

**Indiana University**  
**BLOOMINGTON FACULTY COUNCIL**

January 17, 2023 | 2:30 – 4:30 p.m.

Presidents Hall – Franklin Hall

**MEMBERS PRESENT:** Ashlbrand, Ashley; Asher, Sofiya; Bala, Hillol; Bielasiak, Jack; Brinda, Chelsea; Cohen, Rachael; Cavar, Damir; Cole, Shu; Daleke, David; Dau-Schmidt, Kenneth; Davis, Allen; Deliyannis, Constantine; DeSawal, Danielle; Eaton, Kristine; Eskew, Kelly; Freedman, Seth; Gahl-Mills, Karen; Geeslin, Kim; Giordano, Anthony; Groth, Dennis; Herrera, Israel; Housworth, Elizabeth; Johnson, Colin; Kravitz, Ben; Kubow, Patty; Lalwani, Ashok; Lanosga, Gerry; Lion, Margaret; Loring, Annette; McCoy, Chase; Pastore, Bell; Peters, Chuck; Ramos, William; Reck, Cathrine; Seibert, Kyle; Sela, Ron; Sherman, Jim; Shrivastav, Rahul; Silvester, Katherine; Simpson, Marietta; Sinadinos, Allison; Singh, Kashika; Smith, Wyatt; Svetina, Dubravka; Tanford, Alex; Walton, Christi; Whitworth, Cale; Wyrczynski, Stephen

**MEMBERS ABSENT:** Arcuri, Toni; Bridges Jr., Chandler; Deeds, Anna; Frazier, Lessie; Furey, Constance; Green, Hank; Gupta, Nandini; Kalentzidou, Olga; Kollbaum, Pete; Lammers, Sabine; Michaelsen, Jonathan; Northcutt Bohmert, Miriam; Olcott, Courtney; Ossi, Massimo; Perry, Brea; Raymond, Angie; Sapp, Christopher; Shy, Katie; Siek, Jeremy; Sterling, Thomas; Tracey, Dan; Wu, Jiangmei

**GUESTS:** Carini, John; Tagg, Jamie

**AGENDA:**

1. Approval of the minutes of December 6, 2022
2. Memorial Resolution for Gustavo Sainz
3. Memorial Resolution for Malcolm L. Fleming
4. Executive Committee Business (10 minutes) Cate Reck, Faculty President
5. Presiding Officer's Report (10 minutes) Rahul Shrivastav, Provost
6. Question/Comment Period (10 minutes) Faculty who are not members of the Council may address questions to Provost Shrivastav or President Reck by emailing [bfcoff@indiana.edu](mailto:bfcoff@indiana.edu). Questions should be submitted no less than two business days before the meeting.
7. Athletics Committee Report (20 minutes); Scott Dolson, Vice President and Director of Intercollegiate Athletics; Carrie Docherty, Chair of the Athletics Committee and Interim Vice Provost for Strategy and Innovation; Marietta Simpson, Past-president of the BFC and Distinguished Rudy Professor of Music
8. Questions on Athletics Committee Report (10 minutes)

9. Proposed Changes to BL-ACA-D22: Grievance and Review Procedures of the Bloomington Faculty (20 minutes); Shu Cole, Co-chair of Faculty Affairs Committee; Katherine Ryan, Co-chair of Faculty Affairs Committee [Discussion Item]

10. Questions/Comments on Proposed Changes to BL-ACA-D22: Grievance and Review Procedures of the Bloomington Faculty (15 minutes)

11. AY 2021-22 Grievance Committees' Report (10 minutes); Elizabeth Housworth, Faculty Misconduct Review Committee; Jessica Lester, Faculty Mediation Committee; Jody Madeira, Faculty Board of Review

12. Questions/Comments on AY 2021-22 Grievance Committees' Report (10 minutes)

**AGENDA ITEM ONE:**

**Shrivastav:** Good afternoon, everyone. Happy New Year. Welcome back. I believe we have quorum and my apologies for running just a minute or two late. But I think we're ready to begin if you all are. Okay. Thank you. As we always do, we begin with the approval of the minutes for our last meeting, which was way back in 2022. December 6th, a motion to approve. So moved. Second Motion has been seconded. Any questions, discussions? I guess we're ready to vote all in favor of approving the minutes as written. Please raise your hands. All opposed. Motion passes. The next order of business is a memorial resolution for two of our colleagues who've passed away, Gustavo Sainz and Malcolm Fleming. For the first time, making her debut is Kim Geeslin.

**AGENDA ITEM TWO:**

**Geeslin:** Thank you. And I have to say this is really special because my first memorial resolution is for a dear colleague of my own. So I appreciate the opportunity. Gustavo Sainz, path-breaking author and professor emeritus of Latin American literature in the Department of Spanish and Portuguese, was born in Mexico City on July 13, 1940 and died in Bloomington on June 26, 2015, two weeks shy of his 75th birthday. Gustavo was a distinguished and prize-winning Mexican novelist and essayist whose work was translated into English, French, Italian, and several other languages. Gustavo joined the department in 1992, after having held positions at the Universidad Nacional Autónoma de México, Mexico City's Instituto Nacional de Bellas Artes, the University of New Mexico, Middlebury College, Washington University in Saint Louis, and elsewhere. He taught a wide range of courses on Spanish American and Mexican literature, creative writing, and film, before he retired from the department in 2011.

Gustavo burst onto the literary scene with his first novel, *Gazapo*, in 1965, at the tender age of 25. The novel was translated into over a dozen languages and continues to be a landmark in Mexican literature. Along with José Agustín and Parménides García Saldaña, he was considered to be one of the leading figures of *la Onda*, a Mexican literary movement that coincided with the youth movements and student protests of the 1960s and that was infused with the spirit (and irreverence) of contemporary countercultural movements (although, to be clear, he disputed his association with the movement). Over the years, Gustavo continued to experiment with language, style, structure, and narrative in his many other novels, which include: *Obsesivos*

*días circulares* (1969); *La princesa del Palacio de Hierro* (1974), which received the prestigious Premio Xavier Villaurrutia; *Compadre lobo* (1978); *Fantasma azteca* (1982); *A la salud de la serpiente* (1991); *La novela virtual* (1998); *A troche y moche* (2002), which was awarded the Premio Nacional de Narrativa Colima in 2003; and *El juego de las sensaciones elementales: Autobiografía a cuatro dedos* (2006), which he co-authored with Eduardo Mejía. Mexico's Ediciones del Ermitaño has reissued a number of his most renowned works in its collection, Biblioteca Gustavo Sainz. He also wrote short stories and children's books and contributed to numerous newspapers and cultural periodicals in Mexico. His work has inspired numerous books, articles, and dissertations, to say nothing of a broad fan base. In the 1960s, Gustavo participated in elite writing workshops such as the Centro Mexicano de Escritores and the Iowa Writers' Workshop. He also received fellowships to support his writing from the Guggenheim Foundation, the Ford Foundation, the Tinker Foundation, and the National Endowment for the Arts, among others.

In addition to practicing his own craft, Gustavo was actively involved in opening literary doors, creating opportunities for other authors, and to ensuring the vitality and visibility of Mexican literature, whether past or present. Gustavo would often talk about his dreams of finding a home for his library of over 75,000 books, films, and artistic works, which was too large and too heavy to store in many sites, a task that he was unable to complete during his lifetime. His colleague Deborah Cohn recalls, "I fondly remember inviting Gustavo to speak to my undergraduate students in my course and Mexican Literature where we regularly read *Gazapo*. Students were fascinated by his depictions of youth, its social pressures, questions have generational change and the exploration of modernity, the modern city and new technologies. Having a living writer talk to them was always a high point of the course. Students were very excited to hear Gustavo's descriptions of the novel and its origins and to ask him questions about the work and its significance. The memory of his visit will I believe, stay with the students long after they've forgotten about the course". Gustavo is missed, but his work continues to inspire readers. Gustavo is survived by his sons Claudio and Marcio Sainz.

### **AGENDA ITEM THREE:**

Our second memorial resolution is for Malcolm Mac Fleming, who was born in Schaller, Iowa in 1919. He lived to be one day short of 102. He was an extraordinary life, very well lived. At various times in his life, he was a chemist, a biologist, a war photographer, or a filmmaker, a communications researcher and administrator, a professor, and a published poet at the age of 101. He moved with his family to Oregon early in life as his father relocated in Presbyterian ministry. After completing a chemist, chemistry degree from Oregon State in 1944, he entered the Army Signal Corps as a combat photographer. After the war, he expanded his knowledge of photography, working as a scientist at Eastman Kodak, developing the gold standard of color film, Kodachrome. His motivation to pursue all things visual led him to move his new family, wife Ruth, son Steve, and daughter Alice to Bloomington to pursue his doctorate where he met other like-minded students and faculty who are embracing the goal of making educational films more effective.

Mac joined and eventually took the reins of the Motion Picture Production unit that had been involved in producing military training films. He was intrigued to be working with skilled

craftsmen, technicians, and faculty with a diversity of subject matter expertise and specializations in the media production process. During these middle years, Mac was an administrator of the Audio-Visual Center, known as the AVC. The AVC had become a large communication nexus of services to the university and nationally and internationally with several educational development projects in Southeast Asia and Africa. It was the largest and most complex organization of its kind in higher education.

Mac's direct area of supervision was the film production unit. His unit produced over 100 educational films. The films were distributed worldwide in all levels of education. This supported Mac's vision of putting teams together that could produce films serving the educational needs in K-16 classrooms around the country. Mac understood that the unique value of film was it. It can illustrate in realistic fashion phenomena that are unseen to the naked eye. In the 1960s, Mac began a research effort to review the most relevant literature in communications and psychology to carve out his unique perspective of how well-designed words and pictures achieve efficient and effective learning. His work coincided and was influenced by the emerging study of semiotics, which centered on the meaning of pictures. He believed educators communicating with pictures could more accurately predict the meanings students understand.

Mac's seminal contribution was the concept of message design, which was elaborated in the textbook he published in 1978, and then the second edition which he published in 1993. These two efforts marked a turning point in the concept of educational media design from a craft to a social science. Both the first and second editions became widely recognized as seminal works in the field. The original edition was recognized by the Association for Educational Communications and Technology with the Annual Achievement Award signifying the most important contribution to the field in 1978.

As Mac approached retirement, he prepared for the next stage of his life with thoughtful, disciplined, and persistence. When a friend encountered Mac and Ruth walking the streets of Bloomington with backpacks, they reluctantly admitted they were filled with rocks to help prepare for the couple for the rigors of hiking adventures around the country and abroad. He participated actively in the First Presbyterian church's social justice activities, and also on extended hiking trips with church members. One could always depend on Mac and Ruth stepping off the Meadow Brook shuttle at many of the School of Music venues, especially the summer band concerts. Mac characteristically pursued intellectual challenges as he aged and dealt with the loss of his life partner and devoted wife Ruth. He went on to publish a book of World War II photographs he had taken as a US Army combat photographer, called *From War to Peace in 1945, Germany: a GI's Experience* and was published in 2016. Finally, always eager to learn and master new skills, he began a study of poetry because he had not enjoyed it in his youth. That serious effort resulted in a book of poems published at the age of 101. It was called *Lifetime Visions* and was published in 2020, and he added his photography to enhance the meaning of his poetry.

**Shrivastav:** Thank you, Kim. I know a lot of us are just smiling, thinking about all the accomplishments for these two of our colleagues. If you are able please stand for a moment of

silence. Thank you. I now invite Executive Committee Business Report from Faculty President, Cate Reck.

**AGENDA ITEM FOUR:**

**Reck:** Thank you. And good afternoon. In case you're wondering there's music outside. I kept thinking I was hearing some things through the speakers or something. So, I thought I would address that there's, there's music going on at Sample Gates. So we brought you a little bit of mood music to lighten the afternoon. So first I want to welcome you back to the spring semester. So happy new year. I hope your holiday season was a good one. I hope you were able to have some respite from all the challenges of what the pandemic has been bringing us recently. And I hope you had some time with loved ones.

So our community has undergone a roller coaster of emotions less last week, probably vacillating not in the least including shock and dismay, anger and fear and above all, uncertainty after last week's anti-Asian hate crime against one of our own IU students. In recent years, Asian-Americans nationally have seen an increase of emotional rac, excuse me, racially motivated harassment and violence, which has only been intensified by the COVID pandemic. This most recent local incident is yet another reminder that we have a huge job to do in society and as educators to combat harassment and violence against individuals from a diversity of backgrounds. When these events happen, they acutely impact the individual in question, their family and their community. But they also touch all of us in a range of ways that we can't ignore. As faculty, I ask you to remember to be sensitive to the anxieties of your students around this incident. And to remember that your students anxieties are not always expressed openly. It is not enough for us to work against racism and other forms of prejudice within ourselves individually. We also have to be proactive in supporting our communities on our campus. We are stronger when we hear one another with care and sensitivity, as well as when we challenge one another's views respectfully and in well-intentioned ways.

I have a host of other BFC related items to get to, and it's gonna be a large body of information and I'm going to indulge your patience and I appreciate it ahead of time. So we have seven BFC meetings during the spring. It's standard that one of these meetings will actually be consumed by the State of the Campus. I think that date has been chosen for one of the April dates, but that may change. So just to recognize that Provost Shrivastav will probably in this room will give the state of the campus in lieu of one of those the meetings. I'd like to remind folks, Lana's sent out an email about this, that we have an open house on January 24th, 2:30 to 4:30. So it's a regular BFC time period in State Room East. So we want you to be able to come in and hopefully a less intimidating and more social way than Town Hall. So we have light refreshments, a little bit of food, please. We're hoping that you come, the executive committee comes, but it's open to all faculty. So please make sure that your constituents now, this is a time period for us to be able to get together and talk about things. Have epiphanies, create good ideas, and then actually get to know each other a little bit better.

As you may remember, one item, discussed and voted on last year was about changing the constitution to reintroduce the student appoints the Academic Affairs Committee, the SAAAC, as one of our standing committees. And if I check my email correctly,

Lana has sent that ballot out today. You should have that in your inbox. And we asked you to vote on that change by January 26th. I'm happy to report that we are nearly good to go on the SAAAC. I'm still looking for two more tenure track faculty members who work with SAAs, so they have some investiture in that and who were willing to serve. I realized that many faculty are interested in the work and we've heard that over and over again by email. But many people are just overcommitted. So if you can continue to help me reach out to your colleagues and try to find the correct faculty. Not just anybody but the correct faculty you know, but SAAs want to work with SAAs worrying about SAA issues, we would be very welcoming.

The new nominations committee has been elected. And I wanted to thank all those who agreed to run on the ballot. Unlike the other standing committees whose terms start at the academic calendar, who follow the academic calendar? The nominations committee spans during the calendar year. Nominations committee just started in January. Nomination committee is chaired by President elect or president in waiting, Colin Johnson. From the nomination committee, the first main task is overseeing the elections of the Bloomington Faculty Council members, in fact, in the faculty president-elect. So I just kinda wanted to give you an update or just an overview of what that looks like. If you're curious about how this plays out, the BFC by-laws Section four outlines this ad nauseum when a lot of detail and I encourage you to go read that if you'd like. I would like to just outline what you expect to have come in your inbox in the next few weeks. So our first order of business for elections this year will be president elect nominations. Those will be coming up January 25th through February 1. So this body, BFC members, are asked to nominate from among this body, whoever you think would be appropriate for president elect. The top nominees from that ballot will, whoever garners the most votes, will be asked to run and Lana will be communicating with them starting February 2. We need to at least two people to run. It could be more than two people, but we need at least two people to run. After we have identified at least two people to run for president elect, we ask that the candidates' statements be due to Lana by February 24th, just to kinda give you an idea. So those first three weeks of February will be about identifying a person, getting the statements and posting the statements so that people understand who's running. Those will be advertised on the website. You'll get an email about that. And we will have president elect elections then March 20th through the 27th. So that's after spring break, and we hope to notify the new president elect on March 28th. I'd like to make sure we do this in a timely manner and we don't get behind. Concurrently, we need to actually execute the BFC council elections so that people get in the seats that you're in. About half of you roll-off and half then obviously get filled. We will be collecting self nominations to serve on the Council from February 13<sup>th</sup> to February 24<sup>th</sup>.

So in the past, what's happened? My timeline but might be off, but about four years ago, what would have happened was you had to be nominated to be on the BFC. We've gone we've switched to actually doing self nominations, which has been much more successful. So part of your job that I'm asking you to do is go out and talk to your colleagues, explain to them, educate them about what the BFC is. What do we do? A lot of people think faculty governance is kind of hocus pocus. They don't really understand what we do here. And the people who do understand it better, we would want you to go out and actually help explain to your colleagues. And we hope to get some self nominations of the appropriate people who are

interested. We anticipate BFC member elections to take place March 20th through the 27th. So this parallels president-elect elections. So these will be happening in parallel.

And finally, we will be petitioning the campus faculty to submit their Committee interests form. So this is a Machform. This is not a ballot, it's something different. Lana expects to load the committee volunteer form to the BFC website and notify faculty of the opening of this form by January 20. Seem reasonable. Okay. There are 16 standing committees, there are seven campus committees, and there's five elected committees. You can find information on these committees on the BFC website. If you have questions, I would suggest that you talk to the actual co-chairs of all those committees or ask me, ask Lana, the Executive Committee and we can kinda help you. We anticipate the election of officers (so who are officers--secretary and parliamentarian) and the elected committee members March 27th through April 3rd. So there's many stages that I just explained and I know it's a mountain, it's a lot to keep track of. Elected committees commenced their terms on May 1st. I appreciate that.

That was a lot of information to digest. If you have any questions about any of these items, please make sure you contact me or Lana. We're happy to answer any questions that you have. I know we're going to accomplish a lot of great things this semester. I look forward to engaging with you at the open house on January 24th. So please put that on your calendar. I hope you come. I want to simply end by expressing a warm and enthusiastic welcome, and I hope you have a great semester. Thank you.

#### **AGENDA ITEM FIVE:**

**Shrivastav:** Thank you, Cate. Next item is my report, so I'll briefly mention a few things before we get on with the other business. First of all, once again, welcome back. Just like Cate said, I hope you all got a chance to catch up, catch your breath. I know it had been very hectic fall semester and an extremely cold holiday break, and I hope you all stayed warm throughout that. I got to see some of you at the MLK Day events yesterday, and I wanted to take a moment to thank everyone here who engages continuously on equity-focused research, creative activity, and service on a everyday basis. I don't have to tell this group diversity, inclusion, belonging are critical things for us as an institution. They are key to our success and we need to continue putting our focus on those in the years to come.

As President Whitten and I shared in our message to our community yesterday, last week's events in Bloomington remind us vividly that we must always be allied in our stand against hate and injustice in any shape and form. When anyone in our community is targeted by hateful and harmful actions, we are all obligated to support them and reaffirm our commitment to combat racism and hate. I'm really pleased and heartened by how our community has come together in an unmistakable show of unity and support for the victim and our Asian and Asian American friends and colleagues. I'm especially thankful to our IU's Asian Culture Center for his ongoing leadership and support of our community. Vice President James Wimbush released IU's statement on Friday. If you've read pretty much any major media mention of this issue, chances are that statement has been part of that news report. President Whitten and I, along with James Wimbush and other university leadership attended the healing session and the listening session that ACC put together on Friday afternoon. We met with students, faculty and

staff. We conveyed our support and also discussed some tangible ideas for us to move forward. President Whitten mentioned and remarked on this horrific incident at her remarks on Sunday evening at IUPUI, we both reaffirmed our support for the victim and the Asian and Asian American community in our message on campus and remarks at the IU Social Justice Conference yesterday morning. I also spoke about it at the city celebration of Dr. King's birthday last night. And I'm also grateful for the extent the support and help extended by the city, particularly John Hamilton, Mayor Hamilton's strong statement on this issue.

One thing I want you all to recognize is that the victim in this case has requested privacy and it has limited what we or other local officials can say publicly about this. But as President Whitten and I have shared in our message yesterday, it does not diminish our commitment to provide support to them, to their family and of course, to our community at large. I also want to say thank you to all of you, to our deans, to our department chairs. Many people have taken multiple steps to engage with their own networks, with their own communities. I know that work is ongoing today and more will follow. And I hope we all continue to come together and stand in solidarity and help people who are impacted by this.

Um, I want to move on to other topics here. I'm excited to share that we continue to make great progress on IUB 2030. No less work for Cate and Carrie, two of our fearless leader, leading that effort forward. At the end of last semester, all 25 working groups submitted their recommendations to the planning committee. These reports drew from many sources of knowledge, including the subject area expertise of working group members and the networks, campus level data, comments from student focus groups and feedback from the general campus via online forums, which I believe are still available. If you just search IUB2030, it's still not too late to provide some feedback. The planning committee has now synthesized working group recommendations and submitted their final reports to the Executive Committee.

The executive committee will share preliminary preliminary reports by February 7th in time for review before our planned town halls. If you don't have these on your calendars already, they are February 15th, 3:30 to 05:00 P.M. in the IU Auditorium or February 16, 2:30 to 04:00 P.M. in Whittenberger Auditorium. Both are also hybrids. There will be a Zoom option if you cannot be there in person. If you forget by the time this meeting ends, the information is available on the calendar. So I hope you can look at it and encourage your colleagues and again, your networks to participate in these discussions. The executive committees first report is due March 1st, after which we will start the seven-year road of implementation.

Once again, I've said this last semester, but I want to thank everybody who participated in the process. So far. I know it has been fast-paced and has already yielded a number of ambitious ideas, as well as new and greater connections between the several hundred people who have been involved in the process so far. The second big update is around Faculty 100. The first phase of hiring approvals were made just before the holiday break. So we are officially on the search for bringing the first cohort of Faculty 100 colleagues here. I'd like to thank the faculty committee that reviewed the proposals. They did an absolutely fantastic job working through the Thanksgiving break and did it in a very objective, metric-driven fashion, which was just exactly what we needed done. They gave us input and insights that helped the next phase work out really



well. We had 75 different proposals. We selected 29 out of those 75 proposals. They are primarily focused on the recruitment of mid-career hires whose research portfolios closely interconnect with current and emerging faculty strengths. These are clustered in the College, along with Luddy, Maurer School of Law, O'Neill, Education and Optometry. Research areas cover a broad range from cognitive approaches to arts and humanities, to microbiomes, models of metabolic regulation in development and disease prevention of the next pandemic. The next phase of Faculty 100's, which we anticipate launching towards the second half of this semester is intended to align with the strategic priorities that come out of IUB 2030 strategic planning process. In addition to this, as the semester progresses, we hope to introduce some additional initiatives, including some progress on more closely aligning or integrating administrative practice practices around schools and units, and some emphasis on continuing to improve the experience of our vital IU staff.

Lastly, I want to give you a quick update on the various searches that are ongoing. First, the Hamilton Lugar search. After a national search, we ended up asking Nick to continue on as an Interim Dean for some more time. Nick has kindly agreed, I met with the faculty in an open meeting and I in that meeting asked Nick, first to continue as the Interim Dean, and then to stop acting like one and to start moving the college forward on the school, forward on priorities that the challenges the school is facing. We are pausing that search for a little bit before we start again. The Kelley School of Business search is moving forward at full pace. We are currently reviewing our initial pool of candidates and are on target to begin interviews. This is the first-round interviews or Zoom interviews, the old airport interviews, if you remember. Next month the Media School searches also in the, in more or less the same timeframe. The first-round review of the candidate pool is scheduled for the end of this month. On-campus interviews are likely to be in the early March timeframe.

The School of Optometry position has been posted. The search committee has been assembled and the charge meeting is scheduled for the end of this month. As you may know, Dean Bonanno is wanting to step down and return to faculty by June 30th. And I'm hoping we can have a new dean in place by that time. Finally, the Bloomington Graduate School, we expect this position to be posted later this week and charged the committee search committee for that soon afterwards, this will be an internal search and I look forward to getting that started quickly as well. To close, thank you all for everything you are doing. I know the start of the terms are particularly hectic and challenging. But I see calm faces and everybody looking relaxed, which makes me feel good. So I hope you feel as good as you are making it look. I hope you're settling in quickly and find time to do all the important things despite what is always a very busy few weeks. Thank you. And I'm happy to take questions from this group.

#### **AGENDA ITEM SIX:**

**Rochinski:** Hi, I'm Steve Rochinski from the Jacobs School and I just wanted to know your plans are potential plans on the potential ruling of the Supreme Court on affirmative action and that would affect not only admissions, but also funding. And you have that potentially that happened in June. That going forward, I'm wondering already we we've had challenges, we've made some progress, but that could really profoundly negatively impact us.

**Shrivastav:** I completely agree. If you don't know there is a Supreme Court ruling on affirmative action expected this summer. It is widely being assumed that there will be a change. Nobody knows what the new ruling will be, what it will allow, what it will limit. But institutions around the country are gearing up for a pretty significant change, particularly regarding admissions, recruitment, yield events, those sorts of things for students of color, in particular. There is our engagement. I'm working with other provosts and the Big Ten. This is a conversation in the AAU. Schools around the country are sort of gearing up for what will obviously be a change. In some states, this change happened years ago. Michigan is a good example or California which sort of passed their own state level rules that limited what can be done. We are evaluating the impact that these schools had. The practices they have since adopted to help them achieve the goals without violating whatever the state regulations are. So at this point, there's a lot of study and discussion. David Johnson, our Vice Provost for Enrollment Management, is taking a lead on that effort. Our General Counsel and his Office is viewing this very carefully. Obviously, we have faculty expertise in the Mauer School of Law, those are also engaged. But from a practical standpoint, there is very little we can do because we don't know what the ruling will say. So we are, I feel about as prepared as any other large school is. At the same time, I'll be honest. We are about as unprepared, not knowing what tomorrow will look like. When the new ruling comes down. It is something all of higher ed and a lot of people outside are watching very carefully. Thank you for bringing that up. Other questions.

**Bielasiak:** Yes, I also want to ask about the future. And that's by the assault we've had over the last few weeks from ChatGPT. And I've now we've had some responses from the Teaching Center. Those are mainly technical. It seems to me this is a problem that goes beyond mechanics to really think about the nature of higher education. And so I guess I am asking, is there any provision anticipation to look at this issue in broader terms?

**Shrivastav:** Hi, again. Thank you for bringing that up. For those of you who do not know the chatGPT is a AI generative tool. It's not just search the website, copy and paste it. It literally generates text or code for computer science faculty. Or it can create art. And I have spent some time playing with it. Then Dennis Groth, VP for Undergraduate Education is here and I'll ask him to give his comments as well. I have this came up in a Big Ten provost meeting about two weeks ago. Some schools have banned it. There is a lot of debate around this. I, from my perspective, I see two sort of themes emerging. There's a group of individuals that say, shut it down, shut it down, shut it down. There are schools that are banning it. They are preventing their servers from connecting to that. There's another chain of thought that says, this is the new reality. We cannot compete. We have to adapt. And I've even heard people say this is the calculator of our times. To me, this is funda, this is to some of our practices this is existential to some things that we have done a certain way. It is going to defeat that completely. And we will collectively have to decide the best way for us to move forward from a pedagogical standpoint. But it sort of goes down into research and all kinds of other issues as well. I do think this is something that should be very much faculty driven because this is an issue that will impact your classroom, your students, your curriculum. It is not specific to a discipline, it impacts all of us. I think CITL has done a fantastic job if you haven't seen the CITL website, I think it was launched just this week. Maybe Lana can share it later. They have done a great job of pulling together where we are today. It doesn't have an answer because there isn't a silver bullet answer. But it does have some potential solutions that you can say which of these versions would

apply to your classrooms. But I do think this is something we all need to have a serious conversation around and determined how we move forward. Dennis, what would you add?

**Groth:** Sorry, a little far from the microphone. I'm not sure I would add much more other than, I think the important first step is for faculty to take a look at the CITL page about this as a starting point. I think we have to educate ourselves as to what is this? What does it do? How does it work? There's a number of pointers to information about what might happen and what might be available in the future. E.g. digital watermarking of something that may come out of chatGPT as a way to determine that it was generated. But I, personally as a computer scientist, I think there'll be another tool that undoes that and then another tool that undoes that and et cetera, et cetera. So I think first, as faculty, we should educate ourselves as to what this is, how it works, and then undertake the important steps to have conversations about how this may impact how we might leverage it, how we might use it. If it's a tool, is there a way to think about the right way to use it, the ethical way to use it. And shouldn't we be educating people on how to perhaps use this in positive ways.

**Shrivastav:** Thank you, Dennis, and thank you for bringing that up. I know this is this is something really important that we need to address. Other questions. Seeing none. Thank you very much. I will move on to the next item, which is the Athletic Committee report. And we have with us Scott Dolson, our Athletic Director, Vice President and Director of Intercollegiate Athletics, Carrie Docherty, and Marietta Simpson.

#### **AGENDA ITEM SEVEN:**

**Docherty:** Thank you so much. I'll start and then hand it over to Scott. As you all know, that as part of the Faculty Athletics Committee, we come and report to you all regarding things that both the committee is doing as well as what the athletics department is doing. So I know Scott has prepared a brief presentation that he will share with you all, and then we're happy to take any questions.

**Dolson:** Thank you, Carrie, and thank you for the opportunity to join you today. It could not have been a better day to join you. This past weekend was an awesome weekend for IU athletics. We won in wrestling on Friday night, a huge win, we won in swimming both men's and women's, we won in tennis, both men's and women's and men's basketball. We won in women's basketball, we set an all-time regular season attendance record for our Pride Day in women's basketball on Sunday with over 10,000 fans. And we're able to secure a Top Four, 4-star quarterback for our football team this weekend. So when I knew I was going to be speaking here today, I said to our coaches and our student athletes, can we have some momentum going into this presentation on Tuesday? So it was a great weekend for IU athletics.

And again, I'm excited to be here today. My report today will really balance, really talk. You'll hear that word a lot. I really want to talk about really what our priorities are. Keeping that in mind with what's going on nationally and college athletics. It's such a transformational time that I think the key thing that I want you to take away today is regardless of what's happening around the country and all the discussion on the future of college athletics. We have our core principles here and we're in, we're in line with what I hope that you would be proud of in terms of how we balance that. Before I start, I did want to publicly thank President Whitten for her support, particularly given this unsettled time in college athletics. She's been phenomenal. I know she has a lot more important things to do and things on her plate than athletics, but

certainly a given these uncertain times, she's been incredibly supportive. I also want to thank Rahul and the Provost Office in for their unwavering support. And then, as Rahul said, with Carrie chairing our Faculty Athletics Committee, and now with Marietta as our Big Ten faculty athletics rep, I think we have the best alignment that we've had. I've been here a long time. We have an incredible alignment and it's probably more critical than ever that we have that. So I'd like to recognize President Whitten, Rahul, Marietta, and Carrie as well for their support.

So as I start, I'll go fairly quickly. I know we have a full agenda, but I do want to focus on our five priorities. And these five priorities are our foundation. And those are playing by the rules. And that's number one. Everything we do, we have to make certain that we play within the rules of the NCAA, the Big Ten, and all the rules that govern us. Number two, our holistic development of our student athletes, our personal development is so critical. Number three, academic excellence, number four athletic excellence, and number five, integrating with the university. Everything we do, we balance those priorities with all the other things happening in college athletics. I'll start with a couple of highlights and I'll just highlight them, I won't go through every single bullet point on these slides. But I think it's important as it relates to playing by the rules. I think it's important that, you know, it is our top priority. We have not had a major infraction in over 15 years. And I think that's one of the things that I think it's important that you know, is that it's about education. It's about a constant effort in this area. This doesn't come easy--the rule books quite thick and quite ever changing in NCAA college athletics. And for us, maintaining that balance is so important and particularly again, giving the changing landscape. So I'm really proud of our efforts in playing by the rules.

Student athlete well-being is, as I said, it's a personal development. It's really that. I'm making certain that everything outside of academics and outside of athletics, that we're caring for the holistic approach to our student athletes. And I thought I'd focus on two areas. Just to give you a little snippet of what we do in this area. The first thing is our mental health taskforce. Mental health support is really, really a huge emphasis for us and IU athletics. It's really twofold. We focus on resources, certainly providing the resources. So when a student athlete needs, needs help, needs to make certain they're seeing someone for a mental health issue that we have that. But I think equally as important is our efforts from a training standpoint. We've made it mandatory in our athletic department that all of our student-facing staff must go through an annual training where they are understanding all of the awareness, the knowledge, the skill development they need to make certain they're on the lookout for our student athletes. And that's been tremendous. Our student athletes actually have now taken that and they're going through mandatory training where they can help each other. We call it our green bandana project. And it's a national project where student athletes work to become aware of mental health issues. And again, this task force we created is really a, a core initiative within our department. They were making certain that it's on the front of our minds constantly. We're looking at ways to be on the cutting edge from mental health standpoint for our student athletes and our staff.

The second thing is our anti-hate, anti-racism coalition, really proud of our efforts in that area. I'll talk more about diversity here in a little bit. From that standpoint, I think the most important thing you know that our efforts in Diversity, Equity and Inclusion, I call it, it's a marathon. It's not a 50 yard dash. It's not something we just put on our website that sounds good and then we move on. It's something that we live every day and we work on every day and I'm proud of the efforts that we've made. The one thing that I'd like to highlight are these bullet

points as we had a collaborative effort with IUPD, where IUPD came in and had a user community program where we brought in student athletes and staff and talked about police. And how it relates to diversity and equity inclusivity. And it was really well received with our student athletes and helped really, I think, eliminate some barriers we have with police, particularly with some of our student athletes of color. So that was a great, great initiative,

Academic excellence. And if you don't take anything away from my report today, I hope that you really understand what how important this is and what this means to us now, yeah, athletics, our academic excellence, and our student athletes are performing at a high, high level and couldn't be more proud of them. We had in the fall semester 123 academic all Big Ten student athletes, which would be student athletes with the 3.0 GPA or higher. It's our second best ever ever for fall semester. Last year we established a new graduation success rate record of 92%, which again is phenomenal. Thirteen of our programs established a perfect score in the academic progress rate. We had 349 academic all Big Ten honorees all last year, which broke an all-time record, which was previously 330. And again, those are student athletes with a 3.0 or higher. We had 119 student athletes last year earn an IU degree. 103 Big Ten distinguished scholars, which would be they had a 3.7 or higher GPA. I think one of the biggest examples I can give you of our commitment to academics is that our women's basketball program right now is number six in the country. They're 15-1 competing for a Big Ten Championship, which everyone's really, they've caught the attention of Hoosier nation. But I'm more proud of the fact that last semester they had a team GPA of 3.62, and lead the department in that area. They're going to be recognized that an upcoming event where we really highlight what they've done academically. And then Grace Berger, who is our All-American, all Big Ten player who really leads our team. She was recently published--Dr. Paul Peterson's class in her sports marketing class. She was published in the International Journal of Sports Communication, which you put that in context, how busy she is a student athlete and all the great things she's doing and our team is doing, but to have those academic achievements, epitomizes everything we're trying to do with IU athletics. And like I said, I couldn't be more proud of the academic achievements not only of Grace and our women's basketball program, but our entire athletic department

From athletic excellence, and again, I think most of you are, these are pretty common knowledge. You hear about different things that happened in from an athletic standpoint, but I did want to highlight this past semester. Our men's soccer team finished number two in the country, lost in a heartbreaker in the national championship. And for those who are familiar with soccer, we lost in PKs (penalty kicks), which is, it's almost like flipping a coin because we tied at the end, but it was an unbelievable effort. Think about this for a minute. Our men's soccer program just completed its 50th season. In those 50 seasons, we made the Final Four 22 times and made the championship game 17 times. Which is just unbelievable. It's just hard to imagine. Incredible. Wow. And they're still going. We really rallied in volleyball, volleyball went through a tough couple of years and we really rallied this past year. I wanted to highlight that. And we had the most Big Ten victories in 12 years. And it was the first time, the first time we had our first team, All Big Ten student athlete in 12 years, which was awesome and really proud of them.

I mentioned women's basketball, which is really again been sort of our poster child of IU Athletics here recently. But I do want to mention our men swimming and diving programs are ranked seven nationally right now, favored to win the Big Ten again this year. Women's swimming and diving is ranked 12th in the country water polo, 13th. Our men's basketball

program has been ranked in the top 25. So again, we know what our priorities are, we know where academics is where we are, why there are student athletes are here, but having this success on the court and in the pool, so forth and so on brings distinction to the university and elevates the experience for our student athletes. So I'm really, really proud of what we're doing from an athletic standpoint as well.

Our fifth priority is integrating with the university. And that's something that we live every day. We talk about it a lot. We know we're part of something bigger than ourselves. Athletics just isn't an island on the north side of campus. We're certainly proud to be a part of this campus. And I wanted to highlight two quick areas. The Big Ten Network student news partnership with the Media School, Dr. Galen Clavio is something we're so proud of. We provide instruction in hands-on experience for current students. We have about 100 students per year who participate with our student news project, which will be TV production, which will be on-air personalities all while they are students here. And we've become really known for this. We've had current, we've had former IU students who have gone through this program where I'm now working for CNN, ESPN, and Fox Sports professional teams all over the country, USA Soccer. And I think that's one of the things, that as you're watching on maybe Big Ten Network a softball game this spring that is being produced by current IU students in the Media School. And it's really something again, that we're very, very proud of that maybe it doesn't sometimes get the attention that it deserves, but that experience is benefiting us now, but more importantly, benefiting our students, which is awesome. I also just wanted to thank again the Kelley School and the Media School for their partnership and our name, image and likeness efforts. Dean Ash Sony has been phenomenal and again, Galen Clavio and the work that we're doing there as well.

One of the things I want to highlight as well, there's a couple of initiatives that we started here recently that I'm really proud of. Our Women's Excellence initiative and our Title IX, its 50th anniversary of Title IX, we'd launched Women's Excellence about 18 months ago. The goal of that was really to elevate all of our women's varsity programs and enhance our female student athletes experience. Our goal was really to raise, we thought it was kind of a stretch goal in the first 12 to 18 months. If we could get \$1 million committed, it can really enhance our women's student athlete programming. We raised 3.2 million in those 18 months and that has really elevated our women's programs. We've provided some facility help from our women's program standpoint that we may not have been able to accomplish. We had our volleyball program have an international experience. We're gonna be sending our women's basketball program international this, this spring. So those are just really great things are elevating all of our women's programs. We had a Women's Excellence Symposium where we had a day of programming this past summer for thought, collaboration, how to elevate a women's student athlete experience which was phenomenal. And we've really done a lot to celebrate the 50th anniversary of Title IX. And I'm really proud of Indiana University and our efforts in that area as being a real leader in terms of the evolution and development of women's athletics.

We're also a Big Ten leader in diversity. I couldn't be more proud of our department and what we're doing from a diversity, equity, inclusion effort. Just a couple of data points on this. Our senior staff in our athletic department has a third of it being people of color, we're second in the Big Ten in that area. With our head coaches, currently we have four head coaches are people of color we will soon to have five when Ed Bethea takes over our track program this coming summer, which would mean we'd be number one in the Big Ten in that area. And overall

as a department, 16.6% of our full-time staff are people of color. If you add in our part-time staff, that goes up to 17.6% and then 41.3% of our full-time and part-time staff are female. And I'm really proud of that. I'm proud of our efforts again, as I said earlier, it's a marathon. It's not a 50-yard dash, but I'm glad to see the results of our efforts in the diversity, equity, inclusion area.

From a name, image, and likeness standpoint, that's a buzzword or the buzzwords that you hear a lot about in terms of what's happening in college athletics. I thought it was important for you to know that for us that's really all in balance. It's important that our student athletes now that they are treated just like every other student on campus they could participate in this area. But we do everything we can to empower them, but to educate them on what that really means, and they keep it in perspective. They're here to get their education. They're here to participate in intercollegiate athletics. The name, image, and likeness efforts are something we want them to do well in. But it's not why they're here. And that's important that I've wanted you to hear that from me here today because that is a hot topic around college athletics. I listed some of our initiatives we have here. But the most important initiative we have in this area in my mind, is what we do from an education standpoint. Financial literacy--we work heavily on that. We work hard on their brand-building and how they can maximize this opportunity while keep it in balance with all of our other efforts in the athletic department. Really is.

As I wrap things up, I think this last slide really just says it all to me is that with the changing landscape in college athletics, all the things that are going on. There's NCAA reform. There's a new NCAA president starting here real soon. And where's that going? What's gonna be happening with the governance and the NCAA? What's gonna happen with Division One sports, Division Two, Division Three all those changes going on. The conference expansion. Most of you know that USC and UCLA will be joining the Big Ten and taking it to 16 teams here in 2024. Where is the direction of that, where is that headed? Student athlete mobility through transfers. You hear all about the transfer portal and students are transferring a lot. What's that mean? Revenue distribution. We have the Big Ten media deal now and there's a big fight out there for more revenue to be distributed to the student athletes directly, what are the student athletes receive? And with the NIL evolution, with all that being said, all those things are happening and they're gonna be evolving. But for us in IU athletics, for us at Indiana University, back to what I said earlier, it's about our core mission. It's about our five priorities. It's about academic excellence, athletic excellence. It's about making certain we care for the whole development of our student athletes, our personal growth in integrating with our university and certainly following the rules. So if we can keep that balance and make certain we understand what that is, we'll be on the cutting edge of what's going on nationally. Then I think there's no question in my mind that we'll continue to have the success that we've had in the past. So with that, I kind of went through the slides relatively quickly, but I wanted to touch on the priorities and make certain that you had the confidence in us that we know what it's all about and why we're here. So with that, I'd be happy to answer any questions anybody has or or elaborate any of the any of the topics.

**Shrivastav:** Thank you, Scott. Jim, you want? Yes.

#### **AGENDA ITEM EIGHT:**

**Sherman:** Thank you for all you do. The athletic experience here has always been great and I know how long you've been here and how much you've worked at it. Like you I'm just incredibly over the top with our women's basketball team. My wife and I go to about all the

men's and women's games. And I gotta tell you the experience at women's games, there's more positive. At men's games no matter who were playing, whether it's Purdue or Elon, they boo at the other team. I don't know why. I never heard those chants that come up at men's game come up at women's games. I can't remember the last time there was a technical foul called at a women's game. So with all that, I'm looking at the 10,000 plus people at the Wisconsin game. I wonder if we're missing out on some revenue by having it be so cheap to go to the women's games. I don't want to keep families and kids and other people who can't afford the men's games out. But on the other hand, there's money on the table and I wondered whether you're thinking about that.

**Dolson:** Well, first of all, thank you so much for your support. It means a lot and you've been supporting us for a long time. And as I said, it really does mean a lot. But as it relates to women's basketball revenue generation, and we've thought about that. We certainly do see as the numbers have gone up, but at the same time, it really, women's basketball is so pure. And there's such a community, Indiana University community involvement, community in terms of Bloomington, Monroe County, that we want to be very careful that we don't lean that way too far. As you know, particularly football, men's basketball revenue who's become so critical and at times to the detriment of both sports in my view. I think understanding that we might have some additional revenue opportunities are important, but, but, but to me, balancing with what it's all about and what our women's program is doing? Probably would right now it would be more important than the revenue generation. Now I wouldn't say that if Dwayne Pinckney was here our CFO of the university Rahul, we have to continue to generate revenue where we can, but, but certainly that experience is really important. I'm glad to hear you say that because I left that game on Sunday when we had the 10,000 people, we beat Wisconsin. And that to me as such, what I said with what our women's team is doing academically. They just absolutely personify everything we want in IU athletics, to be honest with you.

**Shrivastav:** Thank you, David.

**Daleke:** Scott, thank you very much for your support and congratulations to you and your team for all your success. And it's always really heartening to hear the good things that you're doing for all of our student athletes. I have a question about graduate students with the new transfer capabilities that students have and opportunities. What does it look like for IU and the number of graduate transfers we have, what kinds of degrees are they pursuing? What's the success rate? Are they included in the GSR? How do you measure or track those students differently from how you might persons who are undergraduates.

**Dolson:** That's a great question, David. And again, thank you for your nice comments. Yeah. What he's referring to is the NCAA rules have been changing as it relates to transfers and graduate transfers have been a relatively new area where someone can leave another school right away and become eligible right away to compete if they enroll in a graduate program. It's still relatively new enough that we don't have the data on it. But if you talk to any athletic director around the country, there are challenges with that because a lot of times they have one year of academic eligibility, but they're enrolling in a program that maybe is a two-year program. And what we never want to do is bring in a student athlete that is just using us to perform but aren't pursuing an actual degree. We've worked hard with the NCAA on that because the rules can sometimes put us at a disadvantage in that area. And what we've tried to do



is and the NCAA has changed some of the rules so they can actually pursue graduate classes to take some time to figure out what their degree they're pursuing will be. But we don't have the data on what the graduation success rate is yet there. But that was just undergrad that I mentioned earlier. But it's something we're keeping our eye on because sometimes what happen, the NCAA rules change, and they get kinda ahead of where we are on campus and how that really impacts us and our student athletes.

**Shrivastav:** Thank you. Other questions? Seeing none. Thank you. Scott. Scott is too modest to tell you, but we probably have the best Athletic Director in the country when it comes to when it, when it comes to issues around mental health, student well-being, excellence for women's sport. The first-person that anybody calls in the country is Scott Dolson. Thank you very much.

**Dolson:** Well, thank you. It's a team effort. Thank you very much. Thank you.

**Shrivastav:** Moving on. Next topic is the proposed changes to BL ACA D22. This is the grievance and review procedures of the Bloomington faculty. And we have with us Shu Cole, Katherine Ryan, and John Carini. The floor is yours.

#### **AGENDA ITEM NINE:**

**Ryan:** All right. Thank you. Just by way of introduction, our task was to modify our committee. Our task was to update Bloomington ACA D 22 to be in compliance with ACA 17, which was more recently updated. And the complexity around this task was that our Bloomington policy includes information on both the Mediation Committee and the Board of Review, whereas the ACA 17 just addresses Board of Review issues. So the policy updates that you see that were distributed deal mostly with the Board of Review section of our policy and will continue to do we'll continue to work on the Mediation Committee issues, but we had a very short deadline to come into compliance with ACA 17. In fact, that's February. So that is the part of the policy that we focus on today and Shu will go through the major updates for you.

**Cole:** Okay. So I'm going to go over some of the proposed major changes to the current D22 in the IUB policy and ACA 17 is the university uniform standards for the faculty Board of Review. The first three major changes we propose here, summarized. The full document is in the circular. Hopefully you have read that and you can see that we have gone through some extensive changes following the university policy. To follow the university policy. These first three mainly addresses who can bring complaints. So the current D22 specifies that faculty, associate faculty, and librarians can bring the complaints. To follow the university policy, ACA 17, we propose to allow all academic appointees to bring complaints to the faculty Board of Review. The academic appointees are defined as in the policy ACA 14. Then the university ACA 17 also specifies the following and we propose to adopt the language that's in number two and number three basically specifies that for visiting, part-time, temporary and adjunct academic appointees, that decision not to appoint or reappointment individual is not grievable unless the decision violates the terms of their appointment or a separate university or unit policy. And we proposed to specify that an individual remains eligible to initiate or continue a Board of Review preceding after voluntary or involuntary separation from the university, provided it is otherwise within the timeframe for doing so and the terms of any separation agreement. And these are the language from the ACA 17 and then we propose to adopt these.

The next sets of proposed changes number for the ACA 17, ask the campus to specify the organization of the board, the composition of the board. So based on the constitution of the

Bloomington faculty, we have proposed the following changes. A faculty Board of Review shall consist of five individuals who shall be tenure eligible or non-tenure track academic appointees on long term appointments, and who shall be elected by the faculty or the campus faculty governance organization. And also following the university ACA 17, a majority of the board and its chair shall be tenured. ACA 17 also ask the campus to designate a board coordinator, and then we propose that the board coordinator is appointed by the BFC Executive Committee. And currently in our D22 policy, it says that a faculty member or librarian of a multi-campus unit may bring his or her grievance to the board of any of the campuses on which the multi-campus unit operates to follow the university ACA 17, we propose the policy to state that the case should be brought to the home campus of the grievant. The university ACA 17 really clarifies a lot of the procedures and made a lot of specific statements to clarify the role of the Board. We proposed to adopt this language from the ACA 17, which specify that a Board of Review is independent, no university official may interfere with, seek to influence or advise it to halt its proceedings, except as provided in this policy and language such as the Board is not a court of law that rendered judgment. It makes recommendations to university officials concerning the resolution of grievances by academic appointees, but it's not an advocate for the grievant or the respondent. It asks impartiality in light of existing university policies, traditional academic principles, and fairness. The university ACA 17 also clearly states the two types of hearings that the Board handles. We propose to adopt the language that stays. The board conducts two kinds of proceedings. It reviews complaints brought by academic appointees concerning adverse actions by university officials and it hears appeals by academic appointees concerning sanctions imposed under university campus. Misconduct policies, such as these listed here as AC30, ACA 33, and UA 03. These are just examples.

Other changes. Another key change we would like to draw your attention is looking at these the type of complaints that can be brought by full-time academic appointees, especially regarding tenure promotion here. Any full-time academic appointee may bring a complaint that university officials have taken adverse action against them. Matters within the scope of their defined academic responsibilities, including matters related dismissal, disciplinary sanction, the tenure or promotion process, compensation, assignment of duties and working conditions. Currently D 22 states a tenure and promotion, but now this specifies a tenure and promotion process. And later on the policy adopts the university language, specifically explains that for complaints concerning the denial of tenure, promotion, or reappointment of board is limited to a review of first, whether appropriate policy and procedures were followed, two whether adequate consideration was given to the qualifications of the academic appointee. Three, whether information was improperly considered or excluded that substantially affected that decision and four whether essential fairness was accommodated throughout the decision-making process.

Specifically related to the hearings before the board. There are some proposed steps are procedures in the University ACA 17, and we propose to adopt these procedures, e.g. number nine says in the current policy D 22 states that in the hearing before the board, the faculty member and the relevant administrative officer shall be permitted to present witnesses and other evidence relating to the case. And to hear and to question all witnesses. The ACA 17 specifies that advisors may attend and consult with the parties, but may not participate unless the board decides in an individual case to allow such participation. And we propose to adopt this language. We also proposed adopt the policy to specify that unsolicited or anonymous

information may not be considered by the board just to follow the university policy. The current D 22 also says that the hearing shall be open to the public unless either party in the dispute objects. And the ACA 17 ask the hearing should be closed except for parties, witnesses, advisors, and the board coordinator unless all parties agree that it should be open. That's due to the nature of some of these discussions and hearings that the University ACA 17 requires asks these hearings to be closed and to follow the ACA 17 university policy. So we propose we adopt these changes. Another one is in terms of what to do after the board has made the decision. In the current D 22, the board's decision, the policy describes as a board decision should be communicated to the parties involved and specifically to the appropriate administrative officer or officers and to the president pro tempore of the Bloomington Faculty Council. So based on the new university policy, we have stated that we propose to adopt actually to specify that the board's report is sent directly to the Provost for a final decision or for initial decision that may then be appealed by either party to the Provost for a final decision. And also the grievant has the right to make a final appeal to the University President who may delegate the task of reviewing such appeals. Those are some of the major changes to the D 22 and we also made some editorial changes and these are we replaced all the his or hers to their decision or grievance and also faculty and librarians too, use it consistently throughout the document is academic appointees, and there's inconsistent use of petitioners or grievant. So we have changed them all to grievant and inconsistent use of business days and calendar days. We have changed them all to calendar days. So these are some of the major changes. And we will welcome questions, comments, suggestions.

**Shrivastav :** Thank you. This is open for discussion. Questions, Anybody?

**AGENDA ITEM TEN:**

**Housworth:** Yes. Sorry, I have lots of them. One is the same comment that I made to something else earlier. You changed all the his or her to theirs, can you go back and change the subjects to plural so that they're in subject antecedent agreement? That's just an editorial comment. There was a lot when you were talking about the changes, there was a lot of we're doing it because it has to agree with university policy. Is that a strong limitation, does it? The university has a policy. Do we have to agree with it?

**Cole:** Well, yeah. Okay. Okay. Sorry. So I guess our charge was to adopt, to revise the policy so that we are in compliance with the university policy. Of course, we're also told that we were working with Eliza, and then she also does say that we can preserve some of the uniqueness of the Bloomington policy, but we do need to be in compliance with university policy. Preferably.

**Housworth:** Can I make one more comment? So I've been involved in another one of these committees about the open and close business. I don't necessarily believe that anybody's going to agree with me on this one. But I think in these hearings, the University has an outsized power imbalance. And I think the decision for them to be open or closed ought to rest with the faculty member. That's a personal opinion.

**Cole:** Okay. So in our discussions, I think the main reason we wanted to keep it close is because some of these Board of Review decisions regarding to sanctions or tenure promotion issues. So they might be confidential. And also the university ACA does say that it should be kept close for that reason. So we felt like that is reasonable. But of course, unless the board

decide that this should be open to the public is doesn't say that it has to be, I guess it it can I can decide to open if it is requested.

**Housworth:** The university can veto it. So my, my, my, my opinion is that the faculty member should be able to keep it closed. But if the faculty member agree, thinks that it should be open than it should be open. So it's the faculty member who's up for tenure or promotion, who would be making the decision as it is if there's a case, as a hypothetical, because this gets talked about another circumstances where the university has weaponized. I'm using the language of the hypothetical. In some circles it's talked about the weaponization of the Title IX policy to dismiss faculty who have unpopular opinions on campus. And the university can keep that secret by saying that the thing has to be closed on their part. And I think the faculty members should be able to shed light on things by the faculty member deciding that it should be open and I think it should rest with the faculty member, because the faculty member is usually the person with the least power in these circumstances. It's just an opinion. I do not know if anyone agrees with me. You want to go?

**Carini:** So actually, the university policy does allow the hearings to be open, but all parties have to agree to that. Well, that's currently the university policy, so they would have to be changed at the UFC level.

**Cole:** But I guess if we want to keep our Bloomington specific, we can definitely keep our Bloomington specific. And maybe we can our committee because we will this is our first reading, so maybe we can do a friendly amendment. If people agree, I would like to hear. Go ahead, Alex, you probably have the most authority to say this. Go ahead.

**Tanford:** I was on the UFC committee that drafted the policy that is responding to and to respond to this. But the reason that the administration has a voice in the open or closed nature of the hearings is because many of them involve not just a faculty member would have butter vulnerable member of the community student, a woman has been arrest. It's an appeal from a sexual harassment policy or something like that. And the faculty members should not be allowed unilaterally to out the student who's entitled to confidentiality. And particularly when it involves students. That's what sort of the student affairs office really worries about FERPA and student privacy. And we were on the border with you. But that was the reason that we eventually went with mutual consent required.

**Shrivastav:** Thank you, Alex. Yeah, that that other side is usually very critical. So thanks for bringing that up. Other questions. Yes. Israel. Right.

**Herrera:** So I have a question about their composition because it seems that there is a suggestion of changing the number of members. Can, can we see the like the third or fourth slide? There is a suggestion for part one about the majority being...the suggestion or the proposal would be changing the composition of the mediation. A majority of the board and its chair shall be tenured.

**Cole:** This is just a composition for the Board of Review, faculty Board of Review. Same as the mediation committee. Okay.

**Herrera:** So this is for the faculty Board of Review. Okay.

**Cole:** I think yeah. So the composition of the mediation committee still stays the same. That's not changed.

**Shrivastav:** Thank you. Other questions? Yes.

**Ahlbrand:** This is my first time speaking at a BFC meeting. I'm so intimidated. I have a question about the calendar. Calendar dates versus business dates. I have not read through the University Faculty Council policy fully. But if you remove business date, it does that mean that all the filing dates are gonna, filing timelines will be shorter, so you'll lose the extra weekend days that you'd have if it was a business day. And is there any concern about that?

**Cole:** We looked at I looked at all the days, I think the calendar the business days that we changed the calendar days, most of them are 30 or 45 days. So we're talking about business, a business or calendar days. There's only one short one as was ten days. That was already in the current policy as ten days. So we did not change that one because in the current policy there's mixed views of sometimes as calendar day, sometimes it's just business days, but the ones they do have business days are all at least 30 business days or 45 business days that seemed to be pretty long. And then the only time it says days is the board needs to have the decision. I think it's in ten days. That's specifically ten days. So we made it all into days in terms of 30 days, 40 days. So we felt like that part should not be impacting that too much.

**Shrivastav:** Thank you for the questions. This is the first reading. It's a discussion item only no voting is necessary today, so seeing no other questions, we'll move on to the next topic on the agenda, which is the Grievance Committee report, Elizabeth Housworth, Jessica Lester, and Jody Madeira.

#### **AGENDA ITEM ELEVEN:**

**Housworth:** So, I've been chair of the Faculty Misconduct review committee for a few years. Prior to my chairing the committee, there had been no cases for so long that it basically didn't exist. Then it had a part of a case and then it had a full case. And then this past year it had no cases, which is what I'm reporting on. And I hope that trend continues.

**Lester:** Hi everyone. I'm Jessica Lester. I'm the chair or was the chair of the 21-22 Faculty Mediation Committee. And in that period, we had four grievances brought to our committee. They all came in spring of 2022. The first grievance was brought to us and prior to the committee meeting with the grievant, the grievant withdrew the case. The second case involved a grievance related to reappointment non-renewable. A four-person subcommittee was created in relationship to that case and met with various individuals involved in the case as well as the petitioner. The cases grievance was not mediated satisfactorily and per the policy that the faculty Mediation Committee therefore developed a written report with its findings to share with the grievant. We also met with Vice Provost at the time, Eliza Pavalko, to share their general contours of the findings. The third case involved a current contract-based concern that impacted the grievance working conditions. After a subcommittee was formed and met with the grievant, we encourage the grievant to meet with Kim Geeslin. After the grievant met with Kim Geeslin, they decided to withdraw their case at the time, and worked directly with Kim to find a solution. The final case that was brought forward was related to reappointment non-renewal. After the subcommittee of the faculty Mediation Committee met with the grievant, we identified that this case was outside of our

purview upon discussing it with Eliza Pavalko, and encouraged the grievant to go to the appropriate entities on campus to acquire the support they needed. That is all from us.

**Madeira:** Hi, I'm Jody Madeira and I'm here to represent the faculty Board of Review. The faculty Board of Review heard four cases during the 2021-2022 year. The first was a salary equity grievance. A subcommittee of the FBR recommended that the faculty member salary be reconsidered and an equity interest granted. The interim provost agreed and returned the matter to the academic unit based on an inconsistency between the unit salary setting procedure and campus policy. The second case that was brought also was a salary equity grievance. This did not complete through the FBR procedures. It was terminated without an FBR decision. The third was a reconsideration of a case for promotion to teaching professor. Again, a subcommittee of the Faculty Board of Review recommended that the academic unit revisit the written guidelines and consultation procedures for those seeking promotion to teaching professor. But the Faculty Board of Review could not reverse a promotion recommendation and made that clear to all parties concerned. The final case was a very difficult and unique case involving workplace bullying and allegations of a hostile work environment. A subcommittee of the Faculty Board of Review was formed and after reviewing the materials, decided to wait for an independent legal review of the situation to finish before commencing its processes, the candidate took a position at another university before the legal review is complete. And so this matter was not addressed and the complaint was withdrawn.

**Shrivastav:** Thank you. I want to be on Elizabeth's committee. Questions for any of these three. Okay. Seeing none, I thank you very much for all your work. These are difficult decisions and appreciate your insightful work on those. I believe that brings us to the end of the meeting. I think we all have saved ourselves 32 minutes. So thank you all and see you in a few weeks. Meeting stands adjourned.