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Spring 2-18-1998

## Senate Meeting, February 18, 1998

Academic Senate  
*Illinois State University*

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**ACADEMIC SENATE AGENDA**  
**TIME: 7 P.M., Wednesday, February 18, 1998**  
**PLACE: Circus Room, Bone Student Center**

*Approval of Minutes of February 4, 1998*

*Chairperson's Remarks*

*Vice Chairperson's Remarks*

*Student Government Association President's Remarks*

*Administrators' Remarks*

*Committee Reports*

*Action Items:*

1. 11.07.97.04 Deletion of Minor in Russian and Minor in Russian (Teacher Certification) – Academic Affairs

*Information Items:*

1. 02.05.98.01 Proposed Changes in Baccalaureate Degrees Requirements (BA/BS/B-Other) – Academic Affairs
2. 01.12.98.02 Revision of COB By-laws – Rules
3. 02.03.98.02 Revised By-laws/Council for Teacher Education – Rules
4. 01.28.98.02 Proposed Academic Senate Meetings Calendar for July 1998-May 1999

*Communications*

*Adjournment*

*Meetings of the Academic Senate are open to members of the University community. Persons attending the meeting participate in discussion with the consent of the Senate. Persons desiring to bring items to the attention of the Senate may do so by contacting any member of the Senate.*

**ACADEMIC SENATE MINUTES**  
(Approved)

**February 18, 1998**

**Volume XXIX, No. 9**

**Call to Order**

Chairperson, Paul Borg, called the meeting to order at 7:00 p.m.

**Roll Call**

Secretary Joel Brooks called the roll and declared a quorum.

**Chairperson's Remarks**

Chairperson Paul Borg deferred approval of the minutes to make comments in reference to the BOT meeting on February 17, 1998, regarding:

- the sequence of events in the past three days
- the substance of the changes to the Constitution

The sequence of events:

Monday at 3:30 p.m. a document arrived at the Senate office.

A phone call to Susan Kern determined that:

1. There had been a phone executive meeting of the BOT on Monday morning. In attendance were all of the Board by phone, along with Board legal counsel Carol Posegate, President Strand, Susan Kern, and Norma Honn.
  2. The legal counsel of the Board had proposed changes in wording to the Senate-adopted Constitution.
  3. She had been asked to draft two possible resolutions:
    - a) to adopt
    - b) to continue discussions and postpone action until the May meeting
  4. Editing and copying had been done in the President's Office (as is proper) and copies were carried to the Campus Communications Committee and the Chair of the Rules Committee.
- 
- I asked for and received an electronic copy of both resolutions and the revisions to the Constitution.
  - At an evening dinner that included Campus Communication Committee, only two trustees were in attendance so "informal communication" did not occur.
  - At the Tuesday, February 24, 1998, 8:00-9:00 a.m. informal session, the planned presentation lasted longer than scheduled, and again little "interaction" between campus constituents and Board Members could take place.
  - At the meeting, Curt White of the Campus Communication Committee; Jan Cook of the Rules Committee; and Paul Borg, Chairperson of Academic Senate all spoke to the issue and urged the adoption of the second resolution.
  - In BOT discussion, the legal counsel explained that, as requested, she had adapted the language, according to her legal opinion, in several sections to bring the document, in her legal opinion, in conformance with both State law and the BOT governing documents.

- After discussion that may be interpreted as expressing impatience with the process, the BOT made one adjustment in wording (based on a suggestion we made) and voted for adoption (the first resolution.) You received e-mail messages from me during the process.

Several matters we had anticipated were among the changes:

- Presidential Search (Article IV 1.B.) Much of the text and the entire list of campus membership that the Senate had adopted were excised. Remaining was only the first sentence of the Senate adopted Constitution.
- They took out from the list of functions of the Senate, the statement about participation in Presidential Search (Senator Jim Reid brought this to my attention.) The process eliminated further wording, which amounted to our involvement in being part of the process of selecting the principal officers of the administration and membership of the Search Committee for such offices.
- The relationship of authority between the Senate and the President in the two places that we had our own discussion about (Article V, Section I.E and Article VI, Section 1.A.)
- One other altered passage of lesser significance (Article IV, Section 2.B) refers to the procedures for selection and appointment of administrators. They added the phrase “Policies to be approved by the President.” It is a matter of wording that we have discussed before.

There were two complete surprises:

- In the non-discriminatory policy for students admissions (Article II, Section 3) the legal counsel advised the BOT to change the wording we had included that is published in our catalog. The main significant difference was getting rid of non-discrimination protection for “sexual orientation.”
- Referring to Article VI, Section 2. The item having to do with amending the Constitution. A paragraph was added, giving them the authority to amend and the only consultation with Campus Community in that paragraph reads: “The University community shall be afforded the opportunity to comment on.....” In my memory this was not even a part of the discussion in the last six or eight months.

I am finished with my comments.

*Senator Reid* asked which Constitution we are operating under? *Reply* – Chairperson Borg said we have not agreed to revisions at this point and so I am interpreting things the way we did them in the past.

*Senator White* said he wants clearly stated in the *minutes* that it is:

**The understanding of the Academic Senate is that we are operating under the Constitution adopted in 1969 as amended through 1996.**

That is to be clearly stated and in very bold letters.

Chairperson Borg moved the Senate into a *quasi – committee of the whole*. We are now acting as a quasi committee of the whole.



## Committee Discussion:

*President Strand* said he had planned to make remarks as part of the administrative remarks segment of the meeting in view of the fact. I would like to offer comments:

- I had requested both privately and publicly that the BOT defer action until the May meeting of the Board.
- The Board taking the action they did on February 17, 1998, does not change the type of interaction that I intend to have with the Academic Senate.
- My operational style in using cooperation and collaboration to reach final decisions will not be altered in any way.
- The University community including the Academic Senate is encouraged to observe how the new process works before rushing to judgement on the February 17, 1998, action by the Board of Trustees.
- This is a great University with many attributes and it will continue to be a great University, unless we project or impose a less promising scenario on ourselves.

*Senator Razaki* said he appreciates President Strand's comment about his style of management and how he plans to conduct his relationship with the Academic Senate. But, this cannot be a policy that is individual specific. The President, administration, faculty, and students come and go. We have to devise a system which will work under all situations and for all times in the foreseeable future. The BOT have slapped the face of the faculty and students, because the faculty and student Senators on this campus unanimously supported the original Constitution that we sent up. I feel it is time that the Academic Senate makes a very strong stand, and if the campus community can stand beside us, we can maintain an environment of shared governance. Illinois State University is a great institution. We provide wonderful education to our students in a very cost-effective fashion. I feel that actions like this, unilaterally taken by the Board of Trustees, are going to destroy our tradition. They do not have even an iota investment in this institution that everybody else in this room has. They are seven people who have no experience in managing education institutions, they do not have a professional staff that can guide them in leading this institution, and yet they are insistent on making the decisions for us. I do not feel we should stand by and see this institution destroyed by them. I would like to exhort my fellow Senators, faculty colleagues, and students on this campus to stand up and let them know how we believe this Institution should be run. We should develop a greater strategy in terms of the actions that we might take in the future, and if it comes time to take drastic action, we should take that drastic action. If we do not take action, this will be the biggest defeat that we have accepted in our lives as faculty members and as students. I feel we should fully and completely resist the BOT and let them know how we feel.

*Senator Brooks* said he supports Senator Razaki and wants to follow-up on what President Strand stated. I do not doubt that President Strand is sincere in his statement to not change his style. But, at some point in the future there will be a new President, and Constitutions are supposed to last beyond individuals who are in the office at the point they were adopted. If the current Board rejected (according your own) your statement advice to postpone, how can we have faith that even though you might give them advice that would be consistent with what we as Senators would prefer as policy, that they will follow your advice? They just rejected your advice. That indicates to me that they are willing to not just ignore Senators, students, and faculty, but even ignore the President's advice. Whose advice are they following? Their own? These are

not experts in higher education. Are they following the advice of the lawyer, who is not an expert in higher education? Where are they getting their ideas for this and how can we be asked to have trust in a Board that rejects the advice of the President?

*Senator Craddock* said on February 17, 1998, Illinois State University celebrated its birthday, Founders Day. During the day's convocation activities, a video was shown on how ISU was founded on the principle of educating students in the practice of educating others. The video showed how the university overcame its struggles with the powers that be, to become the great university that it is today. These ideals are reflected in the ISU motto, "*Gladly we teach and learn.*" However, yesterday we learned that ISU still has not overcome its problems with that those powers be. The ISU Board of Trustees, "*Gladly taught me a lesson that I did not gladly learn.*"

With the Board's decision to throw out the hard, dedicated work that the Senate has done over the last six months, and replace it with wording that strips the faculty and students of their rights and privileges, I find myself filled with numerous emotions and a mouthful of words.

This scenario reminds me of America's colonial past. The dictatorship of England decided to heavily tax its American colonies. The colonists did not agree with this policy of taxation without representation, and revolted. Well, yesterday, the Board of Trustees stripped me of my worthwhile and useful representation and raised my tuition. I would just like to remind the Board of what the colonists did in response to that action, and which flag is flying high over the quad. The only thing worse than 900 angry faculty members, is 900 angry faculty members and 20,000 angry students who are about to vote on the next student leaders of the University.

As I was composing this document in the Education microcomputer lab, I looked up to see a poster that I found to be quite relevant. It was entitled, "Illinois State University: Realizing the Democratic Idea." If you will allow me, I would like to read a portion of the poster:

Illinois State University has a historic and enduring commitment to educate teachers who will be responsive to the moral and intellectual demands a democratic society place on them. Illinois State unites the moral and intellectual aspects of teaching by embodying what one might call their virtues:

Moral virtues

- Sensitivity toward the varieties of individual and cultural diversity
- Disposition and ability to collaborate ethically and effectively with others
- Respect for learners of all ages, with special regard for children and adolescents

If the Board of Trustees wants to fully embody its dictatorship qualities, I suggest to them that this is the next document they change. But don't tell us about it until you actually do it that would only be democratic.

*Senator Nelsen* said having been part of the Rules Committee in the early stages of considering the Board governing documents and having been a member of both JUAC and Campus Communications Committee. I would like to make a couple of observations:

I express my disappointment in the Board pertaining to:

- The uses of the legal counsel at the 11th hour to re-write the document and then hide behind the legal counsel as the motivation. That is not anything to be proud of.
- I was listening to WGLT this morning and heard an interview and one of the Board members commenting that we should be happy to have a Constitution, because it is something that many institutions do not have. I felt I had done a bad job as an educator from the point of view that early on, I entered into a discussion and an interchange with the Provost about whether a Constitution for the University was appropriate. Within a short time we were given 60 charters or constitutions from other institutions. I thought the Board understood that this was not an exception. This was the rule and was significantly important. I was distressed to hear that they did not understand the significance or importance of this document.
- There were some very eloquent speeches by my colleagues at the BOT meeting yesterday on why this should be deferred and further consideration given to the information. In that they alluded to the democratic process. Those colleagues were offended that one would mention the word democratic, where this was anything but democratic in the sense that they are holding the elected or appointed position that they hold for the State. I think they should read that position carefully. If anything, they should be ashamed of what they did to democracy, and not to be offended by it.

*Senator Reid* said he would like to talk about how are we going to react to this. It seems to me that before we decide to accept the Constitution that they are proposing, that we should ask, what it would mean being in an advisory status for this Board? We should use their actions in the last year to judge whether they will listen and take our advice seriously. Have they done something in the last year? I am very concerned with the relationship to the President. You may remember that last fall President Strand assured us that the Constitution would not be given unilateral change. Senator Borg tells me it is in the State of the University address as well. I am sure that President Strand said this sincerely. What happens when a Board takes those statements and commitments between President and faculty and just says, "This doesn't matter, we are going to change it"? The Board had made this very clear in the February meeting of last year. In presenting the governing document, Trustee Nancy Froelich said, "The Board made all decisions, the President was the manager who carried out the decisions in the priorities of the Board, faculty, and students." She finished by saying, "You will now be working on a Constitution and you should bring it in line with the Governing Document, but if you do not, we will do this ourselves." So their action yesterday was completely consistent with what Nancy Froelich said one year ago, before we started the Constitution. Can we expect that they will talk to us? I am utterly amazed that Monday night at a special meeting with the CCC our representatives, only two representatives of the Board came. One was the student representative, who said he had been to all the meetings discussing the Constitution. I walked in the next morning at 8:35 a.m. to talk. I said I would like to talk to some of the trustees and walked up to Carl Kasten, who turned away to walk away. I said "Mr. Kasten can I talk to you about this, we are unhappy?" He said, "No, everything if fine" and he walked away. I chased him 15 feet, until he turned his back to me and went away. They refuse to talk to us about this. They will not listen to contrary opinions. If they constantly reject any difference of opinion, and they decide beforehand without even listening to our President, what can we expect? What can we expect of the new Presidential Search? Will they pick a President who listens to us or will they pick a President with their management? I do not think their actions allow us to trust that they will listen to us. If we are advisory, we are helpless. I strongly encourage you to resist this Constitution.

*Senator Cook* said she is gravely disappointed in both the process and the results. That the changes were attributed to the Board legal counsel was quite acceptable to her as she spoke rather briefly about her reasons for the suggestions. That they sent the document to the Board legal counsel only after our February 4, 1998, Senate meeting and did not have a response made until less than 24 hours before they were ready to act, seems disingenuous. They have had our document in their packets since October. The Board counsel's views on the non-discrimination clauses could have been brought forward at a much earlier stage in this discussion. Because we received copies of their preferred language at such a short time before the meeting, we had no opportunity to get a second opinion. I think it behooves us to solicit such an opinion. To that end, Barbara Kurtz and I have opened a bank account, in which we already have a deposit of \$1,210 to go toward paying for a legal opinion. Anyone else who would care to support that as an action, we will be doing this independent of the Senate, since the status of the Senate in such an activity is not clear.

*Senator Newgren* said he was very depressed with all the hours spent with the Rules Committee over the last 6-8 months and how many more hours Jan Cook, Chair of the committee spent. Then I thought of how many more hours Senator Borg has spent. They said, "Oh, by the way, this was just a meaningless exercise, because our lawyer said this." I am concerned that the comment about wait and see does not appreciate the fact that we no longer have shared governance on this campus with that Constitution. One of the basic tenets of this University, in the 14 years that I have been here, has always been for better or worse, the concept of shared governance. I think that among the faculty and from what I have heard among the students the right of that concept is not about to go away. I heard about the Board treating or managing the University as a corporation. I must take exception to that. As a professor of Business Management, I am not managing that corporation. They are very qualified business people. If they manage like a corporation in the 1990's, they will very familiar with the concept of empowerment, team management, and consensus building, all of which expand shared governance. In my perspective, over the last several years is the growing trend for the higher degree of centralization of decision making and the closing of that input. There is less and less input. Now we have a lawyer and business people that accept as synonymous the term delegation of application. All I know, is that my management class when considering "delegation" will now have a first hand example of the differences. If that lawyer is right, then the Board of Northern Illinois should be shot. Our Board has accepted a very narrow legal opinion. They will continue to face more losses.

*Senator Razaki* said he would like to take part of the blame of what has happened on Ex-President Wallace. I heard that this Board was hand picked by President Wallace. We all know what his priorities were, but what disappointed me was, that President Strand's office also had been involved in this process. I have been objecting to the lack of communication for faculty members with the Board of Trustees from the time there was selection of the Board of Trustees. I think it is the lack of communication that has led to this point. I do feel that President Strand sincerely regrets the outcome that has taken place. I think a lot of these members of the Board of Trustees are politically motivated in some sense or the other. I think we should follow a political strategy that we should be talking to the leaders of the State Government and elective representatives to the State Legislation and pressuring them. There are hundreds of faculty members, thousands of students, and thousands of parents; and we have to take our case to them. I think we should start distribution some e-mail addresses and start writing letters to the Governor, the Legislature, and whoever might have an influence on the Board.

**Senator Kurtz** said she was present at the BOT meeting and has comments:

- In all of my years in academia even as undergraduate student and graduate student, I found yesterday's meeting the most demoralizing moment I have ever had in academia. It was the first time in my life I was ashamed to be a part of academia.
- On the other hand, I have never been so proud to be a member of the Academic Senate. I was exceedingly proud to be associated with the three people who spoke up on our behalf. I want to personally thank Senators Paul Borg, Curt White, and Jan Cook for their eloquence and their courage.
- I listened closely when the legal counsel of the Board was talking. I took notes, and one thing that caught my attention was the fact that she referred *twice* to the President of our institution, as being the representative of the Board of Trustees. *This was stated twice with a certain emphasis.* I had always thought of the President as being the leader of our academic community and as the liaison between the academic community and the Board. That no longer seems to be the view of the Board. They believe that the President is *their* representative to *us*. He represents (according to her) their opinions to us. I maintain, that whatever, that President Strand might have to maintain the kind of relationship that this academic community has had in the past, the Board's stated position (by the counsel) is that the President is their representative. This does not bode well for the continued relationships between the academic community and the President in the future. He will no longer be the head of the academic community. He will be the mouthpiece for which the Board speaks to us and tells us what to do.
- I noted in passing the Presidential Search. President Sulaski stated that at one point he was somewhat concerned about the Constitution and the Presidential Search Committee, because it did not seem to represent the amount of diversity in the gender and minorities that was mandated by State Law. He stated his intention to add members to the Presidential Search Committee in order to bring it in conformity with State mandate. My recollection is that a couple of weeks ago, President Strand said that he was going to be adding to the Presidential Search Committee. On one hand we have the President saying that he will be naming people to the Presidential Search, and on the other Chair of the Board saying that he will be naming members of the Search Committee. (Chairperson Borg said the President was talking about the Provost Search Committee, not the Presidential Search Committee.) Senator Kurtz said she finds it disturbing, however, that Chair of the Board of Trustees would take upon himself to intervene in that kind of search process, since he does not have a day to day involvement in this community

**Senator Blum** said the Dean of the College of Fine Arts was once talking about the role of administration. There was a student who said they had "no idea who you are," and Al said, "That is because our job in administration is to make your learning experience easy and seamless. That's not when we are available to you." The goal is to serve the students with everything we have in a way of learning and humanism. The administration is supposed to be serving the academicians, not the other way around. This University has been operating in an unfortunately adversarial, rather than cooperative manner between administration and faculty. I would hope that in the future, we could minimize that problem. That has to be done with certain kinds of structure that will work through the Constitution, ASPT Document, and other things. I would like to see the Chair as a member of the department, the Dean as a member of the faculty and college, and the President as a member of the Academic Senate. Which is why I think that is a mistake to not let the President vote in the Senate. I urge people in the next months when we try to rectify this problem, with the Constitution and the BOT to keep in mind the structure that best serves the



students, the administration serving faculty, and the faculty serving students. I hope that in playing politics just for the sake of politics, nobody has been doing that, because when financial stakes are small, often the politics get extra fierce. I hope we can work out a new way of doing things, or a better way of doing things that will improve these relationships. I urge that the power invested in the unwieldy process of democracy is carried out.

*Senator Nelsen* said he wants to bring up the relationship that has been engendered by one example of the newly added sections regarding how you amend the Constitution. In particular I found troublesome recognizing the idea that all students and all faculty are entitled to vote in a referendum, or the Senate with a 2/3 vote can pass an amendment to the Constitution. But then, an amendment approved by the majority of both students and faculty shall be transmitted to the President of the Board for consideration. If the President approves, he shall forward such an amendment to the Board of Trustees for final consideration. That puts the President in an awfully tough spot. I know Dr. Strand well and his style and if one were to take the opposite person in style (Dr. Wallace), think of what this would have been under President Wallace? I think you really need to be careful as we look at all of this. This sets up an adversarial relationship. Anything that comes out and is not approved in terms of this, later when we look at the way the Senate operates, it refers to the similar source of arrangements where anything that comes out of the Senate is subject to being agreed upon and it goes forward. If it is not agreed upon it can be revised. If it is not revised or agreed upon, it can be killed. There is just this total sort of conflict or potential for conflict. What do you do when you have a Constitutional amendment that gets to the Board and the President may not agree with? You call a general faculty meeting. We have had too many general faculty meetings already for these types of purposes. Anything that engenders that type of action is really something that we would work very hard to get around. I encourage people to read the actual document very carefully that was approved, because there are specific things. For some people the word formulate and recommend and determine do not mean much, but when you get to the point of recommend, and then have in the context you can recommend it, but if it is not liked. Please take the time to read this and also take the time to consider where it puts the faculty, students, and Senate with regard to issues that are controversial or not in agreement.

*Senator Reid* said we need to think of what positive actions we will take. We really believe the administration serves the faculty, so the faculty can serve the students. Unfortunately, the Board who has been making very clear that they are attending association of governing boards to who exposes the opinion that most faculty Senators are dysfunctional. It is exactly the opposite as we have seen. The question is, how can we act in a way to change this situation? I think they said yesterday, that there is nothing that we can do. They outright rejected Senator Blum's model as absolutely wrong. One of the things that bother me is not just their action, but that they refused to talk truthfully with us. Yesterday they kept saying over and over, "We have been working on this Constitution for 18 months and it's time it gets done." Every meeting they chided at the faculty for not making deadlines. Senators Borg and Cook reminded them that we had gotten their resolutions last May for us to turn in the Constitution. They could not do anything until the Governing Document was approved in May. So we had at best, seven or eight months, most of those over the summer. When I asked them at a Board meeting in the summer to tell us what the status of the present Constitution was, they did not respond. I later got a letter from Chair Sulaski saying only that "we will respect a new Constitution when it is in line with our guidelines." They did not say that they would not respect the present Constitution. They refused to answer. They told

us if our Constitution did not set up clear lines of power. It did set up very clear lines of power, just not the lines of power that they had told us they wanted from the beginning. We cannot talk to them now, because they won't listen. It is time we take some type of action. If we care about defending the future of academic policies, (we should act), because believe it, their priorities are primarily financial. We listen to them criticize \$200,000 for Milner Library. Their longest conversations are about contracts being bidden for, which is what they know about. We have got to take action. I think we should have a general faculty meeting ASAP. We have over 25 signatures now for a faculty meeting. I urge all faculty to go back and talk about the importance of everyone coming to this meeting and figuring out what we can do together. I urge students to come to this meeting. We would like as many as possible to attend this meeting. We need to make this decision together. There are many things to be decided, a lawsuit of one possibility. I have consulted with a law firm in Chicago for 6-8 months. They believe we have a strong case, and they are willing to support us. It will cost around \$50,000. We can come up with this money if we really care about the future about the future of academic policy

There have been many reports lately about HMO's. They are finding greater competition is motivating all HMO's to cut the procedures that they offer or prescriptions that they allow. They are trying to find some way to stop this. The more competition, the more they have to save money. What will happen to this University under a board manager who is trying to save money? What will happen to those programs for diversity that don't quite attract enough students or the programs for a liberal education? The same thing will happen to the programs that are happening to HMO's. It will just not be cost effective

*Senator VanVooren* said that one of the changes that the Board made has him scared. For 3 ½ years I have heard about how this University is a diverse place and welcomes diversity, and then the Board says it will not protect against discrimination based on sexual orientation. If the Board is willing to cut that, how can any student or I be sure that later on the Board doesn't decide that we will stop protecting as discrimination for something else? As it stand right now, if Board is able to continue do this, we might get to the point where students are not protected from any discrimination.

*Senator Varner* said she is puzzled by the Board's definition the word "Constitution." I always thought that a Constitution is:

- passed to last for many years
- a document for self-government
- a document that people agree to, debate and then discuss
- that the people governed by the Constitution have the say to say what the Constitution is going to be

That is the essence of a democracy. If we look at the current Constitution in those terms, it becomes very obvious that this is more a decree or a dictate rather than the Constitution. This sends a disturbing message to faculty, but the message is even more disturbing when we look at the impact on students. Supposedly the University is a laboratory for democracy through shared governance, and with this Constitution that is gone.

*Senator Brooks* said with no concrete proposals he suggested a few things that could be done in the next few weeks, which are all legal:

1. Demonstration on the quad, in which we could burn, under controlled circumstances, copies of the new Constitution.
2. Students and faculty could work on sending thousands of e-mail to the Governor and Board of Higher Education. Disturbed voters in an election year are something they would not like.
3. Students need to work on registering more voters.
4. Consider (if not resolved by May) having a boycott at the graduation ceremony. If we have only a fraction of faculty and students at graduation, that will send a message.
5. Seriously consider faculty unionization, as an option, so it is clear to the Board that we are not going to just sit here and take this.
6. Consider boycotting future Senate meetings. Any action we take, until we get a legal opinion, could be interpreted by some, as accepting the Constitution that has been proposed to us by the BOT.

*Senator MacDonald* said he had quite a number of colleagues suggesting things to do:

1. Lawsuit
2. Petition of grievances
3. Letter writing campaigns to the Governor and Legislature
4. Solicit administration support
5. Have administration realize that if they expect our continuing support and cooperation, they must show it in meaningful actions that they support real shared governance.
6. Mass resignation from the Senate and all other University and College committees
7. Campus demonstrations including perhaps and funeral for shared governance
8. Refusal to pass the Constitution, keeping current Constitution in force
9. A campus referendum on the Board's Constitution
10. Passing our own Constitution
11. Unionization
12. No confidence
13. Massive demonstrations; picketing, walkout strikes, civil and some not-civil disobedience.

We don't want to do any of this. We offered general compromises and moved easily in the negotiations from faculty governance to shared governance. We negotiated, in good faith only to see agreements carefully worked out and agreed upon (with the Board's official negotiator) summarily dismissed. Not just once or twice, but time after time, after time, after we thought that we had perfect agreements. We do not want to do any of the things that I and my colleagues in Political Science have mentioned. But, if they are forced upon us, then let's let the dogs of war loose.

*Senator Jones* asked if there is a law in Illinois that prohibits discrimination on the basis of sexual orientation as illegal? *Reply* – No. Senator Cook said the only terms of the Constitution now are those in the State. Senator Reid said the lawyer said, "it is not in the State or Federal statutes." She gave no argument why we could not protect more categories. Senator Jones said she is not comfortable being at a University that is willing to accept taking out sexual orientation.

**Senator Clark** said he would like to add something to Senator Brooks' suggestions. A barrage of e-mail to the Governor from 20,000 students and 40,000 parents would definitely get the Governor's attention. The students may not vote, but the parents do vote.



*Senator White* asked if the Senate can provide for the community the e-mail addresses for our local representatives? *Reply* – Chairperson Borg said he would look them up and distribute them to the Senators. *Senator White* would like to encourage the students to work on Senator Clark’s suggestion. *Reply* – Chairperson Borg asked, the Governor, local representatives, and Senator? *Senator White* said put these on the Web page. Can the Senate office find out what we need to do in order to have a union ballot so we have the information available well before the meeting and can vote at the meeting? Can we charge some aspect of the Senate with the responsibility of helping organize an agenda for the meeting? *Reply* – Chairperson Borg said he will deal with the agenda.

*Senator Razaki* said he would like to know what is legal and not legal in providing the e-mail addresses to students before or after class, not during class because that would be interfering with the education process. *Reply* – Senator Timmerman–Lugg said you are putting a whole lot of issues together. Just e-mail addresses available in office or posted is a gray area. If you spend class time doing it, it would be wrong, you are using a University building. But what expectations of property rights you have in your office within the University building. The easiest thing would be to put a student publication in the Vidette. I can’t say it is illegal, but I don’t think that the University, as your employer could not get upset, and have a legal justification to be upset. Senator Nelsen said he would pay for an ad in the Vidette. Senator Bender asked if students could hand out the e-mail? *Reply* – Senator Timmerman–Lugg said yes, the University does not employ you. You would want to check. The University may have the right to not allow any sort of leaflets to be handed out.

*Senator Clark* asked Senator Strand if he would have any objection if students going into classrooms asking their fellow students to communicate their feelings to a legislature. *Reply* – President Strand said you are asking me a legal question. My response can hinge on court action at a later point in time. I cannot comment on this question.

*Senator Ori* said he is not happy with what is going on. As a student, things that have been said today appall me. I love Senator Brooks’ ideas. I will give my last \$4.12 to Senator Cook for the legal fund.

*Senator Reid* said that before we have another meeting, we have to decide whether or not that meeting is going to be interpreted as accepting the new Constitution. We need a legal opinion on this. Senator Timmerman–Lugg, is this something you can give us? *Reply* – Senator Timmerman–Lugg said no, not as a member of the Senate. *Senator Reid* asked whom she would suggest to go to. *Reply* – Senator Lockwood suggested the counsel for Northern Illinois University. Senator Timmerman–Lugg said basically that we need someone who would know administrative municipal type law. To be quite honest, when I saw what the BOT did, I have been of the opinion that they were totally within their legal to power to do what they did, according to the way I read their enabling document. That is not to say that I agree with what they did, nor is it to say that they were mandated. In my opinion, the legal counsel was incorrect in saying that they could not delegate that they had to do it this way. Prior to 1930, prior to the NLRA and other collective bargaining statutes, there was this legal theory that the sovereign, which is the State, could not delegate authority. So how could they enter into collective bargaining with a Union, because we can’t delegate that authority? We the sovereigns have ultimate power to hire, fire. We can’t delegate that authority. Through court cases or through state statutes that idea of the sovereign

being unable to delegate has disappeared altogether. An example at Illinois State University, is the fact that we bargained with AFSCME; that are clerical workers unionized shows that there, the “sovereign” delegated and allowed themselves to delegate power. I think the BOT was within their legal power to do what they did. Their legal opinion was overly narrow. They were not mandated to do it; in other words, if they wanted to have shared governance, they could have. You have been talking with someone in Chicago who has a different legal opinion. I would be curious to hear that legal opinion; if they can find the loopholes, they would be the best.

*Senator Reid* said we have to decide who is going to take care of this.

1. We should not have another meeting until we figure this out.
2. I would like to ask Senator Borg to draft a letter to the BOT telling them in no uncertain terms that this is unacceptable to the Senate.
3. I believe we should do more than have e-mail to the governor. I would like us to send a committee, including Chairperson Borg and a representative of the students to go see the Governor. I think at least Tom Livingston, if not the Governor would meet with the committee.

*Senator Weldon* said the Vidette would be the best way to cover the important items.

*Senator Brook* said from what everyone is saying tonight, I do not like this one bit. I appreciate the faculty and their support of the students and our vote on this University and the decision making process. It is comforting as a student to know that the faculty is looking out for our best interests. We need to make the students on campus aware of the issues. We have over 20,000 students. There is a small percentage of students that ever know we have a Constitution and that there is an Academic Senate. They do not understand the whole concept of shared governance, that we have a say in what happens at this University. I like the idea of a campus demonstration. With an activity on the quad involving students, faculty, and administrators, we could get the information about what the issue is and why this is important out to the students, then they would become more active and involved in what is going on, on this campus. We need to have this soon, because elections are coming up for student Senators the first week of March. We have 20 students running for 15 positions. Last year we had so many problems trying to get students to run for the Senate, now we have more than necessary. These students that are running, need to know what is going on in the Senate, and whether we even have a Constitution that gives us power to make any decisions about this University. Another idea is to pass petitions to students on campus. This would give us an opportunity to talk to students one on one and tell them about the issue, and also say, “We would like your support in the Academic Senate’s position on this issue.” Get signatures and then if have a meeting with the Governor, or go to the BOT, we can show them thousands of student signatures that are concerned about the state of their role in university governing that they care and students want to be involved. If the Academic Senate is reduced to an advisory position, the students will have no say in what happens to our education. I find that very frightening. If we are going to act, we have to act now!

*Senator Borg* said he will offer his services to talk to any student group over the next period of time. I urge the students to try and identify groups, and that the other Senators will cooperate with the students. A student has found the state web page and the governor’s e-mail address:

WEB page                      [www.state.il.us/](http://www.state.il.us/)  
Governor’s e-mail            [governor@state.il.us](mailto:governor@state.il.us)

Academic Senate also has a Website and all versions of the Constitution since January 28, 1998 are on the Website of: <http://wolf.its.ilstu.edu/AcademicSenate/>  
On the index, click on *governing documents*.

**Senator Thompson** said that in the spirit of democracy, a gentleman in the audience has been waiting here to make a presentation. I would like to give student, Kevin Rubenstein, a chance to speak. Is that appropriate? *Reply* – Ira Cohen said he can speak unless any of the Senators object. Senator Schmaltz said he would object unless he is told the topic he will speak about.

Kevin Rubenstein said he would like to address a discrimination clause that was eliminated from the Constitution. Chairperson Borg said to please join us and make a statement.

**Kevin Rubenstein** said he is a junior and Social Sciences Education major and active in a lot student groups on campus. Listening to the entire debate and conversation about the Academic Senate and their feeling about the Constitution glances over one of the biggest issues that was eliminated. That is protection for all students on campus. I am not a lesbian, gay, bisexual or transgender person, but I am allied to that community. It really makes me nervous to see that Illinois State University and the Board of Trustees stands for something like that. That they would eliminate the clause that protects people who are lesbian, gay, and bisexual. While it is not in the Illinois Constitution or part of Federal Law, it is discrimination when people discriminate against people who are lesbian, gay, and bisexual. I think that is something the Academic Senate and the entire Illinois State University community needs to get angry about, because they just eliminated entire community's rights. There are people who have come to this university; students, faculty, staff, civil service, specifically to be a part of Illinois State University's community and be a proud of the lesbian, gay, bisexual community in the Bloomington/Normal area. Illinois State University is nationally known as one of the most open universities, and as one of the universities who is an ally to lesbian, gay, bisexual people. I do not think that is something Illinois State University wants to lose. I am very proud to be a student at Illinois State University, but something like this makes me very upset.

**Senator Kurtz** said she wonders if the student senators could get the student petitions started now.

**Senator Jean-Marie Taylor** said she spent most of the day talking to other students with staff and faculty about the Constitution. Many of them were not aware of what is happening. We need to be aware that we are responsible for educating the rest of the community about issues such as this. We need to make it very clear that a lot of people have put a lot of work into this. I appreciate Chairperson Borg putting this Constitution on the Website. I was able to read the amended version of the Constitution. The more you talk to people about this, the angrier they get. Students are known for being apathetic, but it is a matter of ignorance. They do not know; if they did know, they would be more inclined for an action. Regarding unionization, I think the faculty might want to consider that they should avoid any type of organizing events that could be divisive. There are a large number of faculty that are strongly against unionization, probably the same number that are for unionization. We want to act as a group. We don't want to start anything that is going to divide you any further.

*Senator Razaki* spoke about support or lack of support of the business community in town. I think the business community is not supportive of the faculty in this particular venture. One of my responsibilities is to go out and educate the community in general in Bloomington/Normal, and also the business community. To try to convince them that we would like to do is good for Illinois State University and good for this community. That is a public relations tactic that we should take on and to our best as individuals. I think, the business community is more supportive of the BOT than the faculty and students.

*Senator Kurtz* suggested a 60's style teach-in. This could be an extra-curricular opportunity for the students to meet with faculty and learn what is going on.

*Senator Sennott* said this is an activity where people can get together on the quad and people can speak to the issues.

*Senator Gore* suggested letters to the editor and advertisements.

At 8:30 p.m. the Chairperson asked that the meeting return to the agenda. Senator Schmaltz asked for a quorum call. A quorum of Senators not being present, the meeting adjourned.

February 18, 1998

Date: 02/18/98	Vol. XXIX	No. 9							
Name	Attendance	Motion	Motion	Motion	Motion	Motion	Motion	Motion	Motion
		#101	#102	#103					
Barickman	excused								
Bender	X								
Blum	X								
Borg	X								
Boschini	left @ 8:15pm								
Brook	X								
Brooks	X								
Chelluri	X								
Clark	X								
Cook	X								
Craddock	X								
Deakins	absent								
Dodson	absent								
Ehlers-Zavala	excused								
Garner	X								
Gore	X								
Hohner	absent								
Jannazzo	X								
Jerich	X								
Jones	X								
Joyce	absent								
Kurtz	X								
Lockwood	X								
MacDonald	X								
McCaw	X								
Nelsen	X								
Neuleib	X								
Newgren	X								
Ori	X								
Razaki	X								
Reeder	X								
Reid	X								
Schmaltz	X								
Schwartz	X								
Sennott	X								
Strand	X								
Taylor, C	X								
Taylor, J-M	X								
Thompson	X								
Timmerman	X								
Urice	excused								
VanVooren	X								
Varner	X								
Walters	excused								
Weldon	X								
White	X								
Young	absent								
Zielinski	left @ 8:00pm								