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Senate Meeting, October 7, 2015

Academic Senate
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Academic Senate Minutes
Wednesday, October 7, 2015
(Approved)

Call to Order

Senator Kalter called the meeting to order.

Roll Call

Senator Lonbom called the roll and declared a quorum.

Operating and Capital Budget Presentations (Sandy Cavi, University Budget Officer, Deb Smitley, Senior Associate Vice President for Finance and Planning)

Senator Kalter: We have with us tonight Sandy Cavi, the University Budget Officer, Deb Smitley, who is the Senior Associate Vice President for Finance and Planning, and sitting next to them are Vice President Alt and Provost Krejci who can add any remarks that they may want to.

Ms. Cavi: Hi, I am Sandy Cavi and in front of you is a double sided handout. On the lower right, there are the page numbers. Page 1, the Appropriated Operation Budget Request is what we are starting with. As part of our normal process, we bring this to you annually before it goes to the Board of Trustees. The Board will be acting October 23. So we just present this for display and questions. It's pretty self-explanatory. The main area of interest is the increases there in the center of the page. Those represent the priorities that we are going to bring forward to the state when we make our budget request in January or March, somewhere in there depending on the schedule. Basically, we are bringing these two items forward as something important and we are saying to them if you do give us an increase in our budget and, hopefully, the amount requested, this is what we will allocate the funds for. Compensation is pretty self-explanatory. Deferred maintenance would make a small dent in the backlog of projects that we have on campus to keep our buildings up to the par that we all expect them to be and do a good job at that, but we always need more money. Basically, those two together total \$7.4 million. I guess you don't receive if you don't ask so we are hoping for good news come spring. Are there any questions about the operating requests? Deb Smitley is going to talk about the capital requests on the back page.

Ms. Smitley: Very quickly for those of you who have been on the Academic Senate in the past. The capital list will look very familiar to you. The requests this year of \$286 million is broken out in two categories and these are the categories that the state establishes for us. One category, Major Projects. Those are the larger types of facilities projects. This year, the requests, as in the previous year, and I think in the previous and previous years, have the same five capital projects on it: Milner Library, a new facility for Mennonite College of Nursing, COE facilities and rehabilitation, University High School replacement, and remodeling of Williams Hall. Even though the project list is the same and it is in the same priority as in the past, the amount of monies requested has been escalated in accordance with again changes in the costs of construction guidelines. The second category we refer to as Capital Renewal. These are smaller projects for us and there are two that are requested. Again, these are the same as have been requested in the last few years. Those projects are just a little under \$3.1 million and will provide for replacement of exterior doors and windows in Metcalf, Fairchild and Rachel-Cooper Hall and also to begin a replacement of emergency generators on campus. With that short overview, I would be pleased to answer any questions.

Senator Cox: I have a delayed question about the appropriations. We are asking for a 10% increase. How does that stack up with previous years? Is that pretty much a trend?

Ms. Cavi: Yes, moreso that we have typically asked for some sort of compensation increase, which is built off the prior year's base and the deferred maintenance has for the recent past been about that \$2 million. So the 7.4 is pretty standard.

Senator Cox: Do you note anytime that we have received anything close to that increase?

Ms. Cavi: We have. Greg can probably give you a better idea of how far back that was.

Senator Alt: It's been awhile. There was a time when got regular increases for compensation at some level but I would say with the decreases we have experienced in the last ten years, and Deb you might recall this better than I do, but I don't think we have had any personal services increases for probably that long of a period. We have gotten some capital items approved in the last ten years and the last one we had approved that we are still in the middle of is the Fine Arts building, which we have design money released. Of course, that is frozen now with the state budget impasse. The contracts are held in place, but the money has been released for the completion of the design as well as the construction phase.

Senator Kalter: Further questions about either of the requests to the state? If you see none, that is because two of the five committees have already gotten their questions out two weeks ago when these were presented. This is part of on the road towards approval by the Board of Trustees and so we are a link in that chain. I am going to hand it over to Senator Lessoff to move to approve these budget requests since they are coming out of the Administrative Affairs and Budget Committee.

Senator Lessoff: Our committee has already voted to endorse the proposal.

Motion XLVI-18: By Senator Lessoff for the Senate to endorse those. The proposed budget requests to the state were unanimously approved.

Chairperson's Remarks

Senator Kalter: Good evening, everyone. We have a number of important items on our agenda tonight, including the Sick Leave policy, the proposed Protection of Minors policy, and a Sense of the Senate resolution regarding Advanced Placement credit, as well as a Faculty Caucus following this meeting to continue our work on ASPT revisions. It seems unlikely that we will have time for the Textbook Affordability Committee item, as I intend to prioritize first the items that have been on the task list or agenda for full Senate the longest, and to end the meeting in a timely manner for the start of the Caucus; but you will at least have those materials to look over for next time if it turns out we are unable to discuss them tonight.

One other announcement: I chaired the Council of Illinois University Senates meeting on Friday, September 11. We had real or phone-in attendance from the chairs or representatives of eight public university Senates: ISU, Western Illinois, Southern Illinois Carbondale, Southern Illinois Edwardsville, Governor's State, Northeastern Illinois, University of Illinois Springfield, and Eastern Illinois. These comments are from my own private notes, so I hope I have everything down accurately. Budget reports from Carbondale, Edwardsville, Western, Eastern, Governor's State, and Northeastern indicate that we are in a better position financially and in terms of enrollments and staffing than several of those universities, and have fairly strong shared governance involvement in planning for potential budget cuts comparatively. Carbondale experienced nearly a 4% drop in enrollment on top of decreases in past years; Western is in a similar position having decreases over nine consecutive years. Eastern is very low on reserves, is experiencing impacts to their non-tenure-track faculty ranks, and has instituted administrator furlough days. Northeastern is experiencing flat enrollments after 4 years of decline and struggling with second to third year retention. Governor's State and Edwardsville reported a rosier picture with Edwardsville at record high enrollment and Governor's State hiring faculty with enrollments up after moving from an

upper division 2-year-only model to a full 4-year model. We also discussed Senate representation models and the impact of Advanced Placement credit legislation as well as use and overuse of non-tenure-track faculty and issues regarding FOIA and academic freedom in the wake of Phyllis Wise's resignation.

That's it tonight for my comments. I would be happy to take any questions.

Student Body President's Remarks

Senator Powers: A couple of weeks ago, I met with Secretary Purvis, who is the Secretary of Education and we had a good discussion about college affordability and textbook affordability. She seemed to be interested in my idea of the tax exempt textbooks for sales tax, in Illinois, so hopefully we can get that ball moving. I will also be meeting with Representative Brady tomorrow to talk about college affordability and textbook affordability, also highlighting the tax exemption. As you all know, Governor Rauner was at the football game last Saturday and myself and Senator Joyce talked had the pleasure to talk to him very briefly. I want to thank Senator Joyce for the getting contact information with one of his aides so we will be setting up a meeting with him shortly, hopefully by the end of the semester.

Meet Your Dean event will be taking place October 27 from 4-6 p.m. in Old Main Room. This is a great event for students to come out and meet their deans and really a good networking event, so please encourage your students, talk about it during class and tell them to go out and meet their dean. Kegs on the Quad (root beer) event will also be on October 27. During the event, the Normal and ISU police departments will talk about safe parties and what their rights are during police interactions.

Registration for classes has started this week and general student registration will be starting tomorrow. As of now, there have been a couple of hiccups, but they been resolved quickly and let's all hope that tomorrow and the rest of registration goes smoothly as well. Last Friday, myself and Senator Johnson and another SGA member went to Chicago for the Illinois Board of Higher Education Student Advisory Committee meeting where student leaders come together and talk about issues. One of the big issues obviously is the state budget and MAP grant funding. So that led to conversations about an impromptu student lobby date that is tentatively scheduled for October 20th. So students across the state will be heading down to Springfield to communicate their concerns about the lack of a budget and no funding for MAP grants. Myself and other SGA members will be in attendance to discuss the needs of the students and stressing the importance of funding higher education.

Senator Lessoff: I bicycle around the streets, so I watch what students are doing. If you are driving around campus, you have to accommodate that students are not always as careful as they ought to be. My feeling is that in the last couple of years, it has gotten out of hand. Students walk into streets without looking and this happens all the time. Yesterday, as I was coming in on my bicycle on University right there at the rec center, a student stepped right in front of me without looking left. I managed to stop without hitting him. I sort of said to him, as politely as one could, you ought to look left. He looked at me as if I were from another planet. Then I walk into Schroeder Hall and I pick up the Vidette and there is a headline, "Look Before You Cross". You are quoted in here saying "My concern is this is money that could be used on medicine with flu season coming up and also to buy more...that is the fines students can get for jaywalking...to buy more than a week's worth of groceries." My reaction, given that there are people in this room who have had to call people when kids were hit by cars and talk to their parents. My question is, are you kidding? Do you really think that the police don't have to do something about the jaywalking around campus? As I was coming back today, I was walking through town and was at College and School, which is a dangerous corner, and I saw a bunch of students who wanted to cross against the light and two of them turned to the third and said you've got to hurry up. We have got to get to class. That student said I don't want to get fined. I am scared of the police stopping and fining me. I thought the darn thing is working and so I just wanted you to comment on that and did you really mean that when you said that?

Senator Powers: Yes, definitely. I represent students, so when I see students ticketed at \$120, I think that is unacceptable for students. So my main job is to always advocate for students and \$120 fine for jaywalking personally I think is unacceptable. I think it is way too much of a financial stress on students for something that a lot of people commit every day. Whether you agree with it or not, \$120 is way too much for students and I will stick to that quote day in and day out.

Senator Lessoff: Then you ought to be there the next time somebody in the Provost's Office has to call a student's parents and say they have been hit by a car.

Senator Powers: I'm not saying I advocate for jaywalking, I am just advocating against the \$120 fine for jaywalking. A \$20 fine would suffice. \$120 like I said is too much financial stress and again I represent students and that is my opinion.

Senator Gizzi: I agree with Senate Powers. \$120 is ridiculous. The Town of Normal generates \$600,000 a year in revenue from ordinance violations via the Normal Police Department. Most of that is coming from ISU students. I almost ran someone down yesterday, so I agree with Senator Lessoff, too, that jaywalking is a problem, but \$120 seems to fit into the revenue generation model that we see here in this town and it doesn't need to be \$120. That's a lot of money and I think for that reason that a \$20 or \$25. It is still going to stink from the point of view of the student. I think we need big picture. When we are talking Normal Police Department, big picture means that there is a lot of revenue generated by ISU students and I am opposed to that and I have been public about that on the radio.

Senator Kalter: Just want to remind everybody that this is a question session rather than a debate.

Senator Cox: I do have three questions. Have there been studies that show a strong correlation between the amount of the fine and the decline of jaywalking? Is there any kind of impact there? The second question is I wonder what other universities and our sister cities charge? Is it comparable to other environments? The third question is you represent those of the students. How did you come about with this conclusion that \$120 was too much and that maybe \$20 or \$25 would be adequate? Was there some kind of survey, etc.?

Senator Powers: The first two questions, I won't be able to answer. I don't have the data in front of me and I am not sure if there have been studies on jaywalking just because I don't know how big of an issue it is in other cities. Mostly, it is an issue that is on college campuses. The third question with the \$120 it is simply being a student myself and also talking to every single senator here about the issue and then a \$20-25 fine. While yes, I don't want to pay it, it is something that I can afford and I won't be doing it again because it still suffices. I don't want to pay the \$20 to \$25 to jaywalk...

Senator Johnson: Just as a point of information to Senator Cox. When we posed the question about the amount of the fine to ISU Police, they said that the state amount is \$120. So since I guess they are not affiliated directly with the city, they give out a state ticket and that is the amount the state sets.

Senator Dawson: Senator Powers, have you gotten any information from students regarding near misses that they have encountered with drivers on campus, especially in pedestrian zones?

Senator Powers: Are you asking when a pedestrian is crossing a crosswalk and a driver violates the law?

Senator Dawson: That and also areas like the rec center on University Street. There is a pretty big striped patch there and I see drivers not paying any attention all the time to students that are at the curb waiting.

Senator Powers: I have not had any student feedback. I know that is one issue. Yes, I will definitely look into that.

Senator Hoelscher: Do you think that jaywalking is a problem and is this just a matter of amount? Have we done any studies to determine what kind of an amount would be a deterrent and finally, does the state set the amount and we have to abide by whatever the state fine is?

Senator Powers: Anyone can correct me if I am wrong, but I believe, according to Chief Woodruff, it is the same fine as a speeding ticket. So it is \$120 set by the state, but there is an option to fine them through the school and I am not sure exactly what that fine would be. I do think that jaywalking is an issue when we are looking at cars and I think one issue that I will definitely be bringing up to the town council is a scatter light. What that essentially does, it makes every light go red for 30 seconds and pedestrians can cross any way they want. After 30 seconds, they are not supposed to cross the crosswalk and that way traffic goes a lot smoother. That is something that the University of Illinois Champaign Urbana has used in the past. I think definitely now with the issues of being ticketed, I will be definitely contacting some of the councilmen and the mayors.

Senator Bantham: My question for Senator Powers would be really along the lines of a \$20 or \$25 fine, would that be a sufficient deterrent or is it basically I am out 20 bucks and it is not really going to dissuade me from jaywalking? Whereas, in Senator Lessoff's example, \$120 acts as a fairly significant deterrent.

Senator Powers: Personally, I think a \$20 to \$25 fine is sufficient. There have been no studies. I don't know how we could do a study. We could always do a survey to see what students think if a \$20 to \$25 fine is going to be sufficient. My worry there is the college affordability, the financial stress that fine puts on the student.

Senator Dawson: Regarding the scramble, ISU had that many years ago. It could encourage chaos because there are so many areas where there are no traffic lights. So it could be a problem...

Senator Crowley: I am sure all of us have seen students and more than likely faculty too walking around, but when I see students on bicycles and texting. What is going on here? Even a little pothole is going to throw that student and we know that there is an increase in accidents from bicycles, not just on ISU campus, but due to the increase of bicycle use. Is there anything you can do about promoting safety in walking and on bicycles and just general responsibility when you transport yourself from A to B on campus? It's appalling. I have seen people even curving down College and curving around Schroeder and flying down toward the gym and texting going around the corner. I think safety promotion might be something very wise for our Student Government if you could possibly muster that.

Senator Powers: Yes, we can look into that. Unfortunately, we can do all we want to do, but at the end of the day, students are still going to make those decisions. If they weren't taught that at a young age, it's kind of just common sense not to text while bicycling. So I don't know how much we could really do, but we will definitely look into it.

Senator Joyce: Just as a point of information. Parking tickets range between \$25 and \$40 and that is a pretty strong deterrent. Students don't illegally park as much as I imagine they would if it would if it was a lower amount or if it had no amount attached to it. So I think a \$25 fine would suffice.

Senator Thurman: What about the driver? I never see someone get pulled over for blowing through a yellow light when there are people walking across the street. I think we are worried too much about these jaywalking tickets. The car is the object that is going to hit the person. It's a pretty big object. I have seen

three or four cops at stoplights giving tickets, but then you see a car blow through a yellow light and they are not running after this car.

Senator Kalter: Just a reminder, this is a question and answer session.

Senator Thurman: I know. What are we going to do about the cars that blow those yellow lights?

Senator Kalter: Since Senator Powers has no power to answer the question, I am going to redirect that to Senator Paterson once he makes his administrator remarks.

Senator McHale: There is a gentleman that is currently being convicted for vehicular homicide on this campus. Brandon, on a Sunday morning was hit at the corner of College and Fell. Do we know if he was jaywalking? Do we have any idea about that from the court proceedings?

Senator Kalter: Are you talking about last year's incident?

Senator McHale: I sure am.

Senator Kalter: Let's also redirect that also during Senator Paterson's remarks.

Senator McHale: I have one more question. Do you believe that the atmosphere here at the university in terms of the students' disregard for traffic is more lax than you see in the Town of Normal or in Chicago? Do you get the sense that the students are more lax here with looking across the street both ways than they are off campus?

Senator Powers: No.

Senator Kalter: Anybody else? Any other questions? That was one of the most exciting Student Body President remarks' question and answer sessions I have ever participated in. Thank you, Senator Lessoff, for kicking that off.

Administrators' Remarks

• President Larry Dietz – Absent

• Provost Janet Krejci

Provost Krejci: Thank you to the students who have been active politically about our state system. I really appreciate students who have been very respectful but proactive and we really admire that. Also to the students and to the faculty who are doing midterms, I appreciate all you are going through and all of us are thinking about you and hope you get good rest. I am going to give a couple of updates about enrollment. First time enrollment in college for fall 16 applications are up 11% to 2,700. Admits to date are 15,060. Up quite a bit because of last year at this time with the technology, so we are up over 1,000 admits. Transfer applications are down, but admits are higher at 155.

200 people are coming to the open house Saturday and 1,500 are coming on Columbus Day, so if you see people, making them welcome and making sure they understand who we are at ISU is always wonderful. In terms of spring 2016, admissions and applications, we are down quite a bit, including transfers and we are working on that and we are hoping that transfer students will rebound. If you remember, we were down transfers as late as July last year and it rebounded higher so we believe there is a shift going on in how transfers apply and get admitted. Again, we ask you to do all you can in welcoming transfer students

when they are here. Spring registration is going much nicer. We already have 2,231 registrations for spring.

ISU has joined a Coalition for Access, Affordability and Success. We have been one of 84 universities participating. In order to be invited, you have to have graduation rates over 70 and have a record of providing access and affordability. We are of only one of two public universities in Illinois that were invited to join that coalition.

Our student three-year default rates were published recently. ISU and UIUC are the only two public universities that have a default rate lower than 3% with ISU at 2.8%. The national default rate is 11.8% and for all public universities, 11.7. So again kudos to our students who pay their loans back as responsible citizens. That means a lot to our metrics and what we say about our school.

ReggieNet has been functioning well since the database was updated on Friday. I appreciate everyone's continued patience and feedback. We have not heard of any major problems. There are plans to move this to a hosted environment over winter break, which is expected to increase long-term stability. We will keep you updated on that and when that happens. We have worked on a communication plan in the last few weeks to try to ensure heads up to our Academic Senate Chair, to our Chair of Academic Affairs and our SGA President. I think it is helping how we are communicating and how that is working. I appreciate everyone's involvement because sometimes those heads up go out at 5:00 a.m. in the morning and we get a response.

Update on searches. The College of Business dean search is ongoing and we had airport interviews last week and what I understand from the committee is they are going to decide on finalists by the end of this week or early next week. Finalists will be on campus the last week in October potentially moving the first week of November. So please look for open forums coming in that week. Mennonite College of Nursing has hired Witt Kiefer to assist them in the search for the dean. They have met and will be meeting their second time this week. I have said to you before, it's Dr. Dave Kopsell and Rita Bailey from the Provost's Office; for COB, that's Dr. Tony Lorschach and Mark Walbert who are from the Provost's Office, chair and secretary.

We are kicking off the AVP for Research and Grad Studies. Jim Jawahar is the secretary from the Provost's Office and Dr. Eric Peterson is the Panel of Ten Chair. I think the Faculty Caucus will be giving us members I believe tonight and we are going to get that meeting together as soon as the committee is in place.

A couple of things just an FYI. The student email will be transported to Office 365. We are sending an email to faculty today so the faculty know what is coming and then the students will be getting emails. Transition to the new email will be October 26 and it is my understanding that students will get explicit directions on how to do that and there will be people on the quad and support systems around during that week to help students.

The only other thing I would say is lots of good things happening on campus. The State of University Address is Thursday at 2 p.m. I hope everyone can be there. The History Department, Sage Foundation and the Foundation fund is bringing in John David Smith, a historian, who will be on campus October 8 in the Prairie Room. More information. It is going to be a fabulous presentation. I got to attend Dr. Craig McLaughlan's. He did a fabulous seminar on Versatile Vanadium and I would encourage those around campus as you see some of these research seminars that are presented to stop in. It is phenomenal what this university is doing and I appreciate the invites.

Senator Cox: This perhaps has some indirect relevance to enrollment, but our previous provost was particularly supportive of expanding our online offerings. Has your office continued deliberating any initiatives and where is that project is going?

Provost Krejci: We have ongoing discussions about that. The CTLT continues their support for programming for faculty to put courses online. We have also talked at a broader perspective about looking at are there niche programs that might be hybrid or online programs. With enrollment management, those discussions are occurring at the department level to identify are there niche programs. Many of those seem to be Masters' programs that units would like to move forward with those kind of endeavors. There are no decisions on that right now. CTLT has been continuing support for the online that is ongoing.

Senator Cox: Are there financial incentives for colleges or departments to increase their online presence?

Provost Krejci: At this point, the programs that qualify for the FCR incentive programs continues and those are programs or areas where students would not normally be coming to ISU except if there was a program. So there are the Full Class Recovery models in place for some of those select programs and the incentives for faculty learning to put courses online continues through CTLT.

Senator Kalter: I wonder if you could talk a little bit about the decision making that goes into hiring a search firm for a dean search, how we consider cost, what those relative costs are and why we think of payoff for that cost in one situation or another?

Provost Krejci: From what I understand in the history that we are still following is that we talk to the departments about that it is really... and if they come and say we feel very strongly to get a good candidate, we need a search firm and they outline those reasons specifically if there is a severe faculty shortage or administrative shortage in those areas. We talked to the College of Business and they did not want to use a search firm for very specific reasons. What they asked to do was start the search last spring, which we did, and if they were not satisfied with the pool by August, they would employ a search firm. They were satisfied with the pool and did not use a search firm. For the College of Nursing, most likely because of the severe faculty shortage, the college was very clear that they wanted to use a search firm. Cost is an issue and I will tell you that I will outline for any department going through a search the pros and cons of using a search firm specifically because of the changes that have occurred lately on procurement and our narrowed ability to choose a search firm... The cost is high. There are pros and cons to having that search firm. The cost is picked up by the Office of the Provost not the individual colleges.

Vice President of Student Affairs Brent Paterson/Advisory Item:

09.24.15.04 Diversity Advocacy Programs (Brent Paterson, VP for Student Affairs)

Senator Kalter: You may notice in your packets we have an Advisory Item about Diversity Advocacy Programs. There have been some questions for clarification about the Inclusive Community Response Team, so that is partly in response to that.

Senator Paterson: I wanted to start off with it is that time again to get your flu shot. We encourage everyone to do that. They will be available through Student Health Services. The university has an agreement through CMS, the state department, that if you are a university employee who participates in the State of Illinois group insurance program, you will receive the flu shots for free through Student Health Services. If you are not part of State of Illinois group insurance plan, there is a \$30 cost for the flu shot. Most insurance programs cover those in full and you can get the paperwork to turn that in. For students, it is \$15 for the flu shot. If you have student health insurance, that will cover it. That would be posted to your student account and you turn in the insurance with your name on it, so you make \$15 because the bill goes to your parents and then you can help cover the cost of the jaywalking ticket. There are going to be some mobile flu shot clinics for faculty and staff. One is at the Alumni Center on October

13 from 1:30 to 3:30. Otherwise, you can go online and set up an appointment through the Student Health Services website for your flu shot.

The university has contracted with the Center for the Study of Race and Equity. That center is at the University of Pennsylvania to conduct a campus climate assessment. The research team will be on campus November 10, 11 and 12 conducting focus groups as part of that comprehensive, multi-population campus climate assessment. We are just starting to work with them in scheduling those focus groups, so if you are aware of special groups that would want to meet with the research team, if you let me know as we begin to work on scheduling. Obviously, they are here for a limited amount of time and not everyone would have individual meetings with them, but we are working on trying to schedule some of that. The final written report is due to the president in December as part of that.

I thought I would mention a little about career fairs and how they have been going and upcoming events. September 16, we held the fall internship fair. 819 students participated in that internship fair and we had 72 employers as well. We also partnered with academic departments for some special career fairs in their areas. We had an Accounting Career Fair on September 11. 194 students and 34 employers participated in that. Construction Management Fair on September 17. We had 78 students and 28 employers and tomorrow is the fall career fair. So if you are in the Student Center tomorrow and you see everyone in coats and ties, you know it was not a coat and tie day for students, but it was part of the career fair. A new program in the career fair area that we have put in place is called InstaCareer Program. That's where we connect the students and employers and this is done prior to most of the career fairs to focus on professional career readiness. It is sort of like the speed dating format in that the students would have five-minute sessions with individual employers and they are working on such things as how to make a good first impression, dressing for success, how to research employers, how to develop a 30 second commercial for yourself and how to follow up with employers. When we had our first one this fall, we had 350 students attend that program and 14 employers participated in that.

If you plan on participating in commencement this fall, it is time to turn in your rental requests for regalia. That can be done through the Graduation Services website in the Dean of Students area. Reminders are going to be coming out on October 12 and the deadline is October 16 to submit that request.

I want to mention two other areas. One is Disability Concerns and our work with students with disabilities. We are continuing to see a large increase in the number of students who are seeking academic accommodations while students here. An example in 2013, we had about 405 student clients. As of September 30, we are up to 546 this year. So that is a significant increase for us in trying to manage their requests. We expect that number will continue to increase. We are seeing as well significant increases in the number of students who are seeking student counseling services. It is that time of the year again where we are close to the point of having a waiting list. I remind you with the waiting list, we still continue to do intakes with students and try to assess the issues and how we may help the students. Sometimes it's a referral to groups if we can't get the one-on-one counseling set up immediately. Otherwise, it is a few weeks out on that waiting list. Those numbers are continuing to rise significantly each year in what student demand is for student counseling.

There were a couple of questions about jaywalking and traffic infractions. I don't know if I am the best person to answer those, so let me give it a try and we will go from there. Your question about Ben Allison, I do not know specifically if he was walking with the light or not. I have never heard that discussion come up, so I can't answer that specifically. Police stopping people at yellow lights. Obviously, a police officer needs to be there to see it is the first part and the second part is most of the traffic infractions are handled by the Normal police and less often by Illinois State University police. It doesn't mean that they can't do traffic stops, but that is not the focus. So that is the best I can answer that one.

Senator Kalter: Has there ever been a fatality with pedestrian jaywalking or crossing against the light on this campus?

Senator Paterson: I am not familiar with one off the top of my head.

Senator Kalter: I know that we had one with the trains a couple of years ago and I go up that part of Fell almost every day and saw many students crossing while the gates were down not looking both ways. That was pretty disturbing. Any other questions for Senator Paterson? This is where you would ask about the Inclusive Community Response Team and any other questions...

Senator Hoelscher: You mentioned that Disability Concerns numbers are rising. Do you have a reason for that and why are you suspicious that it will continue to rise?

Senator Paterson: What we seem to be seeing is more students are coming from high school with receiving accommodations in high schools. I think some of that is due to changes in education in K-12 and helping students that have disabilities go through K-12 and be prepared to attend college. I think 20 years ago, many of these students would not have attended college. Now they are capable of doing so. The advances in technology have made a huge difference in leveling the playing field for those students with disabilities. We were talking today on how many apps that are out there today that are advantageous and being used by students with disabilities. I think the number of students prepared to attend college is much larger than it has been in the past and so we will continue to see that.

Senator Gizzi: More a point of information. You raised the question of the bias team, the Inclusive Community Response Team. The Dean of Students, Art Munin, will be speaking to Academic Affairs at our next meeting to talk about gaining faculty representation on that board. So I'm pretty excited about that. We will talk about other issues as well.

Senator Kalter: Wonderful. Thank you. We had two concerns, and I'm kind of reluctant to be the one to articulate them, but one of them had to do with faculty representation on the team. The other one, I don't know if anybody wants to articulate that one? I can do it. Basically, there was concern that we not go the way of some colleges and universities who have gone too far into free speech, encroaching on people's free speech and things like that. I know that that is one of the things Academic Affairs will be talking about. Did you want to say anything about that, Senator Paterson?

Senator Paterson: In establishing the team, that was obviously a concern. We deal with those issues on a daily basis, both in the Dean of Students Office and my office. In fact, Dr. Munin and I met today and he had on his agenda about three or four of those. Sometimes it involves faculty and how you are presenting material in class or what the material is. The people who are on that team are very aware of free speech issues. Again, the team is not intended to in any way to take action in formal processes. There are formal processes that exist at the university and the team is reviewing that information, being sure that it gets to the appropriate formal process, whether that is the Office of Equal Opportunity, Ethics and Access, whether that is Human Resources, whether that is the Provost's Office. That we're getting that information to the appropriate office. It is intended to more be a place to help individuals who may have a concern, help them understand what the issues may be, what options are available to them and helping direct them in the right way.

Senator Lessoff: Senator Kalter and I had a conversation about this and I would like to follow that up based on the topic I teach. There was a cover story in the *Atlantic* a couple of months ago about these issues, about the validation of taking offense and the limitations that imposes on people. I wanted to emphasize that a lot of people are very sympathetic to the goal that you are trying to achieve of a more inclusive, tolerant, sensitive campus that makes everyone feel at home. However, one of the things that the

Atlantic article points out quite well, there is a lot of discussion in the profession about this, is that one of the things we are trying to teach is for people how to assess how different people talk and use language over time. I teach history so a lot of people are saying a lot of things bad about people in the past, but also there are a lot of people who are expressing just human sentiments, but in language that people nowadays would find a little disturbing and just the process that a lot of universities have gotten into of having people get their backs up about that has the effect of validating... I mean this is the concern... a kind of hesitancy on the part of students to learn by encountering how other people think. That is of course at the heart of what we do and so the concern that I had, which I expressed, was that this setting up a body to validate not only obvious offense, but people's unformed sensitivities may inhibit the educational enterprise that really is preparing people to go out in the world where there is back and forth and problems and misunderstandings all the time. That was the concern. It is a deep intellectual concern. You have to understand that people expressing that concern are absolutely sympathetic to the goal. The question is the means to the goal and the way that you set up an institution. The institution can then validate. Organizations dedicated to worthy purposes often run after the worthy purpose and we can all come up with examples of that. I wanted to see how you responded to that. You see where I'm driving at, right?

Senator Paterson: Yes, and there's a lot in there. Let me come back again to, the purpose of the team is to help people who feel they have experienced incidents, to feel they have somewhere to go to talk about it. That discussion is trying to help the individual student what options might be available to them. Part is also an educational discussion: Why do you feel this way about it? Helping them to understand that not everything is a violation of the Code of Conduct. Not everything is a violation of racial, sexual and other types of harassment. We want to impress on students to experience something different than they have always experienced. So in doing so, there is going to some sense of uncomfortableness. Uncomfortableness doesn't mean that it is a violation in some way and helping understand what that means as well. It's part of this whole process working with students. There are some that are going to be very obvious violations and we need to be sure that those get into the right process. There are others that are just I can tell you I am feeling this way about it and we can all have those feelings, but feelings aren't necessary a violation. There are some that have come through that are just trying to get people's attention that really aren't anything else. So this group is going through all that and evaluating it and then following up with whoever submitted it and trying to help them understand how that fits into those different areas.

Senator Nichols: In regards to the influenza vaccination, I have two questions. Do the students only have the option of the inactivated virus by the shot and not the live attenuated virus through nasal spray? If that is not the case, how was that decision made?

Senator Paterson: It is my understanding that it only through shots. As I recall, part of that decision was based on costs. The shot is much less expensive than the intranasal so that played significantly into the decision and also the availability of the other as well.

Senator Nichols: At other universities, they tend to offer both with the students having a larger copay to avoid the needle and they found compliance rates significantly higher if students were given both options.

• ***Vice President of Finance and Planning Greg Alt***

Senator Alt: I will be commenting on the FY16 budget, which is rather odd since we were talking about the FY17 request and we are still without a budget for FY16 and continue with low expectations of anything resolving before the beginning of the January term. President Dietz and I provided testimony at the Senate Committee on Higher Education held at Eastern Illinois University. Both President Dietz and the president of Eastern, along with a few community colleges and students, advocated for the need to pass a budget and fund higher education, including MAP and other financial aid. It is worth noting that ISU and particularly President Dietz have been very active in trying to advocate the need for a budget and for issues related to higher ed. Just to name a few of those, on Tuesday, President Dietz represented the

other presidents and chancellors on a panel held by the IBHE on higher ed funding as well as coordinated the authorship of a letter by all of the presidents to the governor and General Assembly leaders about the need for them to take action on the budget. It was commented that the governor was at our football game on Saturday and President Dietz had the opportunity to spend 5 minutes with the governor again talking about the need for something done on the budget for higher ed and for a meeting between the governor and the presidents of the universities. Additionally, we have a governmental relations individual by the name of Jonathan Lackland, who is very active in Springfield where he spends most of his time in speaking with the governor's office as well as the General Assembly. So there is a lot of effort, but at this point there has been no progress made and we don't expect any for a while.

The university faculty and staff received informational notices from CMS first on September 9 and then an additional clarification on September 18 regarding payments by the state to health care providers. The intent of the notice was to make participants aware that some of the health care providers in the self-insured plan, which include Cigna, Healthlink OAP, Coventry OAP and Delta Dental, may require full payment at the time of service. The first notice did cause some confusion as to whether the participants continue to have coverage and so a second notice was sent on the 18th of September that clarified that all participants continue to have medical, dental and vision coverage. However, since claims are not being paid by CMS, some service providers in those self-insured plans may ask for payment at the time of service even though the service is covered by the health plan and will eventually be paid or reimbursed. For now, providers in the fully insured plans, which include Health Alliance, Coventry HMO, Blue Advantage and HMO Illinois, are not asking for payment at the time of service. At ISU, about 71% of our participants participate in the fully insured plans that are not asking for payment, but we do have about 29% that participate in those self-insured plans and they will probably be experiencing the need to make some upfront payment prior to the state making those payments. Also, another reminder related to benefits is that Central Management Services is doing that audit on dependent coverage and so everybody should have received communication, first from HR and then from CMS regarding documentations required to demonstrate the eligibility of your dependents for coverage. I believe HR sent out another notice today to remind individuals that documentation is due by the end of October.

Senator McHale: You said Delta Dental. Is there a dental program that is now covering and reimbursing for dental costs?

Senator Alt: Delta Dental is the plan, but providers make the decision on whether they ask for payment up front or not, but everybody that is under the coverage, those are the self-insured plans. So those are the ones that the state is not making payments for. So to clarify it depends on your own individual dental service provider whether they are asking you for payment or not.

Senator McHale: Since the budget for 2016 hasn't come through, do you have any idea when we might get reimbursed for the personal outlay for dental?

Senator Alt: They have assured us that there is coverage and also for individuals that are facing pre-payments, they are to call the plan administrator to see if another arrangement can be worked out.

Senator Rich: A follow up to Senator McHale's question for clarification on the CMS notification. So it is my understanding with dental, if you pay up front, and the provider is paid late that the penalty, from the memo, goes to the patient. So that would go to Senator McHale when the payment finally comes to the provider. It is also my understanding that the rate on that penalty in terms of time, if they were to calculate what the rate is, exceeds market interest rates substantially. Thus, correct me if I'm wrong, Senator McHale might consider that part of his investment portfolio.

Senator Alt: That's the bright side. It's a good investment.

Senator Dawson: I don't know where this falls with anybody in Springfield that cares, but I know on our dental coverage, I pay up front just as a courtesy and when they get the reimbursement, then they send it to me and they very nicely send the interest check that comes with it and I think that has been out at 9%. So the providers are being compensated for the delay. I do know people in the past who have been put into bankruptcy because of medical expenses that the state was not yet paying for. In my case, I have extra insurance. I have Blue Cross. The problem is the providers will not send the claim to the secondary insurance until they have the cash from the primary insurance. They tell me it is some kind of rule; I don't know where it is written, but it happens. What is the rule if you know and are they still paying interest to the providers for their trouble?

Senator Alt: There is a statute for late payments; the state has to pay interest. It is being paid to the person who has had the payment delayed. Senator Rich pointed out that has been generally going to the individual if they have had to prepay a provider. Your first question was related to secondary coverage?

Senator Dawson: Yes, in the case in which you have secondary coverage through a spouse, is there some kind of state rule that says that you cannot submit expenses to the secondary until the primary has received the cash. That has been the case I know for the past couple of years where we have had delays. Delays have gotten a little shorter, but now we are looking at substantially increased delays.

Senator Alt: We actually have our experts here from HR to talk about sick leave tonight. I will introduce Janice Bonneville from HR, who spent quite a bit of her time previous to coming to Illinois State working with CMS on benefits.

Ms. Bonneville: In regard to secondary insurance, you should be able to produce your explanation of benefits from the Delta website to your secondary insurance, which will show what the state is responsible for paying and what you are responsible for paying. They should be able to do that with that EOB. Your provider is not going to do that for you, but you should be able to submit that to a secondary insurance company. On the Delta Dental website, they produce explanations of benefits or EOBs almost immediately for services because they have to be produced for flexible spending accounts.

Senator Dawson: Sometimes the secondary will pick it up and go with it if you can produce for them that EOB and yes they do come out pretty quickly and knowing that you also have your flex spending will perhaps help out there.

Ms. Bonneville: I would caution this body not to use your flexible spending account to pay for anything other than your own expenses during this time, because given the state's delay, which currently for out-of-network under the Open Access Plans and Cigna, is in excess of 12 months. You may not get paid back in time to produce that information for the flexible spending vendor and you will have an ineligible expense under the IRS code. So I would not use your flexible spending card for anything that is over and above your own individual member expense.

Senator Kalter: Thank you for that information and maybe we can get that out to the greater campus. That seems like a really important thing for people to know.

Senator Ellerton: I seek clarification on the audit that was sent out because I, for one, did not receive any email about an audit, so I have to assume that that audit was only pertaining to those who have dependents and nothing else. I thought that was worth clarifying.

Ms. Bonneville: That's correct. The audit is specific to dependent children and dependent spouses, so individuals who have a spouse or children that are enrolled in health or dental, if you only have spouse or

child enrolled in life insurance, you are excluded from the audit, but if you have a child or spouse in health or dental, then you are being audited on that coverage.

Information Items:

09.10.15.01 Sick Leave Policy - Revised (Administrative Affairs and Budget Committee)

02.10.15.04 Sick Leave – Old Policy (Reference Document for Information Item)

09.10.15.02 Sick Leave Policy: Return to Work Procedures

Senator Lessoff: Lisa Huson and Wendy Smith from the university attorney's office are here. There is a long background to the policy. You will notice that we didn't bother, because it went through many drafts, to send all of the markup drafts of the new drafts versus the old policy because this is really significantly different. Senator Alt can correct me if I am wrong, but my understanding of how the Sick Leave Policy came before the committee was that this was among policies that had been taken down from the website on the grounds that they were outmoded, but that had not been tracked adequately. So the need to find out what happened to those policies and to ensure that they were revised and up to date came before the Senate as well as Senator Alt's office. Of those policies, I think this was the most important one that had fallen into abeyance and under an earlier administrator had been disappeared and then the question was what had happened to them.

In the process of drafting the new policy, a lot of substantive questions came up, which is why it was a long process. The old policy was really about what definitions of sick leave are. The substantive questions mainly had to do with procedure. That is, how do university employees understand how to report illness, under what circumstances to report illness, when and how they are eligible for the Family Medical Leave Act, what are the procedures for applying for disability should that be necessary, what kind of sick leave is being used at different times, and also clear procedures for returning to work. That is important because often people when they are coming back from illness, they are coming back either not at full strength and they have temporary constraints upon their ability to perform their job or else they might have permanent problems that then have to be, if they can be, worked into their job description. That is kind of technical language. A lot of times that wasn't clear to employees who were trying to come back from illness and that caused a lot of anxiety among employees. Are they going to be allowed to come back? Will they be compelled to use up more sick leave? Because sick leave if you are sick is a really valuable thing and you don't want to use it all up if you can avoid it.

Working with us, Human Resources and the University Attorney's Office, there were a lot of meetings involved. Some of them were really intense and then the committee assigned John Bantham and I to meet with Senator Alt, representatives of the university attorney's office and Human Resources to kind of thrash out the policy that you see in front of us, but there are a lot of key phrases. Towards the end, notification, reporting, return to work. Those are the things that we worked on the hardest.

You will notice that there is a second document, which is a procedural document, so we don't have to vote on it, but it is meant to clarify what turned out to be the main sources of confusion. That is if you are a sick person coming back to work, what are you asking for? There is certain key language that comes out with different legal meanings that people don't know. So if you see the word restriction versus accommodation, that second term is a much more complicated term. It is a different procedure handled by a different office of the university because that comes under the American Disabilities Act as opposed to the Family Medical Leave Act or just normal sick leave procedures. Lisa or Wendy can explain this.

So what we decided to do to make this as clear as possible is HR, after conversation, wrote out its own internal flowchart decision tree and put that in terms not of sort of an internal document, but something that could be given to the whole university community and that is where this document Return to Work Procedures comes from. This is not a matter of policy, but to explain to employees in the university how to handle different circumstances. Before, that had been handled internally, not in the policy.

What we had decided, with suggestions from HR, is to link the Return to Work Procedures to this, where it says return to work in the policy, to these procedures that describe decisions that Janice and Tammy and her colleagues make when people are coming back to work under different circumstances. We think that we have really improved what had been a source of concern among different employees just by giving more guidance that people could follow in these really stressful circumstances. What Wendy Smith, one of the university attorneys who handles this, said was the problem with the Sick Leave Policy is that no one looks at it until they are sick and then when they do, they're in no state of mind to digest what is being said. I may want Janice, because she is the one who worked on this the most, to say a few words explaining things, but the goal was to have a much clearer set of policies and procedures for people to follow in these very stressful circumstances so that they will better understand what path they should follow, the kinds of things to ask for, the kinds of things you might ask a physician who is responsible for affirming that you are ready to come back to work under different circumstances to look for.

You can't guarantee that if you put a policy or procedure out there that people will read it and use it as it is intended, but at least it's there for departmental administrators to be aware of and to say this is what you have to do. So we hope, it's inherently an anxious and difficult thing that people go through, but we hope that we've set aside working together a policy and a set of clarifications that will help people as much as they can be helped in really what's a very difficult circumstance. For that, I would like Janice to add a few things if she would like to because Janice, given your background, you are the one who really did the most to draft this.

Ms. Bonneville: I don't have a lot to add. I think the goal was to take a policy that didn't flow and didn't help employees understand their sick leave and didn't help them understand what if I am out and ready to come back, what do I need to do. Some of things that we have included in here, the return to work procedures specifically, weren't contemplated in the old policy, so we thought it was important to bring this policy to reflect what is happening in our office currently and to make it more user friendly for faculty and staff to understand what needs to happen and where they can get the assistance when they are not sure what they need to do when they have to be out on an extended sick leave. I would thank everyone for the work that has been done on this. It did take some time, but it ended up with what I believe is a very good product and a very easy to understand policy with regard to sick leave.

Senator Brauer: I am actually speaking for Senator Soeldner who was unable to attend tonight so I am going to speak word for word what she has asked and it is actually specifically about the Return to Work Procedures within this policy. It is in under bullet 6, where they talk about coming back perhaps with restrictions. So in this bullet 6, it says that this process may take up to five business days during which time the employee will remain off work. So the question is, is the employee expected to use sick or vacation time during that period? What if they have exhausted those? So what if they have neither of those to use? She says, you might see where I'm going with this. No one should have unpaid time because their benefits' staff are questioning restrictions. She thinks the five days is too long.

Ms. Bonneville: The five days is an allowance that is in place under FMLA. I understand the concern regarding the five days; however, it is necessary in some cases when we have restrictions to reach back out to the treating physician to make sure we understand those restrictions, to reach out to the department to make sure they can work within those restrictions. Five days seems like a very long time and I can tell you that if it does happen, it happens very rarely. Usually, this is something we can do relatively quickly, but it is something that we need some ability to do so that we can make sure that we have talked to everyone. It may take multiple conversations with the employee. It makes take multiple conversations with the treating physician. It may take multiple conversations with the department to ascertain what those restrictions are, how long they are going to last and what the university's ability is to work within those restrictions.

Senator Lessoff: To clarify the question, the word restriction is a key here and that's one of things. If you have ever been in a situation where you are trying to navigate this, you don't, for example, understand the difference between restriction and accommodation. That is a key distinction. A restriction is a temporary problem that prevents you from fully carrying out the duties of your job. It is understood according to your diagnosis to be temporary, but an accommodation falls under the Americans with Disabilities Act. That could be indefinite.

Senator Brauer: After I read this, I was thinking usually perhaps if you were getting your return to work permission or approval from your physician, you are probably still off. So it is not like you just show up in HR and then you have to wait five more days. This happening while the person is healing. Am I correct?

Ms. Bonneville: In some cases, it's happening while the person is healing, so the benefits counselor in our office is talking to that individual. Often times they are calling and saying this is what is happening. This is what I am thinking. We may know in advance what that is going to look like. We can't do a lot until we have the doctor's note in hand. We often get those from the doctor's office, not necessarily from the employee, so we are able to start some of that work on the front end. But at the end of the day, the goal is to bring the employee back to work. We want to make sure it is safe for the employee to come back to work, so we have some time built into that to make sure it works for the employee and for the university.

Senator Brauer: Bullet 6, the last line in the Return to Work Procedures says the process may take up to five business days during which time the employee will remain off work. So I believe the question was will the employee be required to use sick leave or vacation? What if they don't have it? The third question is they think the five days is too long for an employee to be off work while we are determining restrictions. I will give it back to the committee and perhaps encourage Senator Soeldner to reach out.

Senator Ellerton: Should there be a very short preamble, possibly a single sentence, that indicated that these procedures have been designed to support employees rather than to create more hurdles for them to go through, particularly if they have been absent through illness for a considerable time? I don't know that it is essential, but it was a suggestion and a question.

Senator Kalter: I have a couple of questions and one of them is a suggestion and actually I have already given this to everybody who was on the committee and in the group. One of the things that I was concerned about was what Senator Lessoff has been taking about with regard to the difference between a restriction and an accommodation, which has to do with disabilities. Under the sick leave usage sequence in the final paragraph, there is a key piece of information. It begins in the second sentence. "If SURS disability is anticipated, the employee should check with the benefits section of HR as soon as possible about how to proceed..." This is very important and unfortunately in past cases it has not been known very well so some major issues have happened around this. I had suggested as a friendly amendment that we do something to highlight that so people can see it better. One possibility is that it be made a new paragraph there, beginning with if. Instead of having that all be one paragraph, there would be one sentence that said all benefits will normally be exhausted before the employee is placed in a no-pay status and then have that be a new paragraph because I would really like for the things I understand have happened never to happen again.

There are a couple of places in policy where we have language that says may be subject to FMLA or other documentation. One is on page one, one is on page three. I think there may be another one somewhere. My understanding is that the FMLA allows companies to force employees to use their sick leave or vacation, any of their paid leave, simultaneously. So as soon as you go on FMLA, if you have any paid benefits, the law allows an employer to say you have to use up those paid benefits simultaneous with the leave. My understanding is that the reverse is not the case. In other words that if you are using up sick

leave, even if it is a lot of sick leave that you have accumulated, you are not required to go on FMLA. I want to make sure that I understand that and understand what that language “may be subject to FMLA” means and if I am correct about my assumptions there.

Ms. Bonneville: Under the FMLA, the employer has the right to count that time against the FMLA time that the employee may be eligible for, even though the law doesn’t require it. The employer has the discretion to count that time as FMLA time if the employee is out for an extended period of time.

Senator Kalter: So my assumption is not correct? It does go both ways?

Ms. Bonneville: It does go both ways. Correct.

Senator Kalter: And that is in the law itself somewhere we can find wording that says if you are off on extended..., because my understanding of the law under Clinton when FMLA came in, the point was to extend people’s benefits rather than not, so that is a little confusing to me that you can be forced to go on FMLA if you are using what you have accumulated as sick time.

Ms. Wendy Smith, University Counsel: The purpose of the FMLA is not to extend benefits because it is unpaid time. FMLA is not required to be paid. So the only time you are going to get paid when you are on FMLA is if you have paid time, but the employer a lot of the time will run FMLA benefits at the same time as any sick benefit because the employee has protections that are attached to FMLA that are separate from the sick paid time and the employer is put on notice once they take that extended leave that they are due FMLA, so they have return to work obligations. They have protections on their job that you don’t have if you are not in FMLA. So the majority of employers run FMLA at the same time as any extended leave, but FMLA is not required to be paid leave. So if an employee says I have 20 days and I would like to go on unpaid FMLA leave, they may be able to do that. It may affect their SURS. It may affect a lot of other things down the line, but an employee can’t say I’m going to go out on extended leave, but I don’t want it to count under FMLA.

Ms. Huson: The rationale for that is that you don’t want people to be gone for extremely lengthy periods of time. There is a limit...

Ms. Smith: 12 to 16 weeks depending on what type of ...

Ms. Huson: And if you didn’t require them to use their FMLA, somebody could be gone an indefinite amount of time.

Senator Kalter: Certainly, but that is what paid benefits are.

Ms. Huson: Only if they have paid benefits and we do let people take their paid benefits.

Ms. Smith: FMLA is not required to be paid, so the FMLA has a purpose of protecting your job while you are on a protected leave.

Senator Kalter: So you are saying that when you go on sick leave, you are not protected and you could be fired just for using your paid sick leave benefits?

Ms. Smith: No, obviously if you are fired for using your paid sick leave, there are other problems with that, but you are not on a protected leave under the FMLA if you are not covered by FMLA.

Ms. Huson: You are not under a federally protected leave. You are under a sick leave. You are not going to get fired for using sick leave if you have sick leave and you use it appropriately like, for example, you call in, for different types of employees, not faculty.

Senator Kalter: If we could get the piece of the law that explains that, that would be really helpful because I think it is very confusing around campus to people. Many people understand the law the way I first described it and if that is not the case, then I think we need to clarify that.

Ms. Huson: Sure. Let me make one thing clear. Wendy hit on with what you said. FMLA is only paid to the extent that you have paid benefits. So when you think I am going to take FMLA leave, that is a type of leave, but you only get paid for the leave that you have accumulated. So it is not an either or situation. You can only get paid on FMLA if you have paid benefits.

Ms. Smith: I think that is very clear in the FMLA Policy, which is not the Sick Leave Policy.

Senator Kalter: Perhaps what we need to do is that language “may be subject to” could be potentially clarified at some point. The other question had had to do with notification after an absence of more than three days. This is on page four. I think it is in a couple of different places. There is a place where it says it is in the best interest of the employee to contact the university. I wasn’t really sure why or whether that was always the case. Then under return to work, I can imagine leaves that fall under a sick leave protocol that don’t require an employee to consult a physician. For example, if you are a parent and you have three kids, they all fall sick, you have to stay home to take care of them and then you fall sick. Nobody saw a physician. Are we asking people to go to see a physician in order to return to work because we are requiring a notice from a physician to return to work in that case?

Ms. Bonneville: The questions are two-fold. With regard to the initial question on the three days. It is our position in HR that it is in the employee’s best interest because that triggers activity from us. That triggers us to say this employee has been out. We may need to send an FMLA packet. We may need to talk to that employee about what their benefits look like. Do they need to have access to extended sick leave benefits because we turn that on in our office? So it starts the process happening when the employee notifies us that they have been out for three days. So that starts the process. That starts the FMLA protection that that employee is entitled to. With regard to the five days, we work off the presumption that the employee is checking in with their department, depending on what their department responsibilities are. They are calling in and indicating I’m calling in because my child is sick. I am calling in because now I have the flu. So in situations like that, we do have the ability to be flexible if we know that those are the situations, but those are all coming because the employee is following the other procedures with regard to calling into their department. So when an employee goes out on a leave for an extended period of time, we are sending them an FMLA packet that lays out those responsibilities and one of those responsibilities is that the employee follows their normal departmental call-in procedures until such time as if they are out for an extended period of time, we put them on an approved FMLA.

Senator Kalter: Thank you. One of the things that we often do with policies where that is the case, we might be able to insert a friendly little “ordinarily” in there as in, “ordinarily when someone is out for five consecutive work days, they will need to provide an authorization.” That way that flexibility is not of the norm, so to speak, but it is still there and sends the signal to the employee that this is not every single time always the case, but usually is the case that we need authorization to return to work. Are there any other questions?

Thank you very much. We will see this again when we have that FMLA law and the other friendly amendment and the answer to Senator Soeldner’s question.

09.24.15.01 Minors Policy – Revised – Full Markup (Rules Committee)

09.24.15.03 Minors Policy – No Markup

Senator Kalter: Because we do have guests here, we are going to move on to our Information Item, the protection of minors policy and then I think we are going to wrap up this meeting so that we can move on to the caucus. Unfortunately, that means that once again we will be putting off the AP Credit Sense of the Senate Resolution. I apologize for that, but I don't want our guests here to have to go away and come back. So we have the protection of minors' policy coming back to us. This is the second Information Item. I am trying to remember the date that it came to us the first time. I think it was something like March 4 and we had a really, long, good information session there. We had a couple of meetings about this policy to clarify wording. This is technically coming from the Rules Committee. This is sort of last year's Rules Committee so I am going ask Senator Bushell to say just a couple of words about anything else you might want to add.

Senator Bushell: I don't have anything to add right now. I have not studied it enough to go back and do a double take with the original document.

Senator Kalter: In that case, I will hand it over to Sam Catanzaro and Lisa Huson and Wendy Smith, who worked on this over the summer. .

Sam Catanzaro, Assistant VP for Academic Administration: The updated version you have before you we worked on with Senator Kalter. We had some good conversations over the summer. Susan very succinctly summarized the points from the last time this was on the floor of the Senate. Many of you were there but some of you weren't so you have the marked up version so you can see the back and forth as well as the edits in the marked up version. We really appreciate that input. It is, in my opinion, and I think Lisa and Wendy will agree that we have a clearer document, easier to navigate. The boundaries of what we are doing I think are clearer as well. So we thank you for your input. We are here to answer any questions you might have on the update.

Senator Kalter: The full markup is a little confusing because some of the things that are still on there are actually things that were already done, so they are sort of lingering, but have been taken care of, like rearranging bullet points and things like that.

Senator Sanden: The last time this was presented, I had concerns about those of us in the School of Teaching and Learning. Some are in classrooms several days a week working directly with children. I was looking in here to see if any clarification had been made regarding the faculty members who do that and I am not seeing that any changes have been made. Can you tell me how those of us who are in classrooms supervising clinical students and working directly with children, how this affects us.

Dr. Catanzaro: If you are in another institution, such as District 87 schools, you would need to conform to their requirements and I believe that is at least in part due to the requirements that they have as schools.

Ms. Smith: The Illinois School Code requires the school that has the minors enrolled to be the school completing the background check. So if the university completes a background check for you to go to District 87, District 87 can't take it. So the only time we can do a background check for a school purpose is in our laboratory schools. That is a federal and a state law and that is why this policy doesn't cover our employees that go to other schools.

Dr. Catanzaro: Lisa reminded me where the nod to it was. Item 13, page 4 of the clean copy specifically speaks to faculty, staff and students working with minors in schools, clinics, hospitals and other external agencies are expected to conform to the requirements of those institutions. Similarly, faculty, staff and

students who are in our own lab schools are governed by the rules that the lab schools need to have again under the school code that Wendy was just referring to.

Senator Kalter: Senator Sanden, let me read you something that I sent to them in early August and that was answered yes. I said I am reading this policy now to indicate that tenured, tenure-track and non-tenure-track faculty must be criminal background checked if they are supervising in our own lab schools. I think that is a recent change of the law, so as before, faculty who work at ISU who go into University High School or Metcalf did not have to have those background checks. Now they do.

Senator Sanden: That only applies to the university lab schools.

Senator Kalter. Correct and I think what I am hearing is that you might have to get criminal background checks several different times depending on how many different schools you work with.

Dr. Catanzaro: Which is unfortunate, but based on those institutions each having their own responsibilities and potential liabilities.

Ms. Smith: And actually the school code requires the school to do the background check. It doesn't allow you to take another background check that has been done and their employment background checks are only good for 30 days, so that also becomes a problem because if we do a background check when either you are hired in a security sensitive position or we do a background check when you have responsibilities in the laboratory schools with minor children, that background check may not meet the 30-day requirement on top of the fact that the school code requires the school to do it. Now that is for student teachers. Schools will make different risk decisions on what they want to do with practicums or volunteers. The only requirement is for student teachers. A lot of schools are making their own determination to do background checks at different levels for volunteers or for practicum students or for students who are observing.

Senator Sanden: But most of the time that we supervise, faculty are not required to have criminal background checks. So my question is, I see that in the new part, it looks like 13. It says faculty, staff and students working are expected to conform to the requirements of those institutions. What I am asking is if those institutions aren't requiring us to have any kind of criminal background check, it is unclear to me if the rest of this policy does require us to have those things.

Ms. Smith: I think when it is an external agency that you are going to, we have to go with what that external agency is requiring. If you are working with minors on our campus, our property or on our behalf at the university lab schools, you are required to get the background check. Most schools are moving in that direction, if some haven't already. We can't really control what they are requiring in their schools, because you are working with their students.

Senator Sanden: But we are going in as university representatives. We don't have to solve this now. I am just saying for those of us who work in classrooms and who aren't currently required to have criminal background checks, I think it is still unclear what the requirements are for us.

Ms. Huson: Whose requirements though? Our requirements or the other institutions' requirements?

Senator Sanden: The university requirements because when I am reading this I'm unclear what the university requirements are.

Ms. Huson: If you look at it, it says while the university defers to these partner institutions; we could say, we're going to defer and we are not going to do a background check. We can say it more explicitly,

because that is what it is saying. That is what we are saying. We are saying we are deferring to that institution and you are going to be required to do whatever they say you have to do and we are not going to do background checks on everyone who goes out because they don't count for that institution where you go.

Ms. Smith: So if we do a background check on someone and they have a criminal background, we can't tell them they can't go to that supervising, that student teaching experience because we are not the one doing that experience. You have to do it when you working with our property and our students.

Ms. Huson: We don't do criminal background checks on all faculty, unless you want to do them on all teaching faculty.

Senator Kalter: Senator Sanden, what I am hearing you say is that maybe there needs to be an explicit line that speaks to faculty here who work in schools.

Senator Sanden: That is what I asked for in the spring. I thought that that would be more clear because it seems somewhat contradictory when it is saying that university representatives, who are working with children, must have criminal background checks. Later it says will defer to the agencies that you are going into. So I think that is somewhat contradictory. I think language that would clear that up...

Senator Kalter: I think the fact that both of us had that question and we didn't know for sure and had to ask indicates that we probably ought to make something explicit in the policy.

Senator Mattoon: I am wondering if we don't need to also clarify in there about Metcalf and the university lab schools within this policy because like she is saying, there is some confusion and you read from a different policy, correct?

Senator Kalter: What I was reading from was an email that I sent.

Senator Mattoon: I am not seeing in here anywhere it does address that. Like if you are coming into our facilities, do you have to?

Senator Kalter: I think that perhaps with your two comments together we could have one additional paragraph that addresses that and just the general situation of being a faculty member in supervising types of situations, student teacher situations.

Senator Mattoon: For research. Anything at all.

Senator Kalter: The research, hopefully, is already covered with the IRB paragraph earlier, but if there is something about the lab school research that may be specific...

Senator Mattoon: Do they still have to do their background checks though if they are going to come in and work with our students?

Ms. Smith: There are two policies that cover the lab schools. There is the criminal background check that covers any employee and you are required to have a background check if you work with the laboratory schools and that policy has been in place for a long time and that policy is really what covers when anybody who is in an employment capacity is coming to the lab schools. The law doesn't require you to do volunteers or research or that kind of thing and that is covered in this policy. So if you are not covered by the criminal background check, and maybe a reference to that would help with the lab schools, but a criminal background check with regard to minors only applies the lab schools unless it is a security

sensitive position. So it's confusing, hard to cover those. Right now, outside of being an employee, you are not required by any policy to be background checked if you are in the lab schools.

Senator Dyck: If you are making a change related to teaching faculty and student teachers, you need to be aware that all pediatric nursing rotations are now in area schools, so it is not just teachers supervising teachers; it is faculty supervising nursing students. So, it's another group of faculty who have already had criminal background checks because we are required.

Ms. Smith: Going back to Senator Mattoon's question, if you look at number 8, that is where we attempted to address that in the policy. That is where it references the criminal background check.

Senator Mattoon: Thank you.

Senator Ellerton: There are at least three situations that need to be covered, just going back to the previous comments. One is where we work in classrooms and are in contact with students in schools outside the lab schools. The other is Metcalf and University High School. The third is where young students from these schools might come on to campus. So there are quite distinct cases and perhaps a simple mention of those three categories and possibly the fourth where we are working with our students depending on the age in school or nursing situations. So that is really is a suggestion for a small amendment to help clarify some of that discussion.

Senator Kalter: Senator Daddario said something about hypertexted types of policies. Senator Ellerton is suggesting things that I think we have in the policy, but that may be difficult for people to find. It may be something like a menu for the situation or something to that effect.

Senator Ellerton: I think it might address several of the points that have come up because I work with young students in a range of schools, not Metcalf and University High School, and I searched through and tried to find what applied to me. It is not as transparent as it should be.

Senator Cox: I wanted to make sure I understand the limits of university liability. If a faculty or education student goes to a school where there is not a background check and there is some violation occurring. Does that release the university of liability?

Ms. Huson: There is no release of liability. They are always going to sue us. We can just do the best we can do with reasonable policies. You said students and students are always background checked when they go in. It is a requirement of student teachers. There are various safeguards that are in place. Nothing is going to be fool-proof. We have looked at this sort of every which way we can to be able to maintain the flexibility of having people go out and do things and us continue on our mission without background checking everybody. U of I, Northeastern, people are going to background checking all their faculty. That solves this problem, frankly, if we were going to that. I am not bringing that up as a subject; don't worry about it.

Senator Kalter: It doesn't solve the problem that Senator Cox brought up, because she was talking about us going elsewhere, off campus.

Ms. Huson: We are backgrounded; we have done our due diligence. It takes care of our liability to the extent we can.

Ms. Smith: It is less risky than our employees being on our campus and having a no background check or employees being in our lab schools, but it is a degree of risk. So for the most part, the school that did not do the background check is the most liable and maybe ISU for not doing one when they went there. But

the school is more liable, whereas, if it is on our property in our lab schools, we are going to be the primary liability. It's a degree of risk and without doing everyone, this is a reasonable way to manage that risk and protect minors.

Senator Cox: Has there been a discussion about background checking everyone or was it assumed that that is not the way we want to go?

Ms. Huson: I think maybe some informal discussions, but nothing is being done.

Dr. Catanzaro: I would say merely academic discussions.

Ms. Huson: As in, wow, look what U of I just did.

Ms. Smith: What I have seen when I researched it initially, when writing the initial criminal background check policy, not the Minors Policy, most institutions that background their entire workforce had had a tragedy. I think increasingly since then, more and more campuses are going that way. In Illinois, the law changed that you have to background check everyone who has a security sensitive position and the lab school law is a little bit more restrictive that any employee who is in the lab schools has to be background checked. So we have two state laws that are governing us. What I saw is if there wasn't a law governing it and some laws got passed in a state where a tragedy happened or if there hadn't been a tragedy, there were very few five years ago that had all background checks. I think that is changing.

Ms. Huson: I have a question procedurally so we know what to do when we leave here. I heard a couple of different things and one of them you solved it with your hypertext. The other thing was to address your concern about it being more clear about whether we are going to background check people who are doing it. Are you entertaining any friendly amendment here so that we can be done with this tonight?

Senator Kalter: This is only the second information session, so we would not be done with it anyway. It has to wait another couple of weeks for the action item. Between those two times...or whenever we put it on as an action item, we can simply respond like we did over the summer to this feedback because essentially what this is saying is that we are not quite there yet; we are almost there, but there are a couple of places where people who need to understand the policy the most still are having trouble a little bit navigating where this applies to me and how do I know. So I would say that we can go back into conference and bring it back with a clarified edition next time and possibly at that point to action.

Dr. Catanzaro: So we could do another set of tweaks, revisions and have that be the action item?

Senator Kalter: We can do that if they are fairly straightforward. If they are really extensive, we should probably put it in as an information/action item just to cover the bases.

Ms. Huson: What I would like to do, I actually wrote something, so I want to see if this addresses your concern. In that paragraph 13 where it says faculty, staff and student...it says while the university defers to these partner institutions, I would take out the while and have it say the university defers to these partner institutions in terms of specific procedural requirements for individuals...interacting or providing services to minors at external agencies and it will not require its own background check for these purposes. Then have the next one start at Further and just continue because what I was hearing the concern was whether we are going to do a background check on our people who are going out. I wanted to understand if I heard the concern right and if that sort of language addresses the concern.

Senator Sanden: I think in that paragraph, that certainly helps clear up...My other concern is that that paragraph 8 seems to contradict that.

Ms. Smith: Because you are reading a university program or activity as the student teaching. Is that why you are feeling it contradicts?

Senator Sanden: University agents, representatives, including but not limited to, etc. who have direct contact with minors in any university program or activity are required to complete and pass a successful criminal background check and online sex offender registry check prior to having direct contact with minors. That seems very clear to me.

Ms. Smith: I think the difference is that supervising in another school is not considered a university program or activity. It is the school's activity...

"No" from many senators.

Dr. Catanzaro: I can see developing some kind of language that marks out working in another institution, like a school, hospital or clinic, that has its own requirements. I think that that is a very good point and we can clarify that.

Senator Kalter: I think also the lab school thing needs to be clear in there. What I am going to suggest while we are working on this draft, we can circulate it to you and so you can say has this covered this and get that taken care of in conference, not necessarily just between myself and the legal office and Sam's office, but those of you who have brought up questions in on that conversation.

Senator Ellerton: I think that is a crucial point because any university program or activity... I am in schools with students who are very much a part of a course of a program and students cannot pass that course unless they complete that activity in the schools. So that was one of points of confusion.

Senator Bushell: May I have clarification on the hypertext comment? What is the suggestion for that? Is it like a table of contents?

Senator Kalter: It is a menu that allows people early on in the policy to identify where the policy might apply to them. In other words, in a hypertext document you click on a link and it shoves you down to the fifth page so that you know that you have to read that part.

Ms. Huson: We could do that for 8 and 13 too. We will just play with it and get it back to you.

Senator Crowley: I am wondering about the mandated reporting requirement. Who are mandated reporters because I see in the document that there is a very narrow description of who are mandated reporters? I am looking at number 7, page 3 and number 9, page 3.

Senator Kalter: As I understand it, all of the faculty are mandated reporters. Is that right?

Ms. Smith: Any university employee. The law changed to include any university employee.

Senator Crowley: What about students who might not be employed and might be aware that they have knowledge of something that they may be required to report? I am just worried that it is a narrow definition of mandated reporters. Who else should be in on that besides employees?

Ms. Smith: The law specifically covers groups that are professionally certified as mandated reporters. If they are mandated outside of being a university employee, they are told that and do a specific training through DCFS on that reporting requirement.

Dr. Catanzaro: The law identifies individuals who are mandated reporters, but by no means is it intended to imply that anyone who is not mandated couldn't report. I don't know how that works for student teachers. It may be profession driven as to how the requirements of the profession apply to the categories identified in the mandated reporting law. The law identifies a set of people who are required, but again any concerned citizen who had information of concern can call DCFS and that would include a student.

Senator Crowley: The athletics reference on page 2, the Minors Activity Compliance Committee. Is the Athletics Department included?

Dr. Catanzaro: On an as-needed-basis. Could that be more clear in that last sentence?

Senator Kalter: I think that it is clear in that last sentence, 3A, that they will join when the program or activity is in their area.

Senator Crowley: Earlier at one of our meetings, I think that we established that the Athletics Department has even the largest number of minors and I am surprised to see it as being optional.

Senator Kalter: I think that there are standing approvals for prospective student visits, including student athlete visits, but there might be other programs that the Athletics Department runs that would involve minors that would go through the MACC. Is that correct?

Dr. Catanzaro: Correct.

Senator Kalter: I apologize to everybody for the time delay, but that is a really important policy that we are looking at. It will go back for a couple of more edits and then come back to us.

09.29.15.01 Textbook Affordability Committee Proposal (Senator Powers)

This item will return as an Information Item at the next Senate meeting.

Committee Reports:

The committees will submit reports by email.

Communications:

AP Credit - Public Act 99-0358 Sense of the Senate Resolution (Senator Ellerton)

AP Credit Sense of the Senate Resolution Information (Jonathan Rosenthal, Associate Provost for General Education)

AP Credit Policies

AP Credit – University Catalog

The resolution will return as a Communication at the next Senate meeting.

Adjournment

Motion XLVI-19: By Senator Hoelscher, seconded by Senator Powers, to adjourn. The motion was unanimously approved.