct, yeah.

COHEN: Dan, are you making a motion?

SACKS: Sure.

SANDERS: I think Tim and I don't feel empowered to just change this on the floor[OVERLAPPING]-

SACKS: No.

SANDERS:-this was the result of a semester's worth of committee work, but obviously it's the Council has the power to amend if it wants.

SHRAVISTAV: You can do a friendly amendment. I'm sure. No, you cannot on this one.

SANDERS: I think it'd be substantive enough that even if we could mdo a friendly amendment, it probably should be ma formal amendment.

SHRAVISTAV: Yeah, I agreed.

SACKS: I motion to rewrite definition of incompetence as chronic or egregious dereliction of duty or failure chronically or egregiously to perform job duties, such as by faculty members, willfully refusing to perform their job duties, unreasonably neglecting their duties or period.

SANDERS: Good. Elizabeth or somebody, did you get that down?

Okay.

Better repeat it.

SANDERS: The motion is to change this definition to chronic or egregious dereliction of duty or failure to perform job duties, such as by a faculty member willfully refusing to perform their job duties or unreasonably neglecting their job duties.

[BACKGROUND]

SHRAVISTAV: Yeah, we need this. Is anybody willing to second that amendment?

HERRERA: I have a question, are we eliminating the last line?

SHRAVISTAV: Yes.

Is there a second? There is a second.

[BACKGROUND]This is a discussion on just the amended language. I need questions or discussion on the amendment proposed. Yes, John?

WALBRIDGE: It's a question. Does this cover the case of somebody who is incapable of performing their job duties?

The case, let us suppose that my senior moments become senior days,
would it seem to be straightforward to say that incompetence includes incapacity to perform the job duties.

My department many years ago had a case, for instance, with someone who
came down with a severe mental illness and she was, I don't know what officially was done because I wasn't chair at the time, but clearly it was not a situation where this person could be allowed to continue teaching. But it's not that failure to show up or something like that just simply this person can't do it.

SANDERS: Could I add something?

Are we correct that we would lose that with your amendment which John described?

SACKS: No, I don't think so. My definition is incompetence includes chronic or egregious failure to perform job duties. mIf you're incapacitated, you're not performing your job duties.

SANDERS: I think I understand the logic of the language. My observation would be, if there's a case like John Wallbridge describes and administrators decide, well, this doesn't quite fit, I

mean administrators may make efforts to ease faculty out of a job any way and would we prefer that there be a policy that must be followed and that provides for certain situations?

In other words, narrowing the policy is not a guarantee that someone will continue being allowed to do what they're doing. It just means that a faculty committee won't be able to adjudicate their case. I guess that's what I worry about narrowing the language.

POTTER: I'm not sure that I'm comfortable with this scenario that was described falling under a misconduct policy. It seems like a different definition.

Cognitive decline seems subtly different to me than the other types of conduct that I've been hearing us talk about up until now.

SANDERS: I can address that if you'd like. So it is not categorized as misconduct, it's categorized as incompetence.

I recognized that the name of the faculty misconduct policy [OVERLAPPING] can be misleading and not make sense. I think maybe we thought it would be too much of a red flag to call it the faculty misconduct and the incompetence policy.

But I think if you read the policy, it makes clear this same committee and these standards apply to two different boxes of issues, alleged serious personal or professional misconduct or incompetence defined as this.

And so the only potential problem is the label that's on the policy, which I understand the objection.

SHRAVISTAV: There's one more question.

SHEA: Yeah. I agree with that. It seems that there is a difference between willful and unwilful misconduct or incompetence, and that should somehow be defined.

Someone who is unwilfully incompetent could become more competent again with treatment and you're talking about revoking someone's tenure in that case where they could very well be treated and return to duty.

So, I think somewhere perhaps the word is willful and unwilful that we're looking for. But for me, those cases should not come under this particular committee, and I don't know how they're handled or how they would be handled, but it would seem that would be a much more careful collection of people to look at those kinds of cases.

SANDERS: I think I would just make the response that this is still a process and termination is not the only possible penalty, it can be as relatively light as a reprimand.

But if a case like that is brought, but the faculty member persuades the committee that this is a temporary problem, it's capable of being corrected, then I think the answer would be that the

administrator bringing the claim has not met their burden of clear and convincing evidence and the committee would be expected to say, we do not find that this particular case in front of us meets the definition of what was intended to be reached by this policy.

So once again, this is also assuming the existence of a committee that makes, hears, takes evidence, and weighs evidence and uses a pretty high standard of evidence before finding a violation of the policy.

SHRAVISTAV: I didn't read the name tag.

JOHNSON: Johnson.

SHRAVISTAV: Sorry.

JOHNSON: And Steve, just for clarification, ultimately, this policy just results in a recommendation being made to the provost to act on that; is that correct?

SANDERS: That's correct.

JOHNSON: So I guess the issue is I think there's a sense that seems to be emerging in discussion and if someone was, for example, found to be incompetent under this or any other definition that would necessitate dismissal.

And that's not my understanding of what the policy is meant to do.
In fact, it's meant to ensure those debatable processes can be brought into a real process that involves more than a group of peers and people who can then make an informed recommendation to the administrator who ultimately holds the authority to do that anyway; is that correct?

SANDERS: Exactly. It is pro by a process of faculty members who take the evidence and decide is the alleged misconduct or incompetence actually supported by clear and convincing evidence, and does it meet the standard of this policy?

But you're exactly right.

SHRAVISTAV: Eliza?

PAVALKO: Yes. And I think you all said what I was going to emphasize too, which is, the outcome of this policy or this process, even if the committee found that there was incompetence, is not necessarily termination.

But also, it's this policy we use to make sure that that individual has a due process hearing and so otherwise, we really don't have a mechanism for ensuring that there's a faculty committee that's looking at these issues and weighing in on it.

SHRAVISTAV: Thank you. Thomasson in the back.

THOMASSEN: Thank you. Just to clarify, it sounds like we're talking about issues of somebody having inability to do their job, which is resulting in this. But then there's also the willfully refusing, which seems to be a whole another category and can almost mark of some political disagreement.

And so I'm just wondering what the inclusion of willfully refusing to do their position is about since it seems to be so different from some of the other things which the unreasonably neglecting our being incapable. Thank you.

SANDERS: Eliza, again, we rely on you just because you see and learn about more potentially problematic behavior than we do. And so do you have some insight about that?

PAVALKO: Well, I think I do. I feel like the last line that is really important in terms of renders him incapable of performing their job duties. Because ultimately, if somebody is not doing their job or whether they're willfully doing it or unwillfully doing it, we want to have a mechanism for a faculty body to look at it if we have somebody who's not doing their job. [OVERLAPPING]

SANDERS: Eliza's question went to the willful refusal to perform their job duties. I mean, I'm imagining a faculty member who says, I don't care, I don't teach on Fridays, I need Fridays as my reset day and I just won't do it.

Or I know the common syllabus says this is what we're supposed to cover in this class, but I have a different idea.

And it goes beyond academic freedom into areas that are just not appropriate to be taught in that class.

So they're hypothetical examples, but I think I can think of examples of a faculty member willfully refusing to perform job duties that is not covered by the other items in this policy.

SHRAVISTAV: Thank you. Go ahead.

COHEN: I know—Please remember we're talking about the motion and not about the entire change as the policy. Once the motion is passed or denied, we can get back to the regular conversation.

SHRAVISTAV: I believe Danielle had the next question.

DESAWAL: Yes. So I think this is a great opportunity for us to take what we did last week and think about how we could add in a clause that recognizes the mental health piece.

So the willful and the unwillful piece seem to be important, both to be represented within the policy, which I don't have an argument. I think that is absolutely 100 percent true.

I do think that we should think critically about how do we address the unwillfulness component to make it be humanistic in regards to our thought processes about mental health. Because the examples provided about the incompetence with regards to mental health are still then treated in a process that is looked at in regards to misconduct, not in regards to care and concern that the IU community has towards someone in trying to ensure that that individual and the community have the best care moving forward.

I think those are two very distinctly different things and I think we have an opportunity here to actually infuse that into the policy, which I think relates to our definition of incompetence.

SANDERS: Yeah. I agree with all of that. I think one maybe unspoken norm or premise here is that a situation that calls for genuine care and guidance and humane intervention, that those processes will have been attempted, must have been attempted, should've been attempted before this policy is invoked.

That you don't get to the point of filing a formal complaint against a faculty member until you have exhausted those mechanisms and they still haven't done any good.

So we could try to write some language that says that, that it's part of our faith in the process and the norms that we think Eliza's office or a dean will use and the discretion they will use before deciding the case is serious enough to invoke this policy.

SHRAVISTAV: I want to remind everybody, let's focus on the revise language first and then we can go back and discuss the other issues. So any other question or comments on the revised language that Dan proposed?

If not, are we ready to vote?

I guess we need a motion to vote. No, we've already had that, of course.

All in favor say I.
[BACKGROUND]

All opposed.

[BACKGROUND]

We may need to do a hand count or do we have somebody counting?

[OVERLAPPING].

All right. All in favor, please raise your hands.

And all opposed, please raise your hands.

I think the nays win here. So the motion is defeated. We will remain with the original language as you have on the screen. We can now go back to the broader discussion.

I think Israel had his hands up before we went down this path.

HERRERA: Thank you, Steve and Tim, for working on this. It was needed because in previous years we have discussed this in other venues and our definition of incompetence was necessary.

My question is regarding Jay's proposal of having a definition of majority in the membership because it would be good to have some same composition with the faculty board of review and the other board of review.

And I don't know if we are just leaving the committee, choosing the members just through their own decision of maybe choosing for tenure or maybe not choosing an NTT.

And it would be very important to have the language on paper. So for future leaders, they can see that the importance of inclusion of NTT in a language that says they should be included. At least as the other board of reviews, they are doing at least two NTTs.

That would be my Martha Jason in the language that you have for what it says, a majority shall be tenure faculty into A, and the other comment that I have in the same segment regarding the membership of the faculty mediation review committee is the long-term contracts.

What it says, five members of the IU Bloomington faculty, all of whom must be either tenure or in long-term contracts. I don't know if it would be also helpful to include NTT long-term contracts to be more clear in
that part because long-term contracts could be also for just a tenure.

But if we specify, it will be also helpful.

SANDERS: Israel, on the final point, I'm not sure I caught it, but I think long-term contracts, we assume clearly would be understood to mean NTT faculty.

In other words, you need a certain level of security and experience and so forth. And we think that NTT faculty and long-term contracts meet that. So I'm not sure if you're suggesting a sharper definition of long-term contracts.

HERRERA: No. The definition is just in other documents we have NTTs under long-term contracts. We have in other documents there were NTT. And you're right that long-term contract in this case, even though we are not defining if it's a three rolling or five phase or five rolling.

But at least it'll have the NTT long-term contracts as other document has related to our appointments.

SANDERS: And on the other point, again, I think the committee is comfortable with the policy we've provided. If there is an amendment to specify that the committee has to have a certain number of NTT faculty, it can be offered as an amendment.

Again, I think our choice was to put trust in the nominations committee process and the elections process to be sure that in practice, there is going to be a balance and appropriate representation.

HERRERA: I would like to make that amendment about having a language where it says specify that at least two NTT could be part of this committee.

SANDERS: It could be or must be?

HERRERA: Must be. At least two.

SHRAVISTAV: So we have another amendment here, but it'll need to be seconded before we go further. Anybody seconding the amendment to add at least two members must be NTT?

[OVERLAPPING]

We have a second. So it is now open for discussion. So this is a discussion only on the membership of the committee.

Rachael?

COHEN: I would just like to point out that none of our other grievance policies list a specific number required of tenure-track versus non-tenure track, and so this would be against the norms.

And we still manage to always have non-tenure track on those committees. And so I feel like we are already fulfilling this desire without locking us into a requirement one way or another going against our policies.

SHRAVISTAV: Israel?

HERRERA: So for the UFC, we have language. At university level, we have language regarding the election of NTT for the university faculty committee, and it says at least two.

And also for some other committees, we have language.

LEMPER: Can we just ask a clarifying question, Israel? So the policy says there will be five members and five alternates chosen in the same method. Is the amendment two of the 10 or two of the five?

HERRERA: Two of the five of the main members. But it will apply also to the alternates because it would be good to have an NTT being an alternate for an NTT.

So for both cases, alternates or the main representatives. Something else, but I saw my colleague's friend. Something else is that it will go align with the 60-40 rule that we work here at IUB in certain way for a group of five that will correspond in shared governance, at least 40 percent for NTTs.

[BACKGROUND]

SHRAVISTAV: Jay?

DUNCAN: Yes, sir. I just wanted to follow up with something that Steve said earlier. When I first asked about this, you said that you felt this policy largely covered situations in which the specific experience of
NTT and tenure-track would not be substantially different.

So there wasn't a reason to mandate this. Am I paraphrasing you correctly?

SANDERS: Yeah. I think that's right.

DUNCAN: I just want to point out that despite that, the committee still felt the need to mandate that a certain amount of tenure track members be the minimum amount here.

LEMPER: Sorry. Non-tenure track, tenured.

DUNCAN: Tenured. Certain amount of tenured members.

LEMPER: Maybe it's a good point. Just for my two cents. I understood that to be the idea that people that would be more willing to push back if you have more independence if they did not feel that their job security was at stake.

But other people on the committee, I don't know John, or Kashika is
still here unless if people understood that provision differently. But I assume you're talking about the language. It says the majority have to be tenured.

DUNCAN: Yes. Is it not equally the case that people in the third rank for NTT have the same investment? Are we not just as valuable? If we can trust to the process, then surely we can trust the process in both directions.

[OVERLAPPING]

DUNCAN: If we do not trust to the process in both directions, then surely there's some value in mandating the representation of both categories of faculty.

SANDERS: Well, this doesn't specify the third category by which I assume you mean teaching professors it just says long-term contracts. If we're mandating to teaching professors, that would be a different amendment.

And I think the fact that the committee decided it was appropriate to maintain a majority of tenured faculty members, as Tim said, it doesn't go to the nature of the issues, whether they're issues that are unique to tenured or to long-term contracts.

It's that fully tenured faculty have the greatest degree, at least in theory, of autonomy and independence in decision-making, freedom from the fears of retaliation by administrators, we think it's important that faculty and long-term contracts be a part of this committee, not NTTs on shorter contracts, but I have heard many times from NTT faculty and long-term contracts that they feel they don't have the degree of autonomy, academic freedom, independence, job security that tenured faculty members have.

I don't think you can necessarily say that they are equal in terms of their own perception of their ability to be independent and essentially fearless in making judgments and potentially saying no to an administrator who wants to bring a disciplinary proceeding.

DUNCAN: I always love being in the BSC. Having a tenure-track faculty member tell me about my experience as a non-tenure track faculty member with equal authority. Thank you.

SHRAVISTAV: Somebody in the back. Jim.

SHERMAN: Thank you. I just want to understand and make clear the amendment says at least two NTTs. Well, that means there could be five out of five. That's at least two.

It doesn't say anything about the number of tenure-track faculty.

SANDERS: It does. The policy currently says a majority must be tenured faculty.

SHERMAN: So at least two is wrong because three would mean it wouldn't be a majority. Is that correct?

So at least two is wrong.

SHRAVISTAV: Eliza, you want to explain?

PAVALKO: Yes. I also wanted to think practical logistics.

Again, these are elected committees and I know many kinds there are other cases where people have to recuse, there are lots of variations and I do worry about having things so specific that it becomes impossible to have a committee or the other pieces of committee that has the experience in the protection that we want.

So I want to be careful that we don't specify things so precisely that we can't have a committee.

SHRAVISTAV: I thought I saw another hand in the back. Yes, please.

THOMASSEN: Thank you. I just wanted to thank my colleagues for making such a good logical argument for tenuring our currently as we call them, NTT faculty member who reached the third rank, who reach full.

I think those are excellent arguments.
Thank you. As many universities have.

SHRAVISTAV: Well, in the interest of time, shall we go ahead and take a vote on this amendment?

[inaudible]

SANDERS: …Only B2, so it's a five-member committee policy currently says three must be tenured. So it would be a mandate that the other two members be NTT faculty.

LEMPER: The actual current policy says all five have to be tenured.

SANDERS: The current policy that this is replacing right now only allows tenured faculty members.

That's right.

SHRAVISTAV: Essentially the amendment is to make the committee have three tenured faculty and two non-tenured track faculty.

All in favor of that modification, please say aye?

UNKNOWN: Aye.

SHRAVISTAV: All opposed.

UNKNOWN: No.

SHRAVISTAV: We need a hand count. All in favor please raise your hands. We'll have to count here.

All opposed?

I think the motion is defeated.

Motion is defeated.

We are back to the original proposal again, any other discussion? Yes, Con?

DELIYANNIS: I'd like to return to the idea or the concern rather that a number of my colleagues expressed which helped me understand what was bothering me about this.

And that is willful acts versus potentially unwilful incompetence. To have a faculty misconduct policy that includes incompetence seems wrong to me as apparently it did for others as well.

And a remedy of adding incompetence to the title, while cumbersome would be more accurate, but I agree it's cumbersome and not the best solution necessarily.

Perhaps the best solution is to separate these and have a misconduct policy and separately an incompetence policy.

There are good reasons for having sexual misconduct be separate. So perhaps it's good to separate these as well. I could imagine the procedures for each policy might be different because these concepts are fundamentally different. So I just like to suggest that this might be good option.

SHRAVISTAV: Go ahead, Steve.

SANDERS: I can appreciate the spirit right now. It wasn't our idea to introduce incompetence into this policy. Who knows how long it has been university-level policy that a faculty member can be dismissed for incompetence? Years ago, a previous faculty affairs committee brought incompetence under the umbrella of this policy but didn't define it.

We think we've provided a service by putting a reasonably clear and limited definition on it.

We've invested a lot of time. It's not to say that the faculty governance can't create a new policy, but I think there would need to be a strong reason why the procedures set forth here are not appropriate for adjudicating this basically.

DELIYANNIS: If we don't separate the policies, I would then suggest that we really need to have incompetence in the title.

SHRAVISTAV: Go ahead.

JOHNSON: I just want to say I actually appreciate this discussion very much.

I will also say it concerns me greatly with a policy of this sensitivity to be trying to edit it on the fly on the floor of the BSC by way of a litany of individual motions.

There is a procedural option which is either to call the question, which is a motion which requires a 2/3 vote or to refer it back to committee for further consideration. And I frankly think at this point, we have those two options.

I'm sure I would advocate one or the other and I would be happy to make at least put that out there for consideration.

[OVERLAPPING].

SANDERS: I don't know what else there is to consider. I mean, specific recommendations have not achieved majority support. The policy is there, we have the most recent suggestion to cleave incompetence off altogether, which would require a future faculty affairs committee to probably spend a semester creating a new policy to cover that.

That's the only specific suggestion I'm hearing that we would go back to. I haven't heard anybody else say there's anything wrong with the
rest of the policy?

SHRAVISTAV: Go ahead.

SPANG: I call the question.

SHRAVISTAV: You have a question, go ahead.

SPANG: I called the question.

SHRAVISTAV: You called the question.

JOHNSON: So that requires a 2/3 vote for discussions and other committees.

SHRAVISTAV: So that's a motion we'll have to put right.

SPANG: And so I think we'll have to vote on the motion to call the question.

SHRAVISTAV: That's right. So we need a motion.

COHEN: Call the question means that you ended it or else they're going to ask all of you to vote.

SHRAVISTAV: Exactly.

SANDERS: And if that is not debatable. The motion at all, the question is not itself debatable.

SHRAVISTAV: All opposed?

It passes.

SPANG: No, it doesn't.

[inaudible]

Right-hand fails.

SHRAVISTAV: It fails. So now we're back to the discussion you can propose a number.

COHEN: I propose it'd be sent back to committee and request that they solicit feedback from outside of the faculty affairs committee on this.

SHRAVISTAV: Somebody needs to second that.

There is a second.

So the motion now is to send it back to the committee with the intent of seeking feedback from other committees on what exactly?

On changing the title or having two separate committees?

[UNKNOWN] Whatever.

COHEN: On both. I think both have [LAUGHTER] to be explored.

SHRAVISTAV: Steve, you've got your job cut out for you.

SANDERS: Well, look, I don't know what our job is.

It's going to come back to the committee. I think you have a committee that's spent a full semester on this policy and believes it is necessary that there's a need to update it based on experience of a previous chair and a committee that spent a semester thoughtfully trying to revise a policy.

I don't know what our marching orders are.

SIMPSON: Let me jump in here.

I think our job is to now take this and let the executive committee decide which committees it needs to go to and then we'll move to the next item.

SANDERS: Sounds good.

SIMPSON: I think that's how we'll resolve this. I don't think we're going to resolve this on the floor today.

Ted, I know you have a comment that you'd like to make and I know Jay has a comment that he would like to make.

Let those be the last two discussion points that we have on this and the executive committee will tell you which committees you send it to.

Ted first, then Jay, and let's be done with the discussion on this after that. Thank you.

MILLER: So I would say that I personally would be willing to support what the faculty affairs committee has brought to the BFC today.

I think it does move this policy forward in a significant way. It turns out I was president of the BFC when this policy was first approved in the late '90s.

The discussion that we've had here, over my memory, isn't all that great these days, does ring true in terms of the discussions that we've had at that time, there were issues about this policy and the incompetence issue was certainly at the center of many of them.

The point I want to make here is that this policy would not be here today, except that the arm of the BFC was twisted by the trustees. They insisted that we have such a policy.

Originally this was a version of post-tenure review and the trustees insisted that there be such a policy. If the fact that the council didn't approve such a policy, they were going to approve such a policy. So the BFC did what it did. It approved a policy that had called the misconduct policy.

That policy has been revised once significantly in the 5, 6 years ago now again.

But to the extent that there's going to be further consideration of this, I just think that this is an important point that should be taken into account. That this policy really does not reflect the will of the faculty of Indiana University Bloomington, we were forced into doing something.

And we were inadequate people, I guess at that time and we created something that has issues. We knew there were issues and whether we can get out of them I don't know.

SHRAVISTAV: You had one more person. Jay?

DUNCAN: Very briefly, I want to thank Ted for being the living memory of the BSC and for being here we will all be poor anytime you are not.

Secondly, I do think some of the concerns for this would be addressed if we could change it to faculty misconduct or incompetence policy where the order is understood to be inclusive.

Finally, I would like Steve and Eliza to speak to the sense about willful refusal to perform job duties, namely, is that understood to be the duties as assigned to you in your contract or the duties as assigned to you by your chair.

I envision a situation in which a chair has assigned, especially to NTT members, a number of duties that are not in their contract, but they're expected to perform these. And therefore, the chair brings them up for incompetence for refusing to perform unpaid labor.

Obviously, that's not the intent of the policy. How would you interpret that circumstance?

SANDERS: I'll take a crack at it and say I would interpret by hoping that the committee that hears such a complaint would say that that is not what this is intended to be. That if somebody

is being, as you say, forced to perform things outside, I'm frequently reminded we don't have contracts; we have appointments. But the things that are outside of your appointment are not things that somebody has the right to impose on you.

And so I think there's the correct resolution in that situation would be for the committee to issue a finding of of no violation of the policy.

SHRAVISTAV: Last word for Eliza then we have to move on to the next topic.

PAVALKO: And I want to build on Steve's point that that's exactly why this policy is important.

That we want to have a mechanism for faculty to weigh in and make sure that when there are claims of serious behavior of this type, that faculty have a way to look at it and investigate it and make a recommendation.

And so from that view, it's even more important because it prevents the random punishment of people.

It really gives faculty a lot of protection and that's the reason we have the policy and why the committee spent a lot of time trying to strengthen it. Thank you.

SHRAVISTAV: Thank you, Eliza.

Thank you, Tim and Steve.

Let's move on to the next.

SANDERS: Is there a vote on sending it back to the committee or uhm procedurally, I'm not sure what we've done.

Does that require a vote?

SHRAVISTAV Yes. I think there was an amendment, so it should require a vote.

We have the parliamentarian, I'm sorry, I forgot the vote. So now we've got an amendment to send it back to the committee for discussion with other committees that the executive will recommend to you.

It has a second.

So now we are voting to send this back to Tim and Steve. All in favor of sending it back to the committee, please raise your hands.

I think it passes. Motion passes. Thank you.

AGENDA ITEM NINE: REPORT ON THE NON-TENURE TRACK FACULTY PARTICIPATION IN GOVERNANCE

SHRAVISTAV: The next item is a report on the survey on non-tenure track faculty Participation in governance.

This will be presented by Sally Letsinger, chair of the research affairs committee. Sally?

LETSINGER: Hi, everybody. My name is Sally Letsinger and I am an Associate Research Scientist in the Department of Geography. I'm also the Chair of the Research Affairs Committee and a current representative for research scientists and scholars on the BFC.

Today. I'm presenting results of a survey on Non-Tenure Track Faculty Participation in governance on the IUB campus, and I will describe the background for the survey, a bit about the instrument itself, and we'll highlight a handful of results from the survey.

The main impetus for this survey was a resolution passed by the BFC in March of 2019 concerning voting rights of full-time non-tenure track faculty, which throughout this presentation we'll also be referred to as NTT faculty.

The link to the resolution was provided in the agenda for today's meeting. The resolution notes, among other things, BLA CA3 in 2002, units were encouraged to extend voting privileges to full-time NTT instructional faculty.

But by 2019, units held widely varying practices in this area.

The meat of the resolution then is that all full-time voting, non-tenure track appointment categories as defined by the constitution of the Bloomington Faculty, should have voting and participation rights at the campus school and department levels that are equivalent to the voting rights appointed in the tenure-track category subject to the 60-40 rule.

Finally, the resolution states that the information about the participation of voting rights of full-time NTT should be requested and presented to the BFC at least once every three years by the provost designee.

The Research Affairs Committee of the BFC volunteered to gather the information for the first report in this topic to assist our committee in moving forward unrelated issues affecting the research ranks around rights, roles, and benefits.

And because well, we're researchers. [LAUGHTER] I'm not sure we knew what we were in for.

The survey was administered online, sent to a group of 66 deans, department chairs and center directors in units with NTT faculty. It was sent out on February 24th, 2021 and closed on March 22nd.

In terms of the nature of the questions asked, we first sought to confirm counts of NTT faculty and TT faculty, including whether research ranks were funded by budget lines or so-called soft money, confirming Council was a wild ride and I'll tell you about that in a little bit.

That was just the counting part.

The rest of the survey, which included multiple choice pick lists and lots of opportunities to add detail with open-ended questions which seemed like a good idea at the time. The survey assessed whether written formal documentation about proposing and modifying policy related to NTT faculty existed in units.

And we took an inventory of the types of committees employed in units, and assessed the extent to which NTT may participate
in those committees.

And we asked a few additional questions including application of the 60-40 rule and reasons for differences in tenure track and non-tenure track governance rights.

There was a very good response to the survey with 61 out of 66 units responding. The Volcker responses were from department chairs, and I'll go into more details in a minute. I thought you would be itching for a pie chart by now. So here it is.

Non-tenure track faculty makeup a little less than half of the campus faculty and include clinical professors, lecturers, research scientists or scholars, and professors of practice. The largest proportion of NTT faculty are lecturers.

The experience of different academic units with NTT faculty varies widely, with about two-thirds of units comprised of significant proportions of NTT colleagues. The other two-thirds either have no NTT faculty on their units or very few.

This chart is provided for the purpose of foreshadowing, to add some drama and intrigue into the delivery of the survey results.

The dramatically different experiences of units with NTT faculty across campuses are likely contributor to formality with which units include non-tenure track faculty, in unit governments.

Sure, it's a pie chart, but it's so much more.

LAUGHTER] Before we launch into results, I'll give an overview of the composition of non-tenure track faculty on the IU campus. From year-to-year, NTT faculty make up between a third and half of all faculty in Bloomington. The fluctuation has to do with grant funding and short-term contracts for some faculty.

In spring 2021, there were about 750 non-tenure-track faculty compared to almost 1600 tenure-track faculty. Non-tenure track faculty aren't evenly distributed across schools, departments,

and centers. At the school level, the lectures in this graph in green are supporting much of campus, but have large numbers in the college and business schools. Most research scientists are within AVP centers and the college.

I thought counting was straightforward, but I was wrong.

One of the most interesting things in the survey was, this to me, like numbers. There were many more tenure-track faculty reported in the census than self-reported in the survey by the units.

And the reason appears to be joint appointments and cross department across center contributions by tenure-track faculty. NTT faculty are much more likely to be appointed to one unit and constrain their work there.

The observation that faculty are taking on more and more roles and responsibility appears here.

If you think that there should be two of you to get everything done, you were both counted in this survey.

This slide reflects ranks within the NTT faculty along with their respective career ladders. Many NTT faculty shown in the middle red bars are at the associate or senior lecturer rank. The lowest part of the bar represents the assistant or lecture rank, sometimes referred to as pre promotion ranks.

I'll discuss this in a bit along in the next slide.

Research scientists have a unique element to their population, which has to do with their funding. This graph shows budgeted or so-called hard money research positions on the left in blue. This graph on the right hatched bars represents externally funded or soft money research positions on campus.

The status of faculty in the soft money category in the previous graph showing pre promotion assistant ranked positions are sometimes category of NTT faculty that are excluded from participation in unit governance.

I'm going to present just a small number of results from the survey to provide examples of how the questions were asked, the number of scenarios the respondents were asked to consider, and how analyzing the results was a complex task. Related to faculty composition, I know there's a lot of interest in the 60-40 rule on campus.

Sorry, I'm hyperventilating.

60-40 is the term to describe the policy that ensures that tenure-track faculty have a tie-breaking majority, that is at least 60% in governance decisions when faculty composition is a blend of tenure track and non-tenure track ranks. The given rationale for the 60-40 rules to protect the academic integrity of the school in its programs, which is the responsibility of tenure-track faculty.

But how many units actually have 60-40 policy? How many need such a policy?

A survey question address this issue, which can be seen here but first, let's look at the proportions within units. At the school level, several units are close to or exceed a 40% proportion of NTT faculty in their units. TT faculty are at the bottom of each bar and NTT are the top part. The data labels on the graph are the percentage of NTT faculty within the school.

I'll note, there are a few units on here that were not in the executive offices. I've some NTT faculty that were not included in the survey. But governance is often implemented within schools and at the department or program level.

So let's look at college departments to see who lives where.

This is an example of one of the schools that participated. The bottom of each bar is the number of TT faculty in each unit. NTT faculty are shown at the top of the bar. Only the departments close to or exceeding the 40% NTT faculty have data labels in this graph.

Biology is close. Chemistry and, your Honor, speech and hearing sciences are over. [LAUGHTER] The size of the units themselves vary, so the percent of faculty within the departments isn't the whole story.

In response to the survey question about 60-40 policy within departments, this graph represents the responses from schools, departments, and centers.

The two top bars are responses for units that exceed 40% NTT faculty and could encounter the need to implement the rule. One group of schools and departments that needs such a policy, have such a policy. The other group does not have any written policy. The bottom two bars are the responses from units that do not yet have a need for 60-40 policy. Several departments without a current need have a policy.

The survey conducted in Qualtrics had embedded logic in it, so if a unit did not have a particular faculty class in their unit, they were not asked about those. So analyzing the results had to take into account the number of units for which a response could be selected.

For example, in this fairly simple question of whether NTT faculty are encouraged to attend faculty or centered meetings, you'll see that the data represents responses for units that invite those faculty to attend all such meetings.

But the number of units responding to each question varied widely based on the composition of their faculty.

I'll just show the results for schools and departments for this question. At the school level in this chart, Inconsistent inclusion by NTT, by position can be seen. But the good news is most levels invite all the faculty to attend general faculty meetings.

At the department level, most faculty were welcomed to general unit meetings. The professor of practice number is probably low as three departments that have these faculty did not respond to the question. And you'll see that the largest number of departments that responded have lecturers.

I'm omitting questions regarding the existence of written unit policies regarding NTT faculty and inventory of unit level committees and some specific participation in governance such as the ability to vote on the unit head.

All those results can be found in the full report.

The next example from the survey reflects a large number of questions regarding participation of NTT faculty in school department and center committee participation.

I'll just show the results for departments and research centers to contrast their unit governance practices. This slide reflects communities involving an array of possible advising, planning, and personnel governance functions within units.

To orient you, the right side of each bar is the not applicable proportion, which means that the department did not have that type of committee.

So focusing in on the other three categories, lost most dark red part of the bar is the number of departments that include all NTT faculty and the committees that they do have. The middle red part represents some in the NTT faculty can participate to a limited extent. This response is usually chosen for the role of NTT faculty in and advising, but not voting or for lecturers participating in undergraduate curriculum decisions, but not graduate curriculum decisions. The orange part of the bar is the number of departments that have committees but allow none of them to participate.

So about a third to a half of all departments include all NTT faculty and governance and the form of committee participation, depending on the work of that committee.

We're going to do it again, but for centers, we're going to look at research scientists and clinical professors, primarily. Within research centers.

Starting as we did with the last graph; the right side of the bar is the not applicable proportion of each committee that represents that such a committee is not in place in which to participate.

Most centers do not have committees related to governance.

The two primary areas where research and clinical faculty within centers are included are in an advisory role to the center director, which is noted as advise on that graph and in some decisions about research within the center. And that one is the long bar in the middle with RES standing for research as the very descriptive committee name in that graph.

One question that was asked was intended to yield an understanding of the reasons that a unit might have for differences in governance participation between tenure track and non-tenure track faculty.

More than one response could be chosen as could free form right and responses, to which we're delightful to read.

So because multiple responses could be chosen, no percentages are presented on this slide, but the responses were from all levels, schools, departments, and centers.

Several units aim for parody and governance, which is the top line of the table. Although many units site differences in the breadth of responsibilities between tenure track and non-tenure track faculty for ascribing fewer opportunities for NTT faculty to participate.

The explanations to the right of that table where the most selected justifications for participation differences.

The right and responses further detailed the teaching research and service obligations of tenure-track faculty ,over the teaching only
or research only duties of their NTT peers.

When I read the responses and I've read them over and over to understand the breadth response, ,I reflect back on my inability to successfully align the reported number of TT faculty reported by the survey units compared to the faculty census.

Tenure-track faculty are doing teaching, research, and service and collaborative research and outreach, a little mentoring, but also service and some more research.

As a non-tenure track, soft money research scientist in a small academic
departments sitting before you in one of my many service roles, I can attest on behalf of my NTT peers, we are also sliced and diced beyond comfort.

And our dossiers, should we be lucky enough to stay long enough to build one, do not often reflect our own breadth of responsibilities, because we only do research or we only teach.

So you know, you're near the end, I prepared a conclusion slide. I actually prepared two conclusions slides, and I'll start with this one. The results presented here are just a glimpse of the NTT participation governance landscape.

The rest of the results will be in a full report that will be submitted to Eliza in a few days.

But for someone that does pattern analysis for a living, I can only describe a patchwork of policies and procedures across campus at every level.

In this version of the conclusions, employees and ESOP illusion they encourage all units to ensure they have specific 60-40 policies in

place prior to encountering a need.

To that end one of the survey respondents made a request for by-law or policy language examples for key NTT governance participation issues.

It seems like a practical recommendation to assist overcommitted unit heads in this task rather than having them wait through entire policy documents from other units to find pieces and parts they might bring forward to their faculty for approval.

AGENDA ITEM TEN: QUESTIONS/COMMENTS ON THE REPORT ON THE SURVEY ON NON-TENURE TRACK FACULTY PARTICIPATION IN GOVERNANCE

LETSINGER: I'd be happy to answer any questions in the six minutes we have. [LAUGHTER]

SHRAVISTAV: Thank you. You have open for six minutes to discussion.

Questions, Israel.

HERRERA: Yeah. Thank you Sally and. your group for working on this. Also very important.

So, Sally, you have a slide regarding the 60 - 40 rule and there are some departments in some school that they don't follow, or they have different ways of governance.

So the last one is for the schools?

LETSINGER: The last one has school centers and departments on it. But basically that one is if they have far less NTT faculty than tenure-track and they do not have a policy, they essentially don't really need one, but it would be a good idea if they had one before they need one.

HERRERA: And you mentioned that there were some question that wasn't answered by departments or people who contacted.

LETSINGER: I'm sorry, Israel. I didn't get it.

HERRERA: You mentioned that some department they didn't answer some questions regarding the survey. And was this regarding the rule or was a different issue?

LETSINGER: No. There were just some units that either missed a question or didn't answer for some reason. And we tallied those as separate from whether the question wasn't applicable to the unit so we can track them
down like a dog if we need to.

DUNCAN: Thank you very much for this report. It was deeply enlightening, it's probably the most detail I've ever seen here.

I do hope that we as BFC members can encourage our colleagues if we're in one of the units that currently does not have a consideration here to please try to increase the participation available to NTT members of the
faculty since there is a BFC resolution saying they should do so.

SHRAVISTAV: Any other questions?

WALBRIDGE: I may have missed something with barrage of data, but does your survey tell us anything about whether NTT faculty have governance responsibilities as opposed to governance rights?

Are they expected to perform service functions?

LETSINGER: Typically not. We have a small section in the report on being allowed to serve versus expected. We're not compensated, it doesn't count.

There are these loopholes and dossiers that if say, services done for research purposes or teaching purposes that you can make that case in your dossier. And in a couple of the writing comments, unit heads made reference—I didn't look it up, somebody can tell me whether teaching professors have any service obligations.

So there are a couple references to making opportunities because it was now required, but I didn't know that. But to my knowledge, there are not responsibilities unless that's stipulated at the unit level.

WALBRIDGE: I mean, clearly there are, at least in small departments, lecturer is expected to do service. But if it's counted for them, it's fudge to make it look like teaching.

LETSINGER: That's right.

SHRAVISTAV: Any other questions? One minute remaining.

Well, if not, thank you, Sally, and thank you everybody. The meeting stands adjourned.