

Indiana University
BLOOMINGTON FACULTY COUNCIL
March 1, 2022
Presidens Hall – Franklin Hall
2:30 pm – 4:30 pm

Members Present: Banks, Karen; Calloway-Thomas, Carolyn; Carini, John; Cohen, Rachel; Daleke, David; Davis, Allen; Deliyannis, Constantine; Duncan, J; Eskew, Kelly; Fleming, Jackie; Guerra-Reyes, Lucia; Gupta, Nandini; Knapp, Douglas; Kravitz, Ben; Lester, Jessica; Letsinger, Sally; Libson, Scott; Lion, Margaret; Loring, Annette; Northcutt Bohmert, Miriam; Pavalko, Eliza; Peters, Chuck; Raymond, Angie; Sacks, Dan; Sanders, Steve; Shea, Elizabeth; Sherman, Jim; Sing, Kashika; Svetina, Dubravka; Thomassen, Lisa; Tirey, Samantha

Members Absent: Ansaldo, Jim; Arcuri, Toni; Banai, Hussein; Dederichs, Madeline; Deeds, Anna; Desawal, Danielle; Doucette, Kaitlin; Frazier, Freeman; Gill, Brian; Giordano, Anthony; Gold, Jason; Hodgson, Justin; Johnson, Colin; Kolbaum, Pete; Kunzman, Robert; Lipschultz, Nancy; Luketa, Valentina; Machado, Pedro; Nicholson-Crotty, Jill; Olcott, Courtney; Ossi, Massimo; Shy, Katie; Sterling, Thomas; Willis, Erik; Wu, Jiangmei; Wyrzynski, Stephen, Yanites, Brian; Zaleski, Jeffrey; Zorn, Kurt

GUESTS: Lanosga, Gerry; Perry, Jim

AGENDA:

1. Approval of the minutes of February 15, 2022

2. Memorial Resolution for Edoardo A. Lèbano

3. Memorial Resolution for Michael Wilkerson

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)

Faculty who are not members may address questions to Provost Shrivastav or President Simpson by emailing bfcoff@indiana.edu. Questions should be submitted no less than two business days before the meeting.

7. Proposed amendments to BL-ACA-D27 Faculty Misconduct (5 minutes)

Tim Lemper, Co-chair of the Faculty Affairs Committee
Steve Sanders, Co-chair of the Faculty Affairs Committee
[Third Reading - Action Item]

- Current BL-ACA-D27 Faculty Misconduct Policy
- B24-2022 Updated proposed Revisions of BL-ACA-D27 Faculty Misconduct

8. Questions/comments on the proposed amendments to BL-ACA-D27 Faculty Misconduct (10 minutes)

9. Proposed policies regarding faculty participation in campus-level budget decisions on financial difficulties (10 minutes)

Paul Coats, Co-chair of the Creation, Reorganization, Elimination and Merger Committee
Brian Gill, Co-chair of the Creation, Reorganization, Elimination and Merger Committee
[First reading – discussion item]

- B25-2022: Proposed policy on Faculty Participation in Campus-Level Budget Decisions on Financial Difficulties
- B26-2022: Proposed Policy on Faculty Participation in Campus-Level Budget Decisions on Financial Difficulties - Redline

- B27-2022: Proposed Policy on BFC Faculty Selection for University Financial Exigency Committee

- Current BL-ACA-D16, Creation, Reorganization, Elimination, and Merger of Academic Units and Programs
- B28-2022: Proposed amendments to BL-ACA-D16, Creation, Reorganization, Elimination, and Merger of Academic Units and Programs
- B29-2022: Proposed amendments to BL-ACA-D16, Creation, Reorganization, Elimination, and Merger of Academic Units and Programs – Redline

10. Questions/comments on the proposed policies regarding faculty participation in campus-level budget decisions on financial difficulties (20 minutes)

11. Proposed revisions to the personal misconduct procedures in the Student Code of Conduct (10 minutes)

Danielle DeSawal, Co-chair of the Student Affairs Committee
Katie Metz, Co-chair of the Student Affairs Committee
Libby Spotts, Senior Associate Dean of Students and Director, Office of Student Conduct
Anna Krause, Associate Director, Office of Student Conduct
[First reading – discussion item]

- B30-2022: Proposed revisions to the personal misconduct procedures in the Student Code of Conduct

12. Questions/comments on the proposed revisions to the personal misconduct procedures in the Student Code of Conduct (20 minutes)

SHRIVASTAV: Good afternoon, everybody. Welcome to the March 1st meeting of BFC, our parliamentarian has advised me that we are a few people short of quorum. So, anything that needs a second and a vote we will move to later hopefully more people will trickle in.

AGENDA ITEM TWO: MEMORIAL RESOLUTION FOR EDOARDO A. LEBANO

SHRIVASTAV: In the interest of time, however, I do want to get us moving. So let me start the meeting off with the two memorial resolutions and I'll call on Eliza to read out those two. Eliza?

PAVALKO: Thank you very much. Do we want to do the minutes first?

SHRIVASTAV: It'll need the votes so we'll have to wait.

PAVALKO: I got it. So, our first memorial resolution is for Edoardo Lebano.

Edoardo A. Lèbano, professor emeritus of Italian, was an established scholar and beloved teacher of Italian language, literature, and culture and one of the most energetic and impactful advocates of Italian culture in North America of his generation.

A native of Italy, Prof. Lèbano graduated from the Liceo Classico “Torquato Tasso” in Salerno and studied law and literature at the universities of Naples and Florence, respectively. He moved to the United States in 1957 and went on to receive his graduate training at the Catholic University of America, where he studied with Rocco Montano and Helmut Hatzfeld and received a M.A. in Italian in 1961 and a Ph.D. in Romance Languages and Literatures in 1966. Prof. Lèbano arrived at IU in the fall of 1971 as an associate professor and was promoted to the rank of professor in 1983. Before joining IU, he taught at the Foreign Services Institute, the University of Virginia, Charlottesville and the University of Wisconsin-Milwaukee. Although Prof. Lèbano retired in 2000, having devoted 29 years of his professional life to the Department of French and Italian, he continued to teach one or two courses per year in retirement until 2008. Through the years, he served the department in a variety of capacities: as assistant and interim chair, co-founder and director of the Center for Italian Studies, director of Italian language instruction, director of undergraduate studies and resident director of the IU programs in Bologna and Florence.

Prof. Lèbano’s scholarship focused on three different fields: Renaissance epic and chivalric poetry, with an emphasis on the works of Luigi Pulci; nineteenth century and Modernism; and language instruction. In the first field, he published many articles on Pulci and the scholarship on Pulci, and he curated the first English edition, translated in verse by the Italian American poet Joseph Tusiani, of Pulci’s poem *Morgante* (Indiana UP, 1998). In the modern field, he published on many authors and genres, but particularly on the Italian *Risorgimento* as well as on Pirandello. Prof. Lèbano was, in addition, a prolific author of pedagogical essays and works, amongst them, *Buongiorno a tutti!*, co-authored with Pier Raimondo Baldini, one of the major Italian textbooks in the United States for decades. Prof. Lèbano was also greatly interested in Italian American studies, particularly in historical migratory patterns, and wrote a book on the Italian American community of Clinton, Indiana, titled *Life in God’s Country*, published in 2016.

Prof. Lèbano’s teaching touched the lives of generations of students and he was indeed loved and esteemed by many of them. His teaching was also recognized at IU by a Trustees Teaching Award and by the Uhrig Award for Excellent Teaching at UW-Milwaukee. Also noteworthy was his graduate mentoring: eleven students wrote their doctoral dissertations under his careful supervision and many of them went on to successful careers at institutions such as the University of North Carolina at Chapel Hill, the University of Delaware, Loyola University Chicago, the University of Louisville. Prof. Lèbano brought the same energy and dedication that informed his teaching to the promotion of Italian culture across North America. He taught for many summers at the Middlebury College Italian School, arguably the best full-immersion program in North America, a program for which he served as director from 1987 to 1995. It was under his direction that the Middlebury Italian School acquired the international reach and prestige it still has. He also served the American Association of Teachers of Italian (AATI), first as secretary treasurer (1980-1983) and later as president (1984-1987). One of Prof. Lèbano’s major service contributions was his tireless dedication to offer statistical analyses of Italian studies throughout North America; this was not a mere—albeit administratively useful—collection of numbers, but it represented his commitment to understanding the needs of students of Italian, while offering an invaluable tool to all Italian programs. His service and leadership have been recognized by significant accolades, including the AATI Distinguished Service Award and the title of Cavaliere dell’Ordine al Merito della Repubblica Italiana bestowed by the President of the Italian Republic.

AGENDA ITEM THREE: MEMORIAL RESOLUTION FOR MICHAEL WILKERSON

PAVALKO: Thank you. Our second memorial resolution is for Michael Wilkerson.

Michael Neil Wilkerson was senior lecturer, also serving as director of Arts Administration Programs, in the O'Neill School of Public and Environmental Affairs at Indiana University Bloomington. He was appointed to the O'Neill School in 2012, but his long affiliation with IU began in 1980, as administrative assistant to the vice president.

Mike was born October 12, 1955, in Franklin, Indiana, to Anne and William Wilkerson. He earned his bachelor's degree from IU, pursuing wide-ranging interests in literature, politics, history, theatre, and journalism. As an undergraduate at IU, he lived at Collins Living Learning Center among a vibrant community of talented students who inspired his love of the arts, and began his writing career with contributions to the Bloomington Herald Telephone, as well as being one of the founders of the Indiana Review. In 1979, he received an M.F.A. from the writing seminars at Johns Hopkins University, where he studied with the experimental novelist John Barth.

From 1989 to 1995, Mike was director of Ragdale Foundation's artists' residency program in Lake Forest, Illinois.

He then served as director of the Provincetown Fine Arts Work Center.

He was a great advocate for Indiana writing, co-editing (with his wife, Deborah Galyan) *New Territory: Contemporary Indiana Fiction*, and (with Richard Thomas) *The Landlocked Heart: Poems from Indiana*.

Over the years, Mike held a number of positions at IU, including assistant to Chancellor Ken Gros Louis from 1987 to 1989, and coordinator of Academic Affairs and senior writer and policy assistant to the vice president from 1998 to 2007. During this time, he also taught in IU's Arts Administration program, at that time housed in the Jacobs School of Music. He then took a position teaching arts administration at American University in Washington, DC, returning to Bloomington in 2012.

Mike was an active advocate for the arts in Bloomington, serving on the Bloomington Arts Council, the board of the Buskirk-Chumley Theater, and as a founding board member of Cardinal Stage Company. He also worked at the national level as a board member of the Alliance of Artists Communities and the Association of Arts Administration Educators, and as a review panelist for the National Endowment for the Arts.

At the O'Neill School, he was a beloved instructor in arts administration and policy, inspiring hundreds of students now working around the globe to connect people to the arts, and to further the cause of inclusion and equity in the creative sector. He led the efforts to include students in the arts and cultural initiatives of the Bloomington campus's Center for Rural Engagement. Students remember him as one who was committed to elevating the voices of minority students. He coordinated bringing to the O'Neill School the Public Policy and International Affairs program, dedicated to increasing diversity in public service, which included arranging for students to be able to meet renowned author Ta-Nehisi Coates.

He will always be remembered by alumni and colleagues as a person of generosity of spirit, and with a wry, but always kind, sense of humor.

Thank you.

SHRIVASTAV: Thank you, Eliza, in honor of Professor Lebano and Wilkerson, if you are able to please stand [NOISE] for a moment of silence.

Thank you. Our parliamentarian informs me that we do have quorum so we can get back to regular business.

AGENDA ITEM ONE: APPROVAL OF THE MINUTES OF FEBRUARY 15, 2022.

SHRIVASTAV: The first one, of course, is the approval of minutes for our last meeting from February 15th. I need a motion and a second for that. We have a motion from Duncan and second from Line. All in favor, please say aye.

ALL: Aye.

SHRIVASTAV: All Opposed.

Minutes are now approved. Thank you.

AGENDA ITEM FOUR: EXECUTIVE COMMITTEE BUSINESS

SHRIVASTAV: Let me pass the mic over to the Executive Committee, Business Faculty President Marietta Simpson.

SIMPSON: Good afternoon, everyone. I just wanted to take a brief moment and then I'm going to see the rest of my time over back to our provost. I wanted to take a moment to talk about the Bloomington Faculty Council Office and the incredible work that they do on behalf of the Bloomington faculty council. First, I want to acknowledge Elizabeth Pear who does an incredible job all year and during the summer, and when we are off doing our thing Elizabeth is working hard. First, I wanted to acknowledge Elizabeth and join me in applause for Elizabeth.

[APPLAUSE]

Working in the office with Elizabeth are both Chad and Sarah. And I wanted to take this moment because Sarah is leaving the office as of this Friday.

She's been in the office for two years. In January was her two-year anniversary. And so Sarah would you mind standing? Sarah is leaving, so I wanted to acknowledge her.

[APPLAUSE] Thank you for acknowledging Sarah. Just know that so they're down a person in the office. It will take a bit longer to get things done. So please be patient as Elizabeth and Chad are holding things down during this time period and understand that they will be even more text trying to do the business of the Council and of the University Faculty Council.

Thanks so much.

AGENDA ITEM FIVE: PRESIDING OFFICER'S REPORT

SHRIVASTAV: Thank you Marietta. Let me begin today's remarks by acknowledging that like many of you, I have watched the events unfold in Ukraine with shock collar and honestly, a sense of helplessness and I hope the world comes to its senses soon.

We do have students from Ukraine and Russia for that matter. And I have been in constant touch with Vice President Turner and President Whitten about making sure they are supported and as best as we can.

I can only imagine the stress and agony that they are living through. I know you're all concerned and watching it with perhaps the same sense of loss as most of us are and we'll keep our eyes on the situation as this most forward.

Today marks two whole weeks that I have been here. I'm still here for my second meeting.[LAUGHTER] Thank you very much.

It has been a fun two weeks. I continue to meet with students, staff, faculty. I'm visiting colleges bit by bit. And I'm very pleased to say I remain as excited as I was when I interviewed here a few months ago.

There is tremendous talent, tremendous opportunity, and honestly a desire to move forward despite the fact that we are still dealing with the pandemic and working hard slowly to get out of the situation to whatever comes forward.

I have met and participated in a chairs meeting at the college. I've participated in a faculty retreat with the College of Education. I've visited at least one school. I know several others are on my schedule, so I will continue my journey to learn, listen, and investigate, and lay the groundwork for the changes that we think will propel you forward.

And I appreciate all of you for your help and partnership and look forward to continuing to doing that further.

A few quick updates. We have several major searches going on. The Dean of Libraries search, the process has been completed. The feedback has been received. I have gone over those and I'm hoping to make an initial offer in the next really by before the end of this week if all goes well.

And hopefully by the next time we meet, we'll have a candidate I can announce for that position. The Media School finalists. The search was completed mid-February. The search committee and I met on Friday I believe. We have the feedback from them.

I am waiting for some other reference calls on all the candidates before we make a final decision. And that is drawing to a close as well. So I'm hoping that too will be completed in the near future.

The Jacobs School finalist interviews are in process, they will conclude this week. I find that the candidates are a very strong pool which reflects the wonderful reputation that our Jacobs School of Music enjoys around the country.

I'm hoping we can attract the right candidate to lead the Jacobs School into its next decade and beyond. The search committee has completed the semi-finalists interviews for the Luddy position. Five finalists have been selected for campus interviews.

And I know my office is working very hard to schedule all the gazillion meetings, lunches, breakfasts, dinners that go with these. I believe the first one is March 4th, the last one will end March 11th, and we'll go through a process of soliciting feedback, listening to the search committee before making a final decision there as well.

On a somewhat unhappy note for me, John Neito-Phillips, our Vice Provost for Diversity and Inclusion, who's currently on a year-long sabbatical, shared with me a few weeks ago that he would like to resign and return back to his faculty role upon his return this summer.

The interim Vice Provost, Lemuel Watson, as many of you may know, was already scheduled to depart at the end of the summer. So that leaves a pretty big hole for me to fill in a very critical office that needs to be part of all conversations on campus as we forge a path forward.

I have discussed plans for restructuring that office a little bit and identifying a new candidate for that role with BFC precedence and the BFC executive committee earlier, well late middle of last week.

The intent there is to elevate it from a for part-time position to a full-time position. We are still rewriting the position description. Some of the Bloomington focused entities, the centers that are big part of our DEI efforts, which straddle the space between reporting to the vice president or the vice provost will be reorganized.

So all the Bloomington efforts can be overseen by one office. I'm also working with the Vice President James Wayne Bush on those plans, but we are close to having that finalized and then launching a search for that as soon as possible.

That's on our searches.

We, as in myself along with David Daleke, James Wayne Bush, and the deans continue our series of meetings with graduate students across different colleges. There are several of these occurring, some are big, some are small, depends on the nature of the school and college and the entity within.

The idea there is to listen to concerns from the students and identify issues that can be resolved quickly and meaningfully. And moving forward, we've probably had I don't have a fixed number of probably about 10-12 meetings is my guess last week.

There are more continuing this week. In fact, David and I have just walked over from one in our medical science program.

So those are going. Well, there are obviously some issues that we are all aware of that needs to be tackled systematically.

There are a lot of other issues that emerge that may be local to a program or a college. But it is really positive to engage and listen. And I hope in the coming weeks we start building an action plan to try and address these issues.

That is the last of my major points I wanted to highlight. And I want to yield my time for two people quickly to perhaps give a comment and open it up for question.

One is to Hannah if she wants to mention anything about the situation and the students in Ukraine. And after that, most of the time I want to be able to talk to Aaron Carroll to discuss the upcoming masking requirements or thereof and how those may be implemented. Hannah, you want to take it away.

BUXBAUM: Thank you. And I hope that by turning my microphone on, I seem to have turned yours off, my apologies. Happy to join you all today.

So I know that we're all watching the truly horrific events unfolding in Ukraine with disbelief and dismay. And the first thing I would like to say is we truly appreciate all of the outreach that we have had from academic departments, from individual faculty, and especially from advisers of our students wanting to know what can be done to help support our Ukrainian community.

So thank you very much for all of that outreach. And I just wanted to say a couple of words about what we have done, which is unfortunately not much can be done under the circumstances.

We have, on campus, approximately 12 Ukrainian students who are here on F1 visas and another 12 or so who are permanent residents of the United States. And there has been direct outreach to all of those students, offering support, connection to caps and other resources, etc. And unsurprisingly, several of those students have indeed had to avail themselves of those resources.

So we are in fairly close contact with them to make sure that they are doing as well as possible under the circumstances. I want to note that we are also keeping an eye on our Russian students. So there are about a total of nearly 40 Russian students on campus between F1 and permanent resident.

And we are concerned as the anti-Russian rhetoric escalates that some of our Russian students may themselves be subjected to harassment, and so we just want to make sure that we can address that if that should happen.

So far, I'm happy to report we have not seen any of that really. Some people have asked us about study abroad programs for the spring.

[LAUGHTER]

So we currently have approximately 1,000 students studying abroad in Europe for the full spring semester. None of those students are anywhere near the conflict area. We also have a number of short-term spring break study abroad programs that are scheduled to leave in the next couple of weeks.

One program based in St. Petersburg that was supposed to take place later, I think leaving in early May, has already been canceled. However, at this point while we are monitoring the security situation, of course, we are planning to let the other spring break programs go.

There are not many of them and again, they are not near the conflict area. Obviously, we're relying heavily on our local partners for up-to-date information should that situation change.

And then I think the last thing I would say is, as always, it is important for us to engage academically as well with these events, and I would like to call out the Russian and East European Institute in the Hamilton Lugar School, which has put together a truly phenomenal three-day teach-in program. It is running all day today, all day Thursday, and tomorrow evening, there will be a panel from 5-7 o'clock, I just heard from Professor Sarah Phillips, who's the director of that institute and she is lining up a couple of colleagues who are currently in Kiev actually to try to Zoom into this.

So I think, again, as we try to grapple with what is happening there and try to understand what's going on, I truly appreciate the work of our colleagues in putting all of these programs together, and I hope many faculty will be able to attend.

So that is the brief update. And again, really the most important thing we should be doing and can be doing at this time is taking care of our students who are here.

And I greatly appreciate again the outreach and compassion that has been flowing their direction from their departments. Thank you.

SHRIVASTAV: Thank you. If there are any questions from Hannah, this would be a good time, but I don't want to spend too much time on it, but anything for Hannah? There's one.

HERRERA: Thank you for the information in keeping us in the loop with the students. So just to clarify, we're talking about the students here in our campus, but we don't have IU students right now in Russia or in the Ukraine programs taking one-year programs, right?

BUXBAUM: That's correct. There is one graduate student who is currently in Ukraine. She is Ukrainian and she was counseled to leave in the long windup to this attack, and she chose quite understandably to remain there with her family.

Her advisor is in daily contact with her. She's no longer in Kiev and seems to be doing okay. But that is the only student we have in Ukraine at this time and we have no current programs in Russia either.

So our focus is definitely on the students who are here.

SHRIVASTAV: Thank you, Hannah. Aaron, do you want to talk about the masking?

CARROLL: Sure. And I will try to keep remarks brief because I'm sure that there will be questions.

Throughout the pandemic, we have tried to react appropriately to the situations that are going on in our various campuses, including IU Bloomington.

There have been times when we have ramped things up and times we have brought them down. We had not planned to have a mask mandate this academic year, but then the Delta surge began just before classes began. And so on all of our campuses, we instituted a mask mandate.

Candidly, we were thinking about in October or November whether that would change because it looked like we were getting very close even to the triggers that would remove the Monroe County mask mandate, but then the omicron surge hit, and so we had to not ramp down, but actually ramp up in January when we asked all faculty to remain masked even while they were lecturing and made some changes to recommendations for events.

But two weeks ago, yesterday, we pulled back on those extra additions, and as the governor's executive order ends in the next few days and the Monroe County mandate drops in the next few days as you've seen in announcements, we're going to mask optional.

I think it's important to recognize two things that I'm going to stress as we think about moving forward. One is it is remarkably different today than it was not only a couple of weeks ago, but even than it was as we began the semester last summer.

Our numbers are about as low as we've ever seen them. When the dashboard updates for this week's numbers again, they will be almost as low as they have ever been.

Our positivity rate is unbelievably low, we picked up an enormous number of cases asymptotically. Even in January, we're seeing almost none now. And so this is reacting to situations as we see it, as well as to what the state and the county are doing.

The second is that I think that this is being viewed often as, we're done, we're moving the last thing standing.

I can't stress enough that this is just one layer of our very many layers of protection on our IU campuses, which would include very high levels of vaccination. Not only high levels of booster, but a booster incentive program for students that many thousands of students have already taken advantage of and are continuing to.

The fact that we have ubiquitous testing, that is a very quick turnaround and is almost unlimited in availability.

We still do contact tracing, we still do quarantine and isolation, all of those things have been removed by the state.

They are shutting down their testing, they are ending contact tracing and isolation, they are pulling back on pretty much everything.

We are not, we're only removing mask mandates for asymptomatic people in our classrooms. We will continue to hand out N95s and K95s for those who wish to wear them and we encourage their use for those that do, and we will continue to watch what is going on with our numbers in the coming weeks before we make any further decisions about anything else that may change.

But the continued masking of everyone when the numbers are so very low, and almost all of the cases we see are symptomatic and shouldn't be in class anyway, there just isn't that much juice left in the squeeze for continuing that policy.

I know it's a transition for a lot of us, I know it's going to be a change, I know it's uncomfortable for some, but throughout the pandemic, we have done what it takes, we meaning all of our IU constituents, to keep each other safe and have done far above and beyond what we've seen elsewhere.

And I've been always impressed at how much people are willing to do whatever it takes to keep each other safe. So we will continue to monitor, we will continue to have open discussion as much as possible.

I am available to talk to any schools, and I have talked to some already, but any smaller groups that might have faculty that would like to ask questions, I'm more than happy to do that, because as we have throughout the pandemic, we want open communication and honesty about what we're doing and why.

And in that vein, I'm happy to take questions now.

SHERMAN: Yes, Aaron. I just wanted to thank you for your weekly updates, and I and a lot of other people appreciate your even-handedness, your patience, and your rationality.

You've done a great job with us. So, thank you.

CARROLL: Thank you. It's a team effort. I cannot stress that enough.

[LAUGHTER]

There's a lot of people working on this. But thank you very much, I appreciate that. Yeah?

RAYMOND: Simple question. Just to clarify, we can go back to planning events that include cookies and stuff like that, right?

CARROLL: Yes. Absolutely, you can.

RAYMOND: Thank you.

CARROLL: In fact, you could have two weeks ago, but I'm happy to tell you now that makes it all good.

Yes. Events are now back to being basically unrestricted with respect to size and food. We are still that you've filed the forms and just because we need to keep track of everything, but yes.

SHRIVASTAV: Go ahead, Con.

DELIYANNIS: Thank you and your team for all your work. If we see somebody who appears symptomatic in our classroom, in a public area of our building, can we request or even require that they put on a mask?

CARROLL: No, because I wouldn't actually say that the mask could be the appropriate response. They shouldn't be there.

[LAUGHTER] It's like, I do not want masks to become the means by which we have sick people coming to work or class.

In other words, if somebody coughs once, that happens, but if somebody truly appears ill, I think it's reasonable to suggest that they should likely not be in your classroom.

DELIYANNIS: So it's okay to suggest that they go elsewhere?

CARROLL: Yes. That they should go home and that they should make up the work.

If it becomes a problem, again, as we do with all controversy, it should be brought up in the appropriate pathways.

We're not calling, the police or anything like that, but our blanket messaging has been again, it is not appropriate, to come to work or to school while you are sick. You should stay home, fill out the symptom checker, and get tested if appropriate.

SHRIVASTAV: Tim.

LEMPER: I just wanted to ask for students who've been in contact with someone who tested positive that are themselves asymptomatic, what guidance should we give them about attendance and mask-wearing?

CARROLL: So, I can't stress enough that we should not be playing amateur contract tracer. [LAUGHTER] We should leave that to the professionals. And so what we should do is tell them that they should talk to the contact tracers who will advise them about what steps they should take to keep themselves and others safe.

SHRIVASTAV: Go ahead, Steve.

SANDERS: Dr. Carroll, I echo Jim, and others, thanks to you and admiration of you.

Since the beginning of the pandemic, though, it seems like IU, like every other institution, everything we've done has been reactive in some way to ups and downs, and I think the response has been incredibly good and incredibly effective and well done, but it's been reactive.

Assuming you agree that COVID is going to be something that's endemic that we live with forever like the flu, what, if anything, is being done right now to figure out at the university level what that means?

Going forward, how we have to think about everything from food service to the return of masks to vaccines to Zoom teaching? Is there some central brain, some committees, some group that has begun to think about that?

And if not, when will that happen and how will that happen?

CARROLL: So I want to answer a couple of things that you asked. And one, I'd try to push back a little bit when we talk about endemic because endemic doesn't mean we just live with it.

Ebola is endemic. Nobody just lives with Ebola. Endemic means we're not going to eradicate it. That's going to happen, but you're right in that that still means that there has to be a heightened sense of alert, and we need to be on this.

I'd also say that I do not think we've always been reactive, I think that we make changes depending on the situation, but I think a lot of the things we did were proactive including vaccines.

But again, what are we doing? I mean, certainly we talk about this all the time, and I would love to say we've had half a breath to start thinking about that, we're still in the midst of what is going on.

I do think that that's one of the special projects though that John Applegate was planning to work on, was actually document some of what we have done and then think about long-term strategies.

I also can say that I think that some of the policies and changes that we've put in place are likely to stay in how we move forward. With respect to how we teach and the fact that we're going to be more nimble and that we have to get used to the fact that as a school and as a country, we have to be better about stay-at-home when you're sick, we probably need, whether that works policies are being more nimble about accommodating students when they miss class and clearly not having attendance be the criteria on which people are graded.

That's up to you. I do not make academic policy, and so I think that this is the kind of thing that we will have to talk about as a university at various levels as we move forward. And I imagine maybe that's something perhaps we get to in the summer or the fall.

We just need this to slow down a little. We're getting there. But it was only a couple of weeks ago, this was a bad as worse than we've ever seen it.

It's just amazing how quickly the last surge both went up and down. Sure.

SINGH: Thank you for your weekly updates. So I would like to tag on Steve's question about the classroom attendance.

So most of the classes, they have attendance policy. University's policy is not to come to class if a student is not feeling well. But many programs, many departments have attendance policy.

So if I ask my student to stay home, but they are stressed about the attendance, like in my program, in my language classroom, the policies that if they fail certain number of classes to attend, they actually fail the course.

This is adding a lot of mental stress to students. So what is the University's policy? And I think we would have to talk about that.

CARROLL: I can only speak through the medical and health side of it. And I can say that I would unequivocally advocate that we have to be better about students not coming and faculty for that matter, not coming to school when they are sick.

This is not only good COVID policy, it's good flu policy, it's good everything policy. And as we focus more and more on how do we protect those who cannot protect themselves because they are immunocompromised or because they have other medical conditions, that is the single best thing that we can do to take care of each other, is not expose each other to illness when we know we have it.

I, on the other hand, do not have a good answer for how do we change the way we deliver education to be more accommodating to that.

[LAUGHTER] I think it is absolutely something we all need to work on together, but I do not have a good secondary approach to allowing people when they are symptomatic to stay home. If we're worried about people abusing the system, I think we can require that they appropriately use the symptom checker and that they have at least logged that they are ill and been told to test. We certainly do not want to be requesting that they go see a doctor, we do not want to be requesting what their test results are, that would be somewhat of

an invasion of privacy, or get too deep in the weeds on what their symptoms are. But it's not unreasonable to make sure at least that they have acknowledged and documented that they have gone to the symptom checker and that they therefore should be excused from class.

But I do not have a solution in my pocket on how each of these things can be easily adapted. I was talking to the Eskenazi, the School of Art, yesterday and they were talking about how they need in-person. Obviously, to work on some projects, they must be there, and so it is hard to make up the work, and I get it. I do, [NOISE] I do not have a solution in the short-term or long-term for how to get around that.

SHRIVASTAV: I would just remind people that the attendance policies are really controlled by the instructor. I do not think there's the institutional level policy.

I could be wrong here, but that's typically how it is. And yes, strict attendance has been a big hurdle during the pandemic. And again, you have to be cognizant that strict attendance policies will have an adverse impact on probably the most at-risk students.

So as you frame your own internal policies or your classroom policies that are in attendance, I'd encourage you to be aware and cognizant of that.

We do have limited time, so maybe two more questions, one over there, and please go ahead.

BANKS: So I really like the symptom checker, I think it's been very helpful. However, my students have been confused because it's the COVID symptom checker, is it possible that could be more general just to be a symptom checker so students have flu or they think they have stomach problems or whatever else that are more general?

CARROLL: That's a good point and we can be better about the messaging on that. Although the symptoms at this point are so wide that almost anything that you have would also qualify as COVID. But I do take the point, and it's worth thinking about as we move into the long-term that it should be more broadly described. So thank you. Yes.

DUNCAN: Over here, Clinton. Moving into a situation where a COVID might be with us for a while. It's likely that we might need to talk about vaccination for a while also. What efforts is the university going to continue to make to make sure that faculty, staff, and students all have high vaccination rates going forward for any further vaccination?

CARROLL: Well, we have a vaccine mandate right now, and this far as I know nothing has changed with respect to that. And so that is getting people to vaccinate and continue to get them vaccinated is part of public health in attacking this. I think we will see as time goes on that there will be more and more people will get vaccinated and more and more people will have been exposed and we will reach higher and higher levels of immunity.

The problem is of course new variants. And we'll need to keep an eye on that, and if vaccines stopped protecting us against those variants, we would have to work to try to get as many people once again vaccinated against new variants as we do with flu every year.

But I would also caution us to not get too wedded to the word mandate or policy. The goal as always is to get as many people vaccinated as possible. That can be done with carrots or sticks. And it's really a combination of both that gets us eventually to where we want to be, which is why we're trying to incentivize boosters right now. And we would have to be nimble and think about ways to get as many people vaccinated as possible in the future, but nothing has changed in our policies at this time.

SHRIVASTAV: Thank you, Aaron. your time here.

CARROLL: Sure.

SHRIVASTAV: And I know we will continue his Wednesday afternoon webinars and more questions can be sent to him. Thank you also to Hannah for taking the time to talk to this group.

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

SHRIVASTAV: Let me move on to the next item on the agenda. This is the proposed amendment to the faculty misconduct policy. It comes from the Faculty Affairs Committee. It does not need a second. So Tim Lemper and Steve.

SANDERS: Sorry. At the last meeting two weeks ago, you recall we ran out of time. There was another item on the agenda and there was a vote to essentially say the conversation is no longer productive. Let's come back to this. And so since the last meeting, the Faculty Affairs Committee discussed and the Executive Committee implemented and approved two additional changes to the policy that you have seen, that you have now received for the third time.

So assuming you have that in front of you available to you on your device, there was talk about the name of the policy since it was called the Faculty Misconduct Policy. And we have now further developed the concept of incompetence, it should be called the Faculty Misconduct and Incompetence Policy.

I think some of us just decided that struck our ear the wrong way and so it has now been retitled Policy on Faculty Disciplinary Procedures. Unfortunately, none of us caught the fact that in the policy itself there is a reference to the Faculty Misconduct Review Committee. I will just ask you to take on faith that if this passes that will also be changed to something like a faculty disciplinary review committee or something consistent with the title of the policy.

So that's one change. The second change is that in light of some conversation last time, some questions about what steps are taken to correct someone to get someone help, to be humane, and the way we approach problems, short of bringing a misconduct complaint.

I think it's always been implicit in the policy and certainly, in those who deal with this issue regularly like Eliza's office, it was a norm that this was understood to be a policy that is essentially of last resort that other efforts must have been tried. And so that has now been made somewhat more explicit.

I've put here a passage from the document you have. The red underline is all new stuff from the existing policy, but within that is highlighted a new sentence that was added from the last meeting. It is expected that the procedures in this policy will be invoked only after other efforts to address the situation has been attempted and failed.

And Danielle that was in part a response to some dialogue we had at the last meeting and points that other people had made. So those are the two changes that had been made since the last meeting. Let me just briefly remind you that there is a misconduct policy already in place. This is not a new policy. What the Faculty Affairs Committee has attempted to do is go through the policy and address issues that were perceived to be weaknesses or in the one case that was recently brought found to be problematic.

And so if this policy is not adopted today, what are the consequences of doing that? Well, numerous problems, ambiguities, and the current policy will remain unresolved. The Faculty Affairs Committee's work included addressing the issues of confidentiality, the 1st Amendment rights of accused faculty members, the efficiency of hearings, how extensions of time should be handled, the role of the general counsel, the reporting obligations of the provost, and what steps may be taken short of a formal complaint.

Again, the current policy, as it exists today, refers to incompetence and makes clear that charges of incompetence may be brought. But incompetence is this free-floating and undefined concept that we're worried is potentially subject to abuse. And so we didn't introduce the idea of incompetence into this policy but we did attempt to make it more clearly defined, narrow, specific to particular problems to avoid the possibility

of having a free-floating concept out there that no one really understands what it means or how it can be adjudicated or under what circumstances a complaint could be brought.

Again, it's implied in the current policy but nowhere expressly stated, as we have done now, that disciplinary proceedings under the policy are intended as a last resort. And finally, the nominations committee would continue annually to stand up a misconduct committee from which NTT faculty are currently barred. That is another change that we have made to remedy that.

So that's just a recap of some of the significant work that's been done. And finally, I showed you this at the beginning of the last presentation. I guess I would ask you as part of this as a legislative body to appreciate the work that a committee of your colleagues representing every category of faculty member at a broad variety of disciplines in school spent literally an entire semester going through this policy line by line.

Not to say it's perfect, not to say you may not have things you would have done differently, but there is a proposal in front of you right now. And so I would suggest given the limited time that the executive committee has scheduled for this, ask questions, please feel free to speak for it or against it, but we are past the point where it's practical to be tinkering with the policy, to be quibbling about particular wording, and so forth.

There's a proposal in front of you that has been debated now for two meetings, has been again, I would suggest well-considered by a group of your colleagues in a very thoughtful and careful way. And so that brings us to the discussion and ultimately a vote on the revisions to what we're now calling the policy on faculty disciplinary procedures.

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

SANDERS: So with that, I'm happy to answer any questions, or I assume that the chair will entertain comments both for and against the policy as it's being presented.

SHRIVASTAV: Thank you. Steve, go ahead.

DELIYANNIS: As somebody who express concerns at our last meeting, I'd just like to say that these new changes are really good. They're spot on. They certainly addressed my concerns. And as far as the older content, I didn't get to say that I think having a definition of incompetence in this particular definition is a vast improvement over not having one. So I'm personally very happy to see these things.

SHRIVASTAV: Thank you. Are there questions or comments?

HERRERA: Yeah.

SHRIVASTAV: Go ahead.

HERRERA: So thank you, Steve and Tim again, and the committee for working on this. As I mentioned last time, this was something that had been discussed before. I just have one comment regarding the job duties because there is some concern about what job duties are for entities.

So one word that was suggested was agreed job duties. So there isn't any extra assignment or activity that might be determined by a director or a chair to an NTT or any faculty, and it could be considered incompetence. So that's my only suggestion that I have for today.

SANDERS: And again, we didn't tweak that specific. I remember I think Jay asked about that last time, and I thought we addressed that issue that, yes, we do not envision this policy, could be used to force a faculty member to do something that is beyond the boundaries of their appointment and beyond the boundaries of their understood duties.

I'm not sure simply saying agreed upon duties would clarify anything because people could still disagree about what they had agreed to. We don't have detailed contracts, we simply have letters of appointment. And so I think the way that would be handled, again, understanding that presumably other discussions and attempts to remedy the situation if taken place, if push comes to shove and a dean brings a complaint and says this faculty member isn't doing something. And the faculty member says that is in no conceivable way part of my job as a senior lecturer or an associate professor or a clinical professor. I think the place to bring that out is simply in the hearing and for the faculty member to make the case that is simply it can't be considered incompetence within the meaning of the policy because it is something that goes beyond the, as you said, the agreed duties.

But again, I think there are things that simply you can't anticipate every possible scenario or wording can't forestall the possibility of misguided complaints or inappropriate complaints. But every complaint that is brought under this policy is subject to a hearing. And it's a standard of clear and convincing evidence, which is a high standard.

And so I think we have to comfort ourselves in believing that situation wouldn't end up in a disciplinary action because the faculty member would be able to persuasively argue to a committee of her or his colleagues that should not be understood to be incompetence.

SHRIVASTAV: Thank you. Other questions?

[BACKGROUND]

LEMPER: I'll just add to that, part of it is that chairs can't bring complaints under the policy. So this would have to be something of a magnitude that a dean or a higher-level person would be willing to bring. I at least have thought that that's an added protection that most of the things I was concerned about when we were discussing this might be interdepartmental rather than a disagreement with a faculty member, and the dean of a school about what their proper duties are.

SHRIVASTAV: Eliza has a comment there too.

PAVALKO: Yes, and I'll add to that. The definition of serious misconduct is defined exclusively as an egregious violation of the code of academic ethics. And so I think as well, the other stopgap would be if there's something that's frivolous, I think, my office has to approve it too.

So if there was something that was again, I can't imagine a dean wanted to do that, but if there was, there's several steps and of course, the whole purpose of the committee is to review that. And so if there was something that was unfounded, the process is designed for having that review. So there are several layers of protection in there.

SHRIVASTAV: Thank you. One more, Tim.

LEMPER: Deans are also subject to this. It's possible that it is written in such a way that if there was an abusive power that would constitute misconduct, that the person attempting to impose obligations on faculty beyond their job description could also be subject to a complaint under the policy.

SHRIVASTAV: Thank you. It looks like we have one more, John.

DUNCAN: Tim's last comment, there was deeply important. Thank you for that. I think it's important to realize that these policies apply all the way up and should always apply all the way up. I want to take a second to thank the committee for their work here. It is deeply unfun to do these policy revisions. It is extremely necessary and you will never get everybody to be entirely happy with them. I think these are good changes. I'm going to be happy to vote for this policy. I do want to say that we are always going to have chronic issues where we're going to have to discuss equity in any policy where the 60/40 rule is invoked. That's just going to happen and it's no reflection on your work.

SHRIVASTAV: Thank you. I think you've set it up perfectly to close the discussion. Is there a motion to approve this?[BACKGROUND] It comes from the committee. [OVERLAPPING]

SANDERS: It doesn't need a motion, I think that if the time has expired it's simply appropriate.

SHRIVASTAV: We just need to have a vote on this. Does that need a motion?

No. It doesn't. So all in favor of the amendment as described, please raise your hands.

It looks like near unanimous here. Called a post. That's formality. The motion passes. Thank you, Tim and Steve.

AGENDA ITEM NINE: PROPOSED POLICIES REGARDING FACULTY PARTICIPATION IN CAMPUS-LEVEL BUDGET DECISIONS ON FINANCIAL DIFFICULTIES

SHRIVASTAV: The next item on the agenda is a proposed policy regarding faculty participation in campus level budget decision on financial difficulties. Once again, this comes from a standing committee, so it does not need a second. Paul Coats and Brian, take it away.

COATS: Hello everyone. So my name is Paul Coats. I'm one of the co-chairs of CREM, and CREM is creation, reorganization, elimination, and merger committee. Just as a reminder, I was part of the committee. I was a co-chair last year as well.

So I'm going to try to attempt to give a brief history behind these policies. So the two proposed policies are BFC faculty selection for university financial exigency Committee as well as faculty participation and campus level budget decisions on financial difficulty.

So just a brief history. The charges that CREM was given last year were related to creating a policy that responded to our university policy that had recently passed, which was ECA 41. This has to do with faculty role regarding university financial exigency.

In that, there was a small section under procedures, it was Section C4, and this one is spelled out below. So members of the financial exigency committee who are not currently on the executive committee should be selected from lists proposed by the faculty governance organizations of the affected campuses and units.

This was almost footnote style after a number of other sections which explained who would be on the committee absolutely and this includes co-chairs of CREM from the different campuses, etc. All the major players and major committee members from both the university faculty council as well as the different campuses and their own faculty councils.

So this was, again, one little footnote, but it did require an answer. Which means we needed to have a policy in place to present some list from which faculty could be potentially selected for the financial agency committee that would have been created by the university.

So that was the first one that we wrote. And that one was fairly simple, fairly straightforward. However, another one of the charges that we were given was also considering the creation of a general policy regarding financial difficulties and/or financial exigency for the Bloomington campus.

There was discussions about possibly making something similar to IUPUI as 1996 policy. We brought that before the full BFC last spring. Some of you may remember the discussions in order to understand whether we were going to make one big policy, whether we were going to go in depth into this and create two different policies, basically understanding the way forward. Because CREM at that time was not comfortable with simply making a decision on our own.

The feedback that we received from numerous players both in the BFC and their constituents was such that we need to essentially go back to the drawing board, keep simple, and try to make something that basically would apply generally, broadly, and would not have such specifics in it that it would actually create loopholes and create issues in the future.

So with the feedback that we received. We ended up creating a policy that respond to the university UFC policy. And this one we call BFC faculty selection for university financial exigency committee. And so this one is fairly simple. I'll actually have it on the PowerPoint here ,because it's so short. And it's just a ,simple explanation in general how this ,might be done. If this situation ever happened, hopefully, it will not.

Then the second was the discussions we had this past year were having to do with how we would write a general policy regarding financial difficulties on Bloomington campus as well as financial exigencies, so as we were discussing this how to make, in general terms, maybe a brief policy that was more encouraging continued faculty involvement, essentially which is what we already have.

So encouraging that that was the idea. What we ended up doing was as we were looking through policies, as we're looking through Cram policies we[LAUGHTER] discovered, in essence, a section already devoted to financial exigency for the Bloomington campus in the Cram policy.

So because we didn't know that at the previous Cram didn't know about it, and no one else had told us about it. We realized that this probably needs to be in its own policy so that people can actually find it in such an event as financial exigency to refer to.

So we decided to extract that from the procedures, it actually fit very well in its own policy, it was stand alone essentially already, didn't really fit where it was. So we extracted that used to be Section 8 from BOACAD16 procedures. So we extracted that, and then made a few updates, few minor changes having to do with some capitalization things like that, a few minor change, a few minor updates as well to links that had been broken things like that. As well as adding some additional information which my colleague will explain.

So for the first policy which is very short, the policy summary is here, essentially it's just explaining the reason for this policy, how it came about, and in essence what is to be done in order to respond to policy ACA 41. So the procedure that is mentioning is also copied below from ACA 41 and the scope essentially has to do with all faculty members. This is both tenured and academic appointees holding long term appointments.

So the policy statement is written there and essentially it's just explaining what the situation would be, in essence echoing what's already written in the university financially agency policy ACA 41, setting up how

this would work, how it dovetails with that policy and also how this list should be and this is per feedback that we got from the NBFC last year should be representative of a broad range of faculty reflecting the diversity of faculty appointments and other skills and expertise as deemed important by Cram.

So all of these points had to do with keeping it as general as possible since we don't know when or if this would ever happen and so we cannot necessarily dictate basically how to select, where to select, etc. So by leaving it broad but also keeping our values in place.

So the procedures themselves also very simple essentially we're going to leave it up to the BFC executive committee who would in consultation with Cram and the full BFC membership, be charged with the formation of this list. The proposed list of faculty should be generated using an approach whereby BFC members consult with their constituents.

I know this is a given, but we thought it was important to have it in there to continue encouraging this communication all the way from the ground up and also the proposed faculty need not be current BFC members. We realized that it was an important amendment that needed to be there in order for everyone to be available. In a case of emergencies such as this one.

Then the second policy is the faculty participation in campus level budget decisions on financial difficulties.

GILL: Thanks Paul. So here we have the policy summary that again was written to meet the needs of the new form that was developed and so policy summary this policy provides a standalone updated version of what was originally from Section 8 as mentioned before defines in general terms the role of faculty in campus level of budgetary decision making in response to various levels of financial difficulties that the campus might face. The gravest of which would be financial exigency. The scope's the same.

This is the policy statement and the main thing we wanted to do here was just clarify the language, employ some verbiage that's clear and concise and this basically just points out the different financial emergencies, one being a financial crisis which has a negative impact on the mission of the university and may result in mergers or eliminations of programs and the second is financial exigency which would be the worst type of crisis which would result in the termination of faculty appointments.

The things that we added that were significant are in red here I've been told I'm colorblind, so I don't see it actually. [LAUGHTER] Interesting though.

But the policy procedures, for all the financial crises the provost will consult with BFC as well BAC and the Cram will supply reports and recommendations. The BFC will secure and review pertinent information and consult with all the relevant parties within 30 days the timeline again from the previous policy. The BFC will submit a report to the provost.

If financial exigency is declared BFC, BAC and Cram will gather information regarding the financial realities and scholarly value of all impacted units and we wanted to emphasize it is expected this information will utilize by the administration for decision-making. The president of the IEB will meet with BFC president and executive committee to discuss these recommendations, president will notify the BFC of the trustees and administrations decisions regarding the best way forward allowing for questions and discussion.

A declaration of financial exigency will have an expiration date within a year unless this full review procedures invoked again. And then we added this after a meeting with the executive committee and the provost.

In rare scenarios there's a possibility of the timeline will be short, in which case the president or provost will, first of all, consult with the BFC executive committee and provide justification to the full BFC for circumventing any of the aforementioned procedures.

Happy to take questions.

AGENDA ITEM: QUESTIONS/COMMENTS ON THE PROPOSED POLICIES REGARDING FACULTY PARTICIPATION IN CAMPUS-LEVEL BUDGET DECISIONS ON FINANCIAL DIFFICULTIES

SHRIVASTAV: This is the first reading, there's no vote today, but this is open for questions. Go ahead.

THOMASSEN: Thank you for your work on this. It's now labeled XI, Roman Numeral XI. We're at the most recently read B29. And we have in B expectations for probationary tenure track and non-tenure track faculty, which it's nice to see that inclusion, talking about what happens during tenure probationary or probationary period. And then it just goes on to be all the tenure stuff, but the NTT part is not specified. And then again, expectations for promotion on D, it's tenured faculty will be reviewed for promotion according to the criteria of their new home.

I expect we would want to see the same for NTT faculty who actually have departmental criteria or unit criteria, and then are voted by the faculty would they be included there?

COATS: So just to clarify, I believe you're reading from BL-ACA-D16; is that correct?

THOMASSEN: It says B29. Is that what I'm looking at? Here it is. Yeah. You said this? No, So it's not that.

COATS: So that's BL-ACA-D16.

THOMASSEN: Hang on, I'm going to scroll up and get lost. It is BL-ACA-D16.

COATS: Right. So for that one, what we did is, because of the time limit that we had, and because we came across the section that we did about financial exigency, and that was the charge that we had. Essentially, we didn't mess with everything else, except for changing some spelling issues, things like that.

However, if this is something that people might want to have as a future charge fulcrum then I think absolutely, or another more pertinent committee, possibly a special policy review committee or something like that. But for our particular work, we didn't touch any of the policy that was already in place.

THOMASSEN: Okay.

COATS: This was only an extract. So what's there for BL-ACA-D16, that's not our proposal that's already in place, that's already a policy. What we did with that one, as the red line version shows, all we did was extract what was originally Section 8.

THOMASSEN: So you were just touching part of the policy and we'd have to go back and do a whole other thing to update this part of the policy?

COATS: Correct. Yes. That policy itself, D16, that would be another task.

THOMASSEN: Let me suggest that would be a good tasks to add to your list of things to do [LAUGHTER].

SHRIVASTAV: Okay. Are there other questions or comments? Go ahead.

NORTHCUTT-BOHMERT: Hi, my name is Miriam Northcutt-Bohmert and I'm a professor in criminal justice. So I have an elected seat here, but I am also the president of a college policy committee, which is the budgetary committee for the college. This email is the first time I saw this set of policies. But I would suggest

that while I really think the language that they CREM can appoint a broad range of faculty reflecting diversity of faculty appointments and other skills and expertise as deemed important by CREM, I think it might make sense to include representatives from faculty budget committees elsewhere across the university.

Because we do have a lot of knowledge, and we've had a lot of conversations about budget constraints, and so we could be nimbler. We also have established pathways for communicating with our members, which can be beneficial in these situations. So I'd just like to add that. Maybe you did consider that and maybe you voted it down.

COATS: Thank you very much. I just wanted to clarify again. Which committee were you from?

NORTHCUTT-BOHMERT: I'm the chair of the College Policy Committee, which has jurisdiction over budgetary affairs for the college. We represent all faculty tenure track, and non-tenure track.

COATS: Thank you. And again, the language that you were mentioning was in which.

NORTHCUTT-BOHMERT: So I just had the ACA 41 pulled up, but I think the language about does it carries through a lot of the policies and how CREM will be selecting the members of this group, it just makes sense to me that if we're in an emergency again, that you have some people at the table who've already explored or have been in on budget conversations, and also have a good way of communicating quickly with their faculty members. Like we have a list similar to BFC, similar to the way I can communicate with my constituents in BFC, we have a similar mechanism in the college on the college policy committee.

COATS: Thank you very much. Yes.

NORTHCUTT-BOHMERT: Yeah.

GILL: Good idea.

NORTHCUTT-BOHMERT: Thank you.

SHRIVASTAV: Okay. Other questions? Seeing none, I think we can oh, there's one more as well.

HERRERA: Yeah. Thank you Paul and the Committee for working on these. mIf we could just go back to slides about mthe membership, what it says none shouldn't be current BFC members. So this is from on the original mlanguage, right?

COATS: So sorry for the confusion again, we have two different policies on the table at the moment. So this first policy, BFC faculty selection for University of financial exigency committee. I know there's a very similar names.

So, this one was created by us in response to ACA 41. So this was essentially just creating an additional list for that financial agency policy committee at the university level. It will be created ad hoc, and they would then be may or may not choose from lists that we would propose that would be additional to who would already be on an ad hoc committee. This is like third string people.

So, the proposed faculty need not be current BFC members. Was stated in order for it to be clear, that these could be people who aren't necessarily on the BFC but might be very very useful for whatever situation we may be facing.

For example, Dr. Aaron Carroll, though he's not on the BFC, he might be one who would be tagged as, "Hey, this person might be important during X situation. So let's put him on the list for possible selection to the ad

hoc committee at the university level.” So all of this would be happening very very fast. And we would just be presenting those that we would be saying, hey, these people are possibly useful in this situation.

Does that make sense?

SHRIVASTAV: Okay.

COATS: Thank you.

SHRIVASTAV: Thank you, Paul and Brian. If I don't see any other questions, again, there is no need for a vote at this meeting, this is a discussion only.

AGENDA ITEM ELEVEN: PROPOSED REVISIONS TO THE PERSONAL MISCONDUCT PROCEDURES IN THE STUDENT CODE OF CONDUCT

SHRIVASTAV: So let's move on to the next item on the agenda. That is a proposed revision to the personal misconduct procedures in the student code of conduct.

It will be presented by Danielle DeSawal, Katie Metz, Libby Spotts, and Anna [inaudible] And once again, it's a first reading discussion item only and no vote will be done today. Go ahead.

DESAWAL: Excellent. Thank you, and good afternoon. We're back, the whole team. [LAUGHTER] However, this one should be a little bit less complex for what we're asking.

So, what we really come with is a change to the days, and that's it. We're looking at changes specifically to the personal misconduct code to change calendar days to business days to align with the academic misconduct code changes that we approved as BFC in the fall, for consistency for students and for administrators who have to implement these policies with the students.

The reason why we just need to change the days is because the personal misconduct code, the content is under review at the university level for all of the campuses and that work has been ongoing for the last year. But they were hoping that we'd be done so that the new policy, would be coming online in fall with the academic misconduct code, no such luck.

[LAUGHTER] So they plan to adopt the business days strategy anyway. And so what we're doing is for the Bloomington campus only is we went through as a committee changed only the days to align with the academic misconduct days process that we already proved and business days as a definition.

In order to make sure that it is consistent language for students and it's going to be something that just is more transparent in that process for them. So, at this time, we're not requesting or discussing any changes to the content because that is happening at the university level at this point.

All we're asking is to change calendar to business days. And so just as a little reminder from this fun discussion last semester. [LAUGHTER] The code is currently written using calendar days. We recommend moving to align business days which is what is stated in the academic misconduct code, consistency in language and practice for students and administrators. The pieces that we noted when we had this discussion in the academic misconduct code was it was consistency to align with practice and to communicate that students should not expect to have communication about their case over the weekend.

And using business days will also clarify when processes are suspended on days the university is closed for business rather than pausing the process over an entire break. And then our approved definition that we ended with about business days was days when the institution is open when we can expect people are working to conduct business.

SHRIVASTAV: Okay, this is open for questions. Go ahead.

COHEN: Just because this scenario actually just came up for me and Katie might have already dealt with it. The intercession is very confusing to students because some schools don't have an intercession so it's not a concept they actually know.

And so making sure there's some clarity that the intercession is open to business so that students who don't have that know that. Just because otherwise, they get like, "I'm on break so I think everybody's on break" scenario.

METZ: Thank you. I too was involved in this particular campus review board case that is ongoing just about to be resolved. So I actually resolved that with the office of student conduct who has agreed maybe you can add to this if you want, but who has agreed to clarify that policy on their end since it's outside of the scope of us defining every single small session that pops up or goes away. It just seems like outside of the purview of the code itself but rather it is something I did resolve with the office of the student conduct though.

SPOTTS: Into further to clarify, I'm Libby Spotts, Senior Associate Dean of Students and I oversee student conduct. This is one of the recommended changes for that exact reason. We think and we know that when we give students the parameter and then we say except for these nebulous ambiguous states that you have to go to a calendar and look up every year.

When we talk about business days, we're going to be very able to articulate business days mean any day other than a holiday. Any day that the university is open for business it doesn't just mean one class is in session. And that will immediately alleviate it. It's why a number of our peer institutions use business days and so this would be consistent with best practice as well.

SHRIVASTAV: Any other questions? Yes, Steve.

SANDERS: I'm not going to introduce an amendment because what I'm going to bring up is not what you're here to discuss and I don't want to start us down that road, but I do want to ask something. We've just discussed the faculty misconduct policy. The standard there that the adjudicating body has to meet is what's called clear and convincing evidence.

There are three legal standards basically, preponderance of evidence, which basically is understood to mean 50% plus a feather it's often said. Clear and convincing, which means the finder of fact needs to be more firmly convinced of one side's argument than the other, and then the criminal law uses beyond a reasonable doubt. The faculty misconduct policy says clear and convincing evidence. I recently found out that the policy if you want to petition to have your fee-paying status change you believe you were wrongly classified as a non-resident, you should be resident. You can take it to a committee, the standard there is clear and convincing evidence.

The standard in throughout the student misconduct policies is simply preponderance of evidence. Again, I know that's not on the table now. I don't know if that's something that the larger UFC committee might be addressing. I think that procedural thing is under the control of each campus.

So I don't mean to start a large discussion but I'm hoping that the committee will at least think about whether it is appropriate to have these different standards where the University's financial interests are concerned, we say clear and convincing. Where faculty misconduct is concerned, we say clear and convincing. With students who are facing the possibility of expulsion or suspension, we say 50% plus a feather is good enough to be convinced that they should suffer that penalty.

I don't know if there are any plans to ever address that. I'm just trying

to plant the seed that I think that this should be.

DESAWAL: So I think that's a great thing to take to the Chairs of the Committee who's actually looking at that who would be—

SPOTTS: Dean O'Guinne and VP Eric Weldy of IUPUI.

SANDERS: That's the university one... [inaudible]

DESAWAL: Yeah.

SHRIVASTAV: Any other question or comment?

[inaudible]

Yes, go on.

DELIYANNIS: I'm still a little confused by the concept of when the institution is open. For example, there are some days I forget exactly which may be Labor Day, where staff do not work but we hold classes, we teach classes, students are expected to come to class, or there is such a day? I'm sorry, I can't identify it now. But it would help if maybe there was a pointer perhaps to some website in the university which defines exactly which days are "open" and which are not.

SPOTTS: Sure, and we could reference, there is a website that currently tracks them recognized holidays of the calendar year as well as the intercession in the class in-session schedule. The business day model would be omitting from consideration the in-session out of session element of the question and would only be reviewing the question of when there is a university holiday that takes business off the table.

And so we could easily reference that website it's on the register's webpage. And I believe it's punted out for even four years out at a time.

SHRIVASTAV: Any other questions? Seeing none, I think we are close to ending our meeting. You all have an additional 35 minutes to enjoy the sunshine.

[LAUGHTER] Meeting adjourned.

[NOISE] Thank you. [BACKGROUND]