

Spring 5-7-2014

Senate Meeting, May 7, 2014

Academic Senate
Illinois State University

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Academic Senate Minutes
Wednesday, May 7, 2014
(Approved)

Call to Order by Student Body President/Academic Senate Vice Chairperson

Student Body President/Academic Senate Vice Chairperson Connor Joyce called the meeting to order.

Seating of New Senate

Vice Chairperson Joyce called the names of the newly-elected senators. They all stood and were welcomed to the Senate with applause.

Roll Call

Vice Chairperson Joyce called the roll and declared a quorum.

Election of Academic Senate Chairperson

The Faculty Caucus nominated Senator Kalter as the candidate for chair at the post-orientation caucus meeting on April 23, 2014. Senator Schneider nominated Senator Horst from the floor on May 7. Senator Horst accepted the nomination. Senator Kalter was elected as Senate Chairperson by ballot.

Election of Academic Senate Secretary

The Faculty Caucus nominated Senator Stewart as the candidate for Senate Secretary. There were no nominations from the floor on May 7. The Senate unanimously elected Senator Stewart as Secretary.

Election of Executive Committee Faculty Members

The Senate unanimously elected the faculty Executive Committee candidates nominated by the Faculty Caucus. They were:

Faculty Senator Mark Hoelscher, COB
Faculty Senator Chad Buckley, Milner Library
Faculty Senator E. Paula Crowley, COE
Faculty Senator Alan Lessoff, CAS

Approval of Minutes of April 23, 2014

Motion XLV-73: By Senator Hoelscher, seconded by Senator Marx, to approve the minutes. Senator Eckrich corrected her remarks in the minutes about whether the students were informed ahead of time before the board meeting when the resignation of President Flanagan was announced. The minutes, as amended, were approved. There was one abstention and all other members voted aye.

Chairperson's Remarks

Senator Kalter: Thank you. Thanks very much for your support. I hope and trust that I can rely on all of you to support me and help me see the right paths to follow.

Welcome to the new Senators. Congratulations to Ed and the new and returning members of the Executive Committee. Thank you to all of the new and returning Senators for your important service on the Senate.

Want to acknowledge and say a few words about my three most important mentors on the Senate:

First year, elected to be chair of Administrative Affairs and Budget. Steve Bragg was VP of Finance and Planning at the time. He came to me and told me that in recent years, that committee had fallen into some disarray and that he wanted to help get it back on task and on track. I will never forget the example he set by offering to come over to MY office rather than asking me to his. It left the lasting impression that the Senate is

a place where the usual organizational hierarchies are flattened, and should be, and that some high level administrators are just as eager for that equality and partnership as the faculty and staff.

Dan Holland has been fielding all my questions and supporting my activism for seven years and has always done it with grace and wisdom; I'm repeatedly amazed at the ways in which he cuts Gordian knots around here...must have something to do with physics.

Someone who may not know that he was a mentor: Al Bowman. An example of the kind of calm and grace under pressure that I aspire to, and always a man with a moral compass who knew instinctively the right thing to do to defend faculty rights and academic freedom and in so many other intricate situations.

My pledge of all of you, the strengths I bring to the role as you have told them to me:

--detail oriented, do my homework

--yet have been on 4 of the 5 internal committees and here for 8 years (7 as secretary), so can also see things in terms of the big picture

--will work hard, will advocate for all of you

--am committed both to democratic decision-making and to the idea that there is often wisdom in the lone voice and that we are best when we listen carefully to one another in our differences and try to come to consensus

--everyone is entitled to a voice, and no question should be left unaddressed, but in the end the majority decides

Have been on a learning curve as Secretary; I will be on a steeper learning curve. Hope you will all help me as I climb that learning curve.

I will be listening even more than I already do. The role of the chairperson is to listen well.

I am more than ecstatic to be taking on this role with the present team of administrators that sit around the table with us: Larry Dietz, Janet Krejci, Brent Paterson, Greg Alt, John Baur. It's like a dream team! I've worked with all of them in one way or another and have great respect for all of them.

Like President Dietz, I think that ISU has a very positive future. Our fundamentals are strong. We have a deep bench of talent. We haven't missed a beat and we won't.

One of the strongest, best functioning Senates and overall shared governance systems, certainly in the State, probably in the country, largely because we work together before we make important decisions rather than reacting to one another's perspectives and positions after the fact

Have always loved the collegiality of this body: a place in the university where people can disagree strongly and passionately and still smile and laugh with one another afterwards

When I became Secretary for the first time, there was one thing that I immediately missed: sitting around the table in a different location every week and being seated next to different people each week, interacting with them before and after Senate

The Secretary "meets" a bunch of people, but often doesn't know she's met them because her head is buried in the roster and in the effort to pronounce correctly the next name on the roll call

So, I am very glad that I will now be able to focus on your FACES along with your names, in association with your names!

Finally, as all of the students around the table are thinking about finals, about summer jobs, and perhaps in some cases about graduation, I wanted to offer some words of encouragement.

We are hearing more than ever before in the media about the cost/benefit ratio of a higher education.

A lot of people want to tell you that a 4-year degree or student loans are not worth the burden.

I wholeheartedly agree that students should do everything they can to keep their debt ratio under control. No one can argue with that. If, for example, you have to take an extra year to complete your studies so that you can concentrate on your studies instead of having to work a massive number of hours that detracts from them, do it. There has always been honor in working your way through school, no matter how long it takes, so long as school comes first.

However, I was raised by a mother whose family is largely of Irish heritage and her grandparents remembered the days when the Irish weren't completely welcome in this country. The potato famine had driven many of them to the United States, and people here often had "No Irish need apply" attitudes.

The way she tells the story, there were Catholic priests in and around Chicago who told the Irish there to get an education. Get an education and you will be respected and you will rise in society.

Thinking about the outstanding teachers that I had in K-12 and then as an undergraduate and then in graduate school, I often think to myself: "there is really no price I wouldn't have paid to have the education that I had and that I am still getting."

Unlike other things that you pay for, an education is something that cannot be BOUGHT and that no one can ever take away from you once you have it.

So when you hear nay-sayers in the public arena downplay the value of the kind of liberal arts education that we offer here, or when you worry about the rising cost of education, remember what an enormous privilege it still is in this country, and especially around the world, to have a shot at a solid education in a country that values academic freedom and the free exchange of ideas. Remind yourself how it will benefit your society even more than it benefits you. Remember that you will never be able to count the cost of not having a good, sound education.

Student Body President's Remarks

Senator Joyce: Since the passing of the gavel about three weeks ago, we have almost filled our board. We only have three vacancies and we have already begun getting everyone acclimated to the office, ethics and things like that. Our board is going to be moving fast. We have a summer retreat and then a fall retreat, so we are going to be working as soon as the semester begins. We had the Pig Out with the Pres a week ago. Larry Dietz did attend; we had one of the best attendances that we have had in years. Because of rain, we had it at Milner, which did attract more students. We also had Club Milner just this Sunday night and that also had one of the best attendances that we have had in years. A local DJ from one of our RSOs played 10 minutes of music as a study break for students. I look forward to working with all of you this upcoming year.

Administrators' Remarks

- ***President Larry Dietz***

President Dietz: I look forward to working with all of you. I want to say thanks to the students for sponsoring the Pig Out with the Pres. I think the count was around 600 people who came out. We have been spending a lot of time focused on personnel. Dean Krejci is soon to be the interim Vice President and Provost for Academic Affairs. We have been focused on the board meeting that will happen on Friday. We have several action items for the board. This weekend, we celebrate the accomplishments of our students with commencement. We have nearly 3,500 students that will graduate.

A couple of announcements about enrollment: we continue to have a very large applicant pool. As of this date, we are up almost 800 students over this time last year. That will be a challenge in a lot of areas: housing, courses, etc. We do expect there to be some melt. We don't know exactly what that is going to be. If we get the budget cut of 12.4%, I don't think it's going to be 12.4%, but whatever cut we get, if we are up some in enrollment, that helps the budget.

We had a retirement reception today that I am going to ask Dr. Paterson to talk about. He has made a decision on the new director of housing. Congratulations to all the faculty and staff who have made it possible for the students to achieve their academic goals.

Senator Horst: Can you give us a little more detail about the board agenda?

President Dietz: There are a number of action items. One of the ones that will probably visibly impact folks more than anything is the expansion of the scope of the revitalization of the Bone Student Center. We are not asking the board for any more money, but we are asking them to expand the scope. This is the building that prospective students come to first. It's a rare opportunity to provide a welcome center for that population. We don't know how big that is going to be; that is what the architects and design people will help us with. There are a number of other items.

Senator Alt: We had two IT items. One is the upgrade of our wireless coverage. Wireless expansion started in about 2004, but did not really proceed very quickly until 2010 when there was a three-year project to expand wireless to all parts of campus. Two-thirds of that was completed and then it was on a pause for a year or two to reevaluate the wireless coverage. What has been determined is that the density is in Milner Library and the Bone Student Center. So we are going back to the board for reauthorization to continue spending that \$900,000 that we didn't spend, plus supplement it with a little bit to handle the volume that we can't handle in these hot spots, as well as implement some new software to control wireless traffic better.

The second IT item is a \$750,000 expenditure to implement and operate a new backup system. Our data systems and IT systems have grown to where our current backup system is not capable of backing up all of our data. We have an item to get pharmaceutical expenditures in the next year. The final item is that we need the board's approval to start spending the budget on July 1. We do not have the appropriation approved. We do not expect the appropriation to be approved until the end of May. So since the board does not meet before now and July 1, we are asking for authorization, which we have to do every year, to start spending our operating budget.

President Dietz: One item that is usually on the May agenda is tuition and fee increases and room and board increases. We have pulled that at this point because we don't know what the state budget is going to be. I am going to be asking tomorrow for a special meeting in June to deal with that issue.

Senator Eckrich: Last January, former President Flanagan announced a diversity initiative, a part of which was related to recruitment and retention of faculty of color. Can you update us on what is happening with that initiative?

President Dietz: There were two staff positions that he talked about at the time. One was the assistant for diversity and inclusion and there was a Chief Information Officer. In light of the budget uncertainty, I have

decided not to pursue those at this point. I am not taking them off the table, but we need to find out what the budget for next year is going to be. I have alerted the council that former President Flanagan put together related to the diversity program about that. With the budget uncertainty, I don't want to move on either one of those.

- ***Provost Janet Krejci***

Provost Krejci: I am very honored to serve in this position. I will not take the position until July 1, so I am here to begin my journey of understanding things. I am in my fifth year here as Dean of Mennonite College of Nursing. Before that, I was at Marquette University and during that time, I did get to spend a year as an ACE fellow studying higher ed all over the country. ISU is a very special place. The individualized attention and the commitment to student success are tangible. I will give you my commitment that I will be tireless in working with the administrative team to do the best we can to keep ISU on a journey of excellence.

- ***Vice President of Student Affairs Brent Paterson***

Senator Paterson: On Monday afternoon in this room, we had a very moving ceremony. Jesse White, Secretary of State, was here to honor the Michael Collins family and to honor Michael, who was killed in a drunk driving accident this spring. Secretary White was here to also talk about organ donation and part of that was the recognition that Michael gave more in his death to help others. Over 200 people were helped with his donations. President Dietz presented Michael's family with the diploma he would have earned. I returned from that ceremony to my office to find an email from a partner of a student named Heather Johnson, who had suffered a stroke and was on life support. The partner said that we are here waiting for the organ donation team to get here. Heather was a 37-year-old mother of two, who dropped out of high school. At age 30, she went back to school, originally to Heartland, and then came to ISU. She was a senior in history education.

Maureen Blair, who has been the Director of University Housing Services for the past 15 years, is retiring as of May 31. We are going to miss her in that role. We conducted a national search for the next director. We found that the best person was already here. Stacy Mwilambwe has been the Associate Director of University Housing Services and came through that search process as the top candidate. She will begin as director on June 1. The "band of interims" is working very well together. We are having very open discussions. We are setting aside what areas we represent to make the best decisions we can for the university.

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

Senator Alt: I thought I might give an update on some pension reform that many of you have been reading about lately, particularly its impact on higher education and the loss of staff retiring before the law goes into effect. There are two things that happened this past week that might stem that tide. The first being that the State Universities Annuitants Association on Friday filed a motion to put off the date when the pension reform takes effect so it can work its way through the courts. That might stem the tide to some degree. A second thing that has happened is that the retirement system has tried to amend the current law to try to correct some of these perceived errors that are causing some of these early retirements and they have had little success with the General Assembly given that the pension law is being reviewed by the courts at this point. However, SURS is being encouraged to interpret the law with the intent, which means that they would interpret it with the date that would be less impactful in a negative way to those who are facing retirement. Their board meets tomorrow to make a decision on that.

On next year's appropriation, President Dietz already commented that the state has looked at a 12.4% decrease that would equate to a \$9.2 million appropriation reduction for the university, so we have been going through different contingency plans for that in the hope that we won't suffer that type of reduction, but we don't really expect anything to happen until late in May as the legislative session gets close to ending.

I think I have updated you on the cash flow; that used to be a very significant issue to the university. The state was so far behind, but the state has done better and they continue to meet their regular schedule. As of right

now, we have received 65% of our appropriation for the year. We expect to receive 75% by June 30, so we don't anticipate any kind of cash flow problems between now and the next several months.

Senator Lessoff: If SURS makes that decision tomorrow, how will your office inform the faculty and how much persuasion will that be given?

Senator Alt: Our HR department is drafting some form of communication and we are going to see what form of communication SURS puts out on that. If it does get approved and it does effectively change the date of June 30, 2014, which was the intended date of the legislature, we will put some kind of communication out.

Senator Horst: Can you give us the figures on how many faculty and staff are planning on retiring?

Senator Alt: It is a growing number as the deadline approaches. As of about a few weeks ago, we had about 65 committed retirements out of a year where we normally would have had 100. We expect that with the inquiries that SURS and HR received that we will approach 150 to 200. Some other universities anticipate 5%, so that is about where we would be. Individuals who have not yet retired, but have made a decision, it depends on the department and other issues, would be able to defer that decision until after the courts clear it up.

Action Item:

04.11.14.01 Athletics Council Bylaws (Rules Committee)

Senator Bushell: We began to discuss this last time. Two documents came to you through email. At that time, I described a couple of changes from the marked up version. In terms of beginning discussion, there was a cleaner version that did not have any marks on it. In section 3, committee structure, in the first paragraph, we will make an addition. The second sentence should read the chair of each committee will be one of the elected faculty members of the Athletics Council. On page 6, E, the committee on gender, diversity and student athlete wellbeing, the middle of that first paragraph, about the third sentence that says the chairperson of the Equity, Gender, Diversity and Student Athlete Wellbeing Committee must be a faculty member, we are proposing that that be stricken because it is covered earlier in the section that said chairs should be faculty. Through email conversation, the next item that we would offer to change, and this may be a friendly amendment because the Rules Committee has not discussed this. We are in the same section, E, item 7. It reads "Review the various sports schedules. Review class absences and time away from campus of student athletes." The suggestion was to review class absences and time away from campus due to athletic events of student athletes.

Motion XLV-74: By Senator Bushell to approve the Athletics Council Bylaws.

Senator Kalter: The one that you offered, since the committee has not talked about it, should be a formal amendment and we can just vote it up or down.

Motion XLV-75: By Senator Bushell, seconded by Senator Horst, to add the words "due to athletic events" to item 7 in section E. The Senate unanimously approved the motion.

The Senate unanimously approved the Athletics Council Bylaws as amended.

Information/Action Item:

Academic Senate Schedule for 2014-15

Senator Horst: Could we have this as an Advisory Item so that we don't have to have the Information/Action Item? Maybe you can talk about that in Exec.

Senator Kalter: In order to have the next meeting, we have to at least approve this, but we can certainly talk about it again as having it as an Advisory Item next fall.

Motion XLV-76: By Senator Gizzi, seconded by Senator Lessoff, to move the item to action. The motion was unanimously approved.

Senator Crowley: Is there any benefit in showing that committees have their own independent time to meet to acknowledge the work of the Senate.

Senator Kalter: We might be able to do that as a supplemental calendar at some point and have it on the back of the sheet.

Senator Crowley: It could just be a line or two that says that there are these subcommittees that focus on critical components and they have their own pre-Academic Senate meeting. That could be two lines of writing at the very bottom.

Senator Kalter: You are proposing adding it as footnote 5.

Senator Crowley: Absolutely.

Motion XLV-77: By Senator Crowley, seconded by Senator Cassata, to add a footnote number 5: the subcommittees meet at independent times outside of the Senate meeting times.

Senator Kalter: Perhaps it could be captured with Internal Committees of the Senate meet at 6:00 p.m. on the nights that the Senate meets.

Senator Stewart: Internal Committees of the Senate meet at 6:00 p.m. on the evenings of the Senate meetings.

Senator Crowley: I think that would be a really nice addition to this page.

Senator Eckrich: It could be added at the top next to the 7:00 p.m.

Senator Kalter: I think we should leave the formatting to Cynthia, because that might become difficult.

The Senate unanimously approved the amendment.

The Senate unanimously approved the Senate schedule as amended.

Advisory Item:

Academic Plan (Associate Provost Jim Jawahar)

Associate Provost Jawahar: The plan is organized into four sections. Section one includes the university profile, the mission statements and the newest edition of the strategic plan, Educating Illinois 2013-2018. Section 2 lists a number of academic initiatives undertaken this past year by the Office of the Provost. I will mention a few. The first one was the reaffirmation of university reaccreditation. Since early 2013, seven teams, consisting of nearly 50 individuals representing all four divisions of the university have been working diligently on our reaccreditation assurance argument. A third draft was distributed to faculty, chairs and directors in March and faculty were given until the end of April to provide feedback. We will incorporate this feedback and distribute the fourth draft to the deans, vice presidents and president in June. My goal is to get a fifth draft to the Executive Committee of the Academic Senate in early August and get the document ready for review by the Board of Trustees in October.

This past year, four of the seven colleges, CAST, COB, MCN and the library adopted new or revised strategic plans and aligned their plans with Educating Illinois. Traditionally, academic departments receive comprehensive data about their programs in conjunction with program review which happens once in eight years. Working closely with the chairs and directors, I launched the academic program profiles project. The project involves making available comprehensive program level data to departments and schools annually to help them with the ongoing assessment of program quality and student learning.

The Illinois Open Access to Research Articles Act, effective August 9, 2013, requires each of the 12 public universities to develop a policy providing free public access to articles written by its faculty members. The act requires each university to submit a policy adopted by its governing body to the state by January 1, 2015. Last fall, a taskforce was appointed by Judge McCuskey. The taskforce began its work in January. We have a web page off of the provost's website. We plan to complete a draft in the summer and get the draft to the Executive Committee of the Academic Senate in early fall. We will then distribute the draft policy to faculty and conduct open forums to solicit faculty input. We hope to have the policy ready for the Board of Trustees by the end of this calendar year.

Instructional technology was upgraded in approximately 155 locally managed classrooms and special labs, which completes phase 1 of a \$1.7 million classroom technology improvement project. Finally, in April of 2014, in collaboration with departments, schools and units across campus, we applied for the Carnegie Community Engagement Elective Classification by the Carnegie Foundation for the Advancement of Teaching. The purpose of the classification is to recognize colleges and universities for best practices in civic engagement. On our campus, \$6 million of internal/external budgetary allocations were dedicated to civic engagement in the 2012-2013 academic year. A process was developed to document civic engagement volunteer hours by faculty, staff and students. Through this process, 57,767 student volunteer hours and 2,728 faculty/staff volunteer hours were documented just for the fall 2013 semester. We are optimistic that ISU will receive the community engaged university designation when the new list is released in January 2015.

Section 3 of the Academic Plan includes academic unit plans, five-year strategic plans and annual objectives for the 2014-15 academic year for each of the seven colleges and for the graduate school. The last section includes academic program reviews. In this cycle, eight academic programs and two research service centers were reviewed. Summaries of the reviews are included in this section. A schedule of reviews of all programs and centers is also included in this section.

Senator Gizzi: The Open Access Taskforce, which I am on, submits recommendations to the board for a policy—a recommended policy. The board and president would decide if we want to pursue that one and that said policy would come to the Senate sometime after that. We are not imposing a policy, we are recommending a policy.

Communications:

Sense of the Senate Resolution RE: Former President Flanagan (Senators Eckrich and Lessoff)

Senator Kalter: At the last Senate meeting, a letter about this was read into the minutes and we had student protestors in the room.

Senator Eckrich: After the last Senate meeting, where I had recommended, as is in the minutes, that maybe such a letter be written. Senator Lessoff and I worked through a few drafts of the letter. We got a little feedback from the Exec members. We worked the letter a few times and that is what you have before you for discussion and approval in the end. The sentiment was out of this body to communicate to the board our concern with how this whole matter was handled and our interest in avoiding this kind of situation in the future and our sharing that responsibility with the board. Our intention was to be helpful and responsible.

Senator Lessoff: At this point, everything that could happen has happened. The question is what lesson is the university going to take away from this. It is also important to recognize that different parts of the university have done things in response to this situation, including the group of students. Several people have contacted Senator Eckrich and me about what I consider friendly amendments. The most important one is in the second paragraph, the third line. It says that the Senate is the highest body representing faculty, etc. We were asked by the Civil Service and Administrative Professional Councils to reword that slightly given that the representation of the Academic Senate includes, civil service, APs, etc. etc. We did not see that as changing the intent, so we accept that as a friendly amendment. It was also suggested that this not just be sent to legislators that represent this area, but to all legislators representing McLean County, including the governor. Another wording suggestion was handed to me just a few minutes ago. The last line of the second paragraph reads lessons from this event that will inform future policy and practice. A senator suggested to me that we add hiring there (policy, practice and hiring). I have no objection to that. Senator Eckrich and I felt strongly that the Senate needed to recognize the work that lots of people have done to express the values of the university in the aftermath of this event. Listening to as many people as we possibly could, this is what we came up with.

Motion XLV-74: By Senator Lessoff, seconded by Senator Eckrich, to adopt the resolution with the friendly amendments.

Senator Gizzi: I rise in opposition to this resolution. This resolution fails to understand the basics of contract law. Nobody likes having to make a payout, but if the board fired the president, the university would be bound to pay the remainder of his contract. If it had resulted in litigation, it would have been an unfortunate issue kept in the limelight for a much longer time than was necessary. I think it's easy to say don't write a contract like that, but I think this fails to acknowledge the nature of university presidential contracts. I don't think the contract with President Flanagan was atypical.

I am really bothered by the potential negatives. As written, particularly the third paragraph, seems to lecture the board in an inappropriate way. The search for the last president was an above board process. There was no way to anticipate the poor fit. We have a strong relationship with our board. Why put a strain on that? I fully support student participation in shared governance. I have no problem with students protesting, but I have real questions about the I Paid for Flanagan movement. It is unclear to me if it was a student or professor driven movement. I am not sure that group was interested in listening as much as it wanted publicity. I think President Dietz clearly explained at great length to the university what the issues were. I appreciate the desire, but I think this is a mistake and I strongly oppose it.

Senator Schneider: I reiterate Senator Gizzi's concerns. I would like to know from the professor whether extra credit was given to the students who participated in the protest. Were the students motivated by their concerns or extra credit? As distasteful as the large payout may be, I think an unfortunate situation was handled as necessary. It is a personnel matter, which is between a supervisor and an employee. The credibility of the university is tantamount to keeping enrollments high and to attracting talented faculty and staff. Keeping this alive in the media and with others external to this university is detrimental to our reputation. To send this to elected officials seems potentially reckless. So I, too, strongly oppose this motion.

Senator Hoelscher: I completely agree with the previous comments. Also, this is a very delicate matter. We are all team ISU; the board is team ISU. Right now we do not do anything that shows a crack in that façade. I strongly oppose the motion, but thank you to Senators Lessoff and Eckrich for writing it. I do appreciate the hard work that went into it.

Senator Winger: I talked to Professor Sullivan and no extra credit was offered. He made a strong case to me that the students were not coerced. I would support the motion and offer friendly amendments, though I won't do that now. I am not sure if our opinion of contract law is at issue. The way I read the resolution is that we are asking for clarification of what the contract law is and asking if future contracts might be drawn up differently.

That seems perfectly fair. This isn't the first time this has happened and it doesn't just happen at the president's level. We have had a series of missteps in hiring at the upper levels, including those with payouts. If there is a way to end that, we should. If it lectures the board, I think that's fair; we had a problem. I would argue that the resolution needs to be sharpened. We don't need to walk on egg shells with each other. We can be honest.

Senator Horst: I would like to speak against the Sense of the Senate Resolution. I appreciate that it seems to be a response to a lot of emotions that this entire body and university have been feeling. There is a sense of frustration; however, I agree with my colleagues about the sensitive nature of this subject. I appreciate what the senator over here said. If paragraph three would be a little more specific saying it's against buyout clauses. The way it's worded is a little confusing. I could not support that. I am not sure what kind of leaders we would get if we decided that we would not have the opportunity of buyout clauses in contracts. I really can't support statements about personnel matters, specifically the second one. We really don't even know what happened. We don't even know why President Flanagan was let go. Many of us asked President Dietz about the search process and he gave us an appropriate response a couple of meetings ago.

Senator Rich: I will focus on paragraph three. The Board of Trustees' chair and selected members have provided several extended interviews offering candid explanations of the options they faced and the rationale for the path that they took. There may have been an initial public perception that the ISU presidential contract was loaded with extraordinary clauses and golden parachutes in regard to the payout. I think that is understandable as the vast majority of the folks outside the university work under employment at will conditions. We live in a very different world that requires due process.

The critical feature in this contract was that it was a three-year contract. Early break-up invites breach of contract suits that are likely very expensive. Paragraph three appears to me to conclude that the Board of Trustees do something like stop issuing multi-year contracts or, in the second sentence "seek to strengthen Board of Trustees latitude to terminate the ISU President under a wider range of conditions". Some of that can and cannot be effective in courts, but that seems to be the intent here. That may have been helpful in this very unusual circumstance, but as we look ahead to our next 150-year crisis, a principled president with a strength of a contract backing him/her up may be essential to our integrity one day.

Having said that, I am voting no, but I would encourage the Executive Committee, in following up on the due diligence spirit of what is being proposed here, invite the Board of Trustees' chair and the ISU legal counsel for a question and answer session as a really good next step.

Senator Kalter: As a point of information, it is unusual for a Sense of the Senate Resolution to go outside the university. We generally send it up through the President to the Board of Trustees, but not to external bodies.

Senator Lessoff: If there were a real chance of passing this amendment, I would ask that that be struck. This resolution does not represent frustration on the part of anybody who was involved in the drafting of it. It was an attempt to sum up what we were hearing people saying and to try to say that the Senate, the faculty and the staff of the university are also responsible for the kinds of ethical and professional issues that this whole episode raised. It is important to point out that this is not merely in response to the particular student group, but I, in particular, was hearing quite a lot—not from frustrated faculty, but from faculty leaders in my building—from department chairs, distinguished professors and so on. It seemed incumbent upon us to do something to express that the Senate, representing the faculty and other constituencies on campus, is concerned about how the place runs.

Senator Winger: I take the remarks about increasing the power of the board over the president to heart. It would be good to have legal counsel in on how we draft this because I think the words "a poor fit" are way too weak, but I don't know how strong we could make those kinds of euphemisms. I think we should be direct. I agree with Senator Lessoff's point that the Senate needs to say something here. I think people in the legislature

want us to say something. I think circling the wagons sends the message that we really don't care how money is spent. I also think our donors are likely to be unhappy. We should ask the board to think about the way people are hired.

Senator Fazel: In response to your question about whether we should send the Sense of the Senate Resolution outside the Senate, usually we do not, but I can remember at least one time we sent one to Governor Blagojevich about faculty being reprimanded for finishing their ethics training too quickly. President Bowman did not object.

Motion XLV-75: To table by Senator Gizzi; seconded by Senator Schneider.

Senator Gizzi: There are a lot of issues here that we are not in a place to resolve at the end of the semester and I move to postpone this indefinitely. I motion that we table it.

Senator Winger: I don't think you can table indefinitely; you can just table.

Senator Horst: Senator Rich's idea of bringing in people and asking questions about what went on is a good idea. I am not necessarily in favor of a Sense of the Senate Resolution in the fall. It is going to be old news. I encourage this body to continue to look at this matter in other ways.

Senator Thetard: I would agree with Senator Rich because if you look at what the letter says...our goal is to work with the Board of Trustees and the new administration to learn and implement lessons that will inform future policy and practice. If that is the gist of this resolution, then I think that there are better, more political ways that get the results that we want without tarring and feathering our board publically and setting up some bad relationships that we don't want. By tabling it, my concern is we are adding some validity to this—that there is more that needs to be talked about with this. It puts off the chance of having that solid conversation with the board to express our concerns, to find out their reactions and to really put this to bed.

Senator Hoelscher: I like the idea of putting it to bed. If we table it, it gives us a lot more time to think critically about all of the issues that were brought up. If we go forward with this, I am very concerned that it is going to make the papers and be a thorn in our side as we try to get this whole budgetary thing straightened out.

Senator Schneider: Do you really think President Dietz hasn't expressed all of these concerns to the board? My guess is he has.

President Dietz: My job is to carry out the directions of the board. I have mixed emotions about all this. The board knows there is frustration. They feel particularly roasted by the press. On Friday, we will have another board meeting. I don't know what the board chair is going to do at that meeting—whether or not this issue will be addressed there. If I were a betting person, I would say that he will say something about that. The board is equally frustrated. The other part of this that I experienced directly was at the appropriation hearings. Lots of people already know about this. When I mentioned this decision about the expense was not coming out of private donations, tuition and fee monies or the 18% that we get from the state, that helped. But that begs the question could you have spent this on something else. The answer is sure, but I think those three constituent groups are very important constituent groups to the university.

Everyone is aware of the issues and the frustration. There have been questions and concerns about the search process. I have worked in two systems where the board hired presidents and chancellors with no input from the campus community. That is not our culture, but the bottom line of the legal aspect is that President Flanagan resigned and the terms of that resignation—both parties agreed that they would not talk about that. I think therein lies the frustration. But the fact is that both parties are bound to that agreement and they are not going to talk about the specifics.

I have been trying to express that this is a blip and the institution has been doing great things since 1857. The board was well-intentioned when they conducted the search and throughout the interview process. We couldn't have guaranteed that things were going to work out. I think the board understands the frustrations.

I am concerned a little bit that if this goes to legislators—there is the possibility that our budget for next year will already be cut—I think that is a very strong possibility. And there is also a possibility that it will be cut X% plus \$480,000. I don't know if it would happen, but when you bring those issues through the press, sometimes those things can happen.

Senator Cox: I would like to address Senator Schneider's comment that the Board of Trustees is already aware of the frustrations expressed by President Dietz. However, my understanding of the resolution is that it is the voice of the Senate and, respecting President Dietz, his conversations with the BOT is not the Senate's voice or concerns. In regard to the resolution before us, we may consider whether or not the Senate as a whole is willing to speak all together about those frustrations. But the resolution does far more than express frustrations, but speaks to suggestions and advice for the future and is, in effect, a sense of the Senate. As to the merits, I agree with Senator Rich and Senator Winger that there needs to be some other factors considered as well.

Senator Kalter: Just a reminder, we are still debating whether to table.

Senator McHale: President Dietz, what is your sense of what the atmosphere of the legislature in Springfield would be to tabling versus voting the resolution down. It is very important that we be receptive to the attitude in Springfield.

President Dietz: Far be it from me—I've only been before those bodies three times in six weeks—to try to predict what they are going to do. My sense is that they are frustrated. The specifics of it when I came back to the appropriations chair, the House in particular, and mentioned when things go to court, you lose all control of these things. Chicago State experienced that not long ago and it cost them over \$2 million. I just can't answer that.

Senator Ellerton: I believe that we should make a decision tonight on the document because delaying it is only going to send the wrong message. President Dietz has established an image of the university moving forward. I also hesitate to have a question and answer session because that suggests we do not trust the board. I would be against tabling the document.

Senator Hoelscher called the question; Senator McHale seconded.

Senator Kalter: All those in favor of tabling, say aye.

Senator Gizzi: Aye.

Senator Kalter: I heard someone say I don't understand what it means to table. When you table something, you are not moving it to a vote. It will go back to the persons who brought the motion for further deliberation and discussion and then I believe we need a majority to agree to take it off the table and get it back into debate.

Senator Schneider: Can we amend the motion to make it that it is a kill?

Senator Winger: You can't amend a motion to table.

Senator Schneider: I think we are voting on the wrong thing. Mike, Senator Gizzi meant to kill it, but that is not what we are going to vote on.

Senator Hoelscher: Senator Gizzi can withdraw his motion and then we just vote on the resolution.

Senator Gizzi: I withdraw my motion.

Senator Kalter: Does the seconder agree?

Senator Schneider: Yes.

Senator Kalter: We are back to debate on the original motion.

Senator Hoelscher called the question. Senator Alvarado seconded.

Senator Kalter: All in favor of the Sense of the Senate Resolution, as put forward with the friendly amendments indicated by Senator Lessoff, say aye. Those opposed, say nay.

The resolution was defeated by majority vote.

Adjournment

Motion XLV-76: To adjourn by Senator Hoelscher, seconded by Senator Karner. The motion was unanimously approved.