

Academic Senate Minutes
Wednesday, December 7, 2005
(Approved)

Call to Order

Senate Vice Chairperson Josh Garrison called the meeting to order at 7:00 p.m.

Roll Call

Senator Fowles called the roll and declared a quorum.

Attendance and Motions

Approval of Minutes of November 9, 2005

Motion XXXVII-34: By Senator Borg, seconded by Senator Richards, to approve the Senate Minutes of November 9, 2005. The minutes were unanimously approved.

Chairperson's Remarks - Absent

Student Government Association President's Remarks

Senator Garrison: SGA will be hosting a realtor forum bringing in the property managers in Bloomington/Normal allowing them to discuss with the students the issues that they have as well as for us to present our issues. That will be held before we start of the second semester.

Administrators' Remarks

President Al Bowman

President Bowman: I want to talk about the article that I had Cynthia e-mail to all members of the Senate on salary. As you know, ISU has been working toward improving faculty and staff salaries and bringing those salaries up to the median for peer groups. We were making good progress until 2002 when the economy began to slow. I asked Provost Presley and Vice President Bragg to begin working with various campus groups to develop a long-range plan to address faculty and staff compensation issues with the goal of bringing forward a document that I could then use to make an announcement prior to the end of the year. Tonight, I would like to do that and announce a multiyear compensation plan that I think will address this longstanding issue.

In my mind, the issue is not about money; it is instead about retaining high quality faculty and staff and building a stronger university. The good work of the faculty and staff has made Illinois State University a stronger institution, but I am beginning to become more and more concerned about retention issues and compression problems. I am pleased to announce that the initial phase of this program will be put into place starting next semester with a modest, midyear salary increase. The information that was e-mailed to you will appear in the *ISU Report* tomorrow. I wanted you to see it before it went out to the rest of the campus since many of the people in this room were involved in putting that plan together.

Those who may be eligible for the first targeted increase will be full and associate professors and non-negotiated civil service staff members. As the plan develops, every individual on campus could be eligible, including assistant professors, APs, the negotiated groups, including non-tenure track faculty and civil service employees. The obvious question is 'why start with the full professors?'. That group is further below the median salary for peer institutions than any other group on campus; the same is true, to a lesser degree, for associate professors. I do want to stress that this is a long-range plan. We can't do it in one year. We believe that if we do this over the next

three to four years, we can close the gap and bring salaries for the campus up to the median.

I also want to stress that every individual on campus will not receive a raise; that includes tenured and tenure track faculty, etc. DFSCs and other groups and units have been looking at this data. They have been aided by CUPA data as well as information from the colleges and from the Provost's Office. The decisions are being guided by merit, so as DFSCs, at least on the faculty side, look at salaries, they are also looking at performance before making a recommendation on changes in salary. I want to thank Dr. Presley and Dr. Bragg for their hard work and everyone else who provided feedback.

Senator Wilkinson: To what extent do you think salary compression has been caused by the changes in the ASPT process in how the money is allocated where, speaking broadly, we went from 80% across the board and 20% by merit to basically a mirror image of that? It seems that compression would be a natural result of that system.

President Bowman: That may happen over time, especially as less money goes across the board, but the new system hasn't been in place long enough to account for the compression problems that we are seeing. I do think that down the road, however, that that is something that we will have to pay attention to. There are a couple of primary reasons for compression. One is that the market changes faster than the institution can adjust salaries. With an adequate revenue stream, that would not happen. The second reason is that we have begun to put more money into starting salaries, which I think is a good thing to do, but in some cases that has meant that we are bringing in new assistant professors at salaries that are very close to mid-career and sometimes even full professors.

Senator Fowles: This is step one of a multiyear plan. What do you foresee as other steps to be taken?

President Bowman: I would like to do this midyear every year for at least the next three years, as well as the annual adjustments. Doing it three to four years in a row should get us to the median for those various groups.

Senator Fowles: Are these adjustments going to be targeting different groups?

President Bowman: It will affect every group, including the assistants, as well as all of the various AP and civil service groups.

Senator Riegle: What is the ultimate goal of this program? Are we going to be satisfied with reaching the median?

President Bowman: Absolutely not. As we have done well in the hiring market, we have brought in people who are very mobile. In order to improve retention beyond where it is now, we will have to continue to make salaries a priority. Another question that has been raised is about operating budgets. There are competing priorities and we easily could have put the money in facilities or in operating budgets. Those are worthy issues, but in terms of prioritizing our most pressing needs, I think the campus, as well as the administration, feels that this needs our attention right now.

Senator op de Beeck: Will the midyear salary increases for associate and full professors affect the regular salary increments coming up in the spring?

President Bowman: No, they will not; they are two separate pots of money and we will be very aggressive in trying to identify as many dollars as possible for the annual increase as well. The Income Fund was in better shape this year and it allowed us to move forward and not have to wait until the end of the year to make this move.

If there are no further questions about that, the next issue I would like to talk about is Campus Dining. I have been receiving a lot of feedback about the proposed Campus Dining plan. A great deal of the feedback has been favorable. The campus seems to like the move toward restaurant-quality food and better venues for providing that dining experience. But there have also been some questions and concerns about various elements of the plan. Campus Dining worked with an outside consultant and put together a plan after getting feedback from students and student groups. The plan has raised questions from faculty and staff members as well as students. There are some very good elements to the plan, but I think that enough questions have been raised that we need to do a bit more research and come back with a plan a year from now during which time we can tweak the plan and get more feedback. I have asked Campus Dining to postpone the implementation of that plan. I have asked them to come forward with a plan to me by June 2006. We will come back out to the campus next fall and ask for your feedback and then we will decide on a plan and move forward. So, in fall 2007, the plan will be implemented. That would mean that Lincoln's dining center would not have to close this spring. For the dining centers that receive less traffic and are more costly to operate, we will move forward with that part of the plan and close east campus and close Chatters.

Senator Tolchin: A number of faculty members and other individuals in this room did not really see the amount of student work and student input that went into the resolution concerning dining services and the potential restructuring of the plan. I would like to commend those students and also dining services and Student Affairs for the hard work that they put in in getting the student input that was required in order to make this decision.

President Bowman: The plan has evolved over the last couple of months and it has evolved in response to feedback from the campus. The postponement of the implementation is precisely what shared governance is there for—to help the administration make good decisions. The last thing that we want to do is move forward with a plan that really does not address the overall goals.

The last item that I want to draw your attention to is a plaque that is in the concourse of the Bone Student Center that commemorates the Braden family. The pictures on the plaque are of Samuel and Beth Braden. He was the 10th President of ISU, from 1967 to 1970, and presided over one of the largest growth periods of the institution. He has four adult children; they have honored his life with a major gift that has now grown to over \$100,000. That gift is being used as part of a project in Student Affairs in preparing students and providing internship opportunities.

· ***Provost John Presley***

Provost Presley: I want to report to the Senate that the priority filing period for admissions for next year has just ended. We have 11,000 applications in. That is the highest number in the last 10 years. That is as of today and the numbers I am about to talk about are as of December 5th, so there is a little bit of a disconnect there.

The total freshman applications received are up over 11%. The number of students admitted is up 20% and that does not reflect anything about the quality of these students except that their academic preparation is so strong, we want to grab them. The average ACT is precisely the same as last year's class. The average GPA is slightly higher. The percentage in the top quarter of their high school class is up some 3%. Our minority applications are up 20%. In fact, there, the average ACT, GPA and class rank are up. You will see on the agenda tonight four Advisory Items coming from my office. This is a pattern of some changes we are making. Another set of changes we are working on involves the revision of the guidelines for the University Service Awards and probably the Teaching Awards as well. They are actually being revised by the judging committees for each of those awards and essentially we are streamlining them to make it simpler and easier to apply. The word "portfolio" has been eliminated. As of this morning, the deans have been given copies of those guidelines and have been asked to react to them, too.

· ***Vice President of Student Affairs Helen Mamarchev***

Senator Mamarchev: I want to thank Barry and all of the senators who have been working hard to get us feedback on the Campus Dining plan and also acknowledge the work from the Association of Residence Halls' leadership and our Director of Campus Dining Services, Arlene Hosea, for the amount of time they have spent in informational forums and the like.

I am sad to report that we have had yet another student death this semester, our fourth one. One of our students was involved in a car accident up around the Joliet area last weekend. Her funeral is going to be on Wednesday; the Dean of Students, Dr. Jan Paterson, and I will be attending on behalf of the university. On a happier note, we are heading to December 17th and our usual two commencements on that Saturday. Across the country, we have the reputation of being one of the schools that has the highest turnout and participation in commencement ceremonies. I think that is wonderful and an important testament to how important this activity is for our university.

· ***Vice President of Finance and Planning Stephen Bragg***

Senator Bragg: I wanted to give you a quick update on something that may seem to be a fairly esoteric item, initially, but in the long run could have some serious implications for our salary and retirement programs. As I shared with you this past fall, legislation was passed during the last session by the General Assembly that passes on and moves the costs, the liabilities, for anyone who retires and has had in any year in their final rate of earnings a salary increase greater than 6%. Those costs now have to be carried by the university. They won't be picked up by the State. It is not just the cost of the salary increase, it is the cost for the entire actuarial life of the retirement benefits.

The legislation called upon the State University Retirement System to actually write the rules for implementing this legislation. Those rules have now been filed with the Joint Committee on Administrative Rules, a branch of the General Assembly. The good news is that SURS has listened to us, at least partially, and has drafted rules to exempt anyone who retires under the Money Purchase Plan at ISU, which is about 62% of our employees, and to exempt any vacation payouts. The bad news is that they have not exempted summer teaching salaries for faculty, any salary increases that are the result of promotions or any earnings above 6% that are the result of a grant or other kinds of resources. We have a 45-day window to comment on these rules. We will certainly be submitting formal comments and we will be working with SURS and others to pursue legislative remedies to what we think are unreasonable inclusions in this rule.

Committee Reports

· ***Academic Affairs Committee***

Senator Borg: The committee discussed and is passing on to the Executive Committee a revision to the Administrative and Involuntary Withdrawal policies. It is a combining and a restructuring of the two policies. It will come before the Senate in January. We also discussed and will forward to the Senate a rewriting, mostly editorial, of the document having to do with the baccalaureate degree programs and their definitions. This is the document that we amended earlier this fall for how one proceeds for exemptions to the 124-hour degree limit. We will bring before you tonight revisions to the Policy for the Equitable Treatment of Students Participating in University Sponsored Events and how one deals with classes because of that.

· ***Administrative Affairs and Budget Committee***

Senator Smith: We have no new business to report tonight, but at the next meeting we are going to bring three policies forward, two as Information Items and one as an Action Item.

· ***Faculty Affairs Committee – No Report***

· ***Planning and Finance Committee***

Senator Burk: A small delegation from our committee has spoken in the last few weeks to Vice Presidents Presley, Bragg, Mamarchev and Ashby about priorities at the university and within their divisions. We have also spoken to Dean Elzy and Associate Dean Catanzaro about planning processes in their colleges. We will begin soon preparing our document concerning university priorities, faculty and staff salaries and also any enhancements to the university budgeting processes that we can come up with.

· *Rules Committee*

Senator Holland: We are just about done with our agenda for the year. We have two things for you this evening and we have been looking into the ethics document and you can all look forward to seeing a draft of a complete revision of it at our first meeting as not an information or action item, but I am guessing an advisory or communication. We are asking for feedback on it.

IBHE-FAC Report

Professor Curt White, IBHE-FAC Representative: I had Cynthia send you three rather lengthy reports. I have been to two meetings in the last month. The first was at St. Augustine College in Chicago. It is such an unusual institution. It is the only bilingual, four-year college in the Midwest and one of the few in the nation. It is very admirable what they are trying to do and something that I think would be desirable at other institutions in this state. We met with one representative. I think that it is already clear that the pattern we set last year when we talked to many political representatives is not going to repeat itself for no other reason than that the democratic representatives who were so happy to talk with us last year don't want to see us this year after they did exactly the opposite for us of what they said that they would do.

We did talk to Larry McKeon of the 13th district, who was willing to talk to us, probably because he voted against the Governor's budget compromise. We did get from him that the Governor's arrogance was likely to make him a one-term governor. We received reports from IBHE staff, which are mentioned in my report.

The other meeting that I went to was just last week at the Crown Plaza Hotel in Springfield. It was the FAC meeting that is annually sponsored by the Board of Higher Education. We met with two members of the IBHE, one, Deputy Director for Planning and Budget Mike Baumgartner, who went over the Board's planned budget proposals for this year. Of most interest was what the Board plans on proposing to the State an overall increase in higher education spending. He said that they would be requesting a 2% increase, which we all know from past experience that when it gets voted on in Springfield means another flat budget. FAC was particularly interested in pointing out to him that there is a structural deficit in Illinois' tax structure that has been estimated at between 3 and 4%. So, unless the tax structure itself is changed, there will never be a year, regardless of what the economy does, that will be adequate to cover the expenses that the State has, which means that it is very likely that the State will always, at least in the near term, be looking for places it can balance the budget. Last year, it was not simply in education, but also in teacher pensions.

We did then meet with the new Executive Director for the IBHE, Judy Erwin, taking Tom Lamont's place. I can't say that it was a pleasant conversation. I can say that if there is a special line-item deficit for Illinois State University, it might be my fault. At any rate, a number of us asked Judy why it was not possible for the Board to not ask for more than 2%. Her answer basically was 'because'. She then became increasingly irritated with us when we explained why flat budgets requiring 10% tuition raises was a train wreck in the making for higher education in this state. The one good thing that we did get from Judy is that she did not have any theoretical objections to the Faculty Advisory Council going out and doing whatever lobbying it cared to do. We are free to say what we want to, to whomever we want, which has not always been the case. So, there is some encouragement there for us to do lobbying. Beyond that, I am afraid to say that she did not have any interesting ideas for what we might do when we go out and talk to others. In fact, most of her comments had to do with helping our local representatives when they go up for election, getting interns to serve in their office...this is literal...making sure

the pizzas arrive on time, standing with the representatives at the bus stop when they are making their appointments trying to get reelected.

I did also have Cynthia send to you what was a very informal conversation document that I sent to the other members of the Faculty Advisory Council. The Faculty Advisory Council was originally designed to simply advise the Board of Higher Education when the Board of Higher Education happened to think that it had a question to ask it. For awhile, it would occasionally come up with a question and the council would do a white paper, etc. In recent years, the IBHE doesn't have any idea what it wants FAC to do and basically I think that it doesn't want FAC to do much of anything. So, FAC has kind of taken it upon itself to become a kind of lobbying group; thus, last year, we spent a lot of time talking to legislators. Like a lot of other people who are wondering why it is that states no longer seem to think that it is a particularly high priority to serve the public good by funding higher education, we are also wondering if this is sort of a brief thing that is going to last six months and when taxes turn around, if everything is going to be fine again. Or are we looking at some longer term historical movement in the nature of higher education, at least in this state, that we need to take a more panoramic look at. So, I took the risk of starting that conversation. Most of the responses have basically corroborated what I have said, but it started, I think, a conversation that has implications for how FAC carries out its business.

Senator Fowles: Have you thought of placing your thesis in the *Chronicle*? I think the response from faculty nationally would be interesting to see.

Professor White: I have suggested to a couple of people that we work on some of the aspects of the thesis. This is not something that I would like to do on my own charge, but if a number of the members of FAC wanted to work on something like this and fashion it into a statement, I have suggested to them that the *Chronicle* might be interested.

Senator Alferink: I worked with Judy Erwin in the past in better budget times and found her very supportive of many issues that many in this room would also be supportive of. There may be a reason to wait a little longer.

Professor White: Until?

Senator Alferink: The next election.

Action Item:

11.29.05.02 CAS Bylaws – Revised (Rules Committee)

Senator Holland: At the last meeting, we brought revisions to the College of Arts and Sciences Bylaws and there were a couple of minor questions on it. I would like to make a motion that the bylaws be passed with one minor change to them, which is to add in the first sentence in Article I, the word “**staff**” after “faculty”, because that is one of the additions to the college council. Essentially, all that we have here in the main body is the addition of non-tenure track, civil service and AP, describing who is eligible for membership from those constituencies and how they should go about being elected. That was one of the changes that they requested. The other change was in Appendix C, on page 11, where it was describing the procedures and policies for the selection of department chairpersons. They have removed the line that “The number of the committee shall be seven.” They just give a detailed list of who is going to be on the committee. There was also an issue that it appeared that the bylaws went from Appendix D to Appendix F with no Appendix E; therefore, “F” has been re-entitled as “E”.

Motion XXXVII-35: By Senator Holland to the approve the CAS Bylaws with the additional revision of the insertion of “staff” in the first sentence of the document. The bylaws, as revised, were unanimously approved by the Senate.

Information Items:

11.09.05.01 *Equitable Treatment of Students Participating in University Sponsored Events Policy - Revised (Academic Affairs Committee)*

Senator Borg: In the committee discussion, it came up that the examples of events in the policy, as any list turns out to be, is viewed more as prescriptive than descriptive. We reminded ourselves that these are examples and the approval process and the initial statement goes through the Office of the Vice President for Student Affairs. Any objection is negotiated through the Office of the Vice President for Academic Affairs. The committee decided to add a letter "d" to these examples. The question about Registered Student Organizations or other comparable student organizations is the only addition that we made to the document.

Motion XXXVII-36: By Senator Borg, seconded by Senator Richards, to move the policy to action. The motion was unanimously approved.

Motion XXXVII-37: By Senator Borg to approve the policy.

Senator Fazel: Do the instructors determine which activities are acceptable?

Senator Borg: I believe that common practice now is that the person who is responsible for the activity makes the request.

Senator Fazel: And then faculty could decide whether this was appropriate?

Senator Borg: The Office of the Vice President for Student Affairs makes the determination.

There was no further discussion concerning the policy and it was unanimously approved by the Senate.

11.29.05.01 *Library Policy (Rules Committee)*

Senator Holland: This is a revision of the University Library Policy. You have the current policy, which is about five lines long, and we now have a new and improved policy that is being brought before you today as an Information Item. It is just updating the policy. They had sent this to us about a year ago and what they had given to us originally was a combination of policy and procedure, so we asked them to separate that out so that they wouldn't have to come back to the Senate every single time they wanted to change anything. So, what we have now is a very succinct statement of the University Library Policy.

Senator Faron: What were the previous rules regarding members of the surrounding community using the library?

Senator Holland: I don't know that they had an official policy for it at that point. I think that is one of the reasons that they did the rewrite.

Senator Estep: Actually, we did have a policy on that. It was very similar to what we have here. People from the surrounding community could always use the library.

Motion XXXVII-38: By Senator Holland, seconded by Senator Estep, to move the item to action. The motion was unanimously approved.

Motion XXXVII-39: By Senator Holland to approve the policy. The policy was unanimously approved by the Senate.

Advisory Items:

11.10.05.02 *Employment in Excess of Full Time Appointment Policy (Provost)*

11.10.05.03 *Secondary/Outside Employment Policy (Provost)*

11.10.05.04 *Classroom Disruption Policy-Draft (Provost)*

12.01.05.01 *Sabbatical Leave Policy (Provost)*

Provost Presley: These Advisory Items represent revisions of policies that have their origin in my office, but I am bringing them to the Senate quite literally to advise you about the revisions and to collect your opinions, particularly if there are things here that are unclear or ambiguous. The first two of these items are simply policies that rolled around to their five-year revision date this year. The first one, Employment in Excess of Full Time Appointment Policy, as you can see has essentially editorial changes in the classification and some editorial changes we hope for clarity. The second policy on secondary and outside employment is another one done in 2000. The originating body is my office and the revisions here are a bit more substantial, but it is, in essence, for clarification, to bring it up to date and to make it congruent with some of the ethics legislation that has been recently disseminated.

Senator Alferink: At the bottom of the first page of the Secondary/Outside Employment Policy, it says “delete italics”. Do you mean to delete the material that is in italics or to remove the italics?

Provost Presley: Just remove the font.

Senator Mwilambwe: Does this apply to staff members only within the Provost’s area or to all others, because I am a little bit confused with the reorganization of Human Resources and Academic Personnel.

Provost Presley: It refers to all others.

Senator Fazel: At the bottom of the first page of the secondary employment policy, “Honoraria for lectures...” have been excluded. Would you also exclude book reviews because they are common, but they only pay a few hundred dollars? I don’t know if you want us to go through the process of approval for that.

Provost Presley: I don’t think that’s necessary.

Senator Fazel: So, can we add that to that paragraph?

Provost Presley: I think so. You may remember that we had a discussion on this I think last year when there was an audit finding about this issue and we began to try to draw more attention to the necessary paperwork and I will say again, we certainly have no intention of diminishing in anyway the freedom of people to do research, consulting, reviews or any of that sort of thing. We want to encourage that, but when it rises to the level of employment, then we have to have a paper trail on it.

The third Advisory Item is a Classroom Disruption Policy draft. I wanted members of the Senate to know that this draft was being written. It is quite literally a draft; for example, there is an awkwardness in the first sentence in the third paragraph. We are drafting this policy to reify and to give some statutory status to the sort of common sense approach that we have taken in the past in dealing with these kinds of issues. We are trying to write down what usually has happened and give it the effect of policy. Here, too, I would hope that I would hear from senators who see ambiguity or issues in the language. This will come back to a Senate internal committee because the natural place for this language is in some of the judiciary statutes, policies and processes that have to do with the Vice President for Student Affairs area. Should this be accepted, it would represent a change in policy and would come back for that purpose.

Senator Alferink: There are occasional disruptions that occur in classrooms that are not caused by students who are enrolled in the class. Is there some thought to also addressing those disruptions?

Provost Presley: We probably should address it in this policy because I would assume that the responsibility for managing the classroom environment rests primarily with the faculty member. So, that kind of language should probably be incorporated.

President Bowman: I think the issue Dr. Alferink has raised is a legitimate security issue and so the ISU Police would respond and deal with the matter that way rather than going through our administrative processes.

Senator Schnepfer: If a student gets suspended, are they suspended until there can be a CR & R hearing?

Dr. Charles McGuire, Assistant Provost: Until the hearing date is set.

Senator Borg: Is the suspension for up to ten calendar days, ten weekdays or ten class periods.

Provost Presley: Ten calendar days. The last Advisory Item we are bringing to you is the Sabbatical Leave Policy. There has, in essence, been no change in the content of the policy. The portions that you see in bold result from the fact that this year, for example, the formal policy had these same bits and pieces that need to go into a sabbatical policy on the Policies and Procedures website and they had the same things in a different order on the HR website. Half the people who submitted sabbatical requests followed one order and half followed the other order. We decided that the order on the HR website was better and made for a natural flow. So, under "Proposals", the boldface that you see there really reflects that new ordering. On the last page, under "Obligations", it seemed natural to us to include that last sentence "Individuals who fail to return...". That really is not a change. It appears on the sabbatical application and it requires a signature so it made sense to let people know that there was that obligation as early as possible in the policy itself.

Senator Borg: The Senate does not vote on this at all?

Provost Presley: No.

Communications:

11.28.05.01 Sense of the Senate Resolution – Trustee Bergman (Senators op de Beeck and Fowles) (Documents from Angelo Capperella in Senate Packets of 11/9/05)

Senator Garrison: I don't know which of the two authors of the resolution would like to speak. I also have an e-mail that I would like to read later on from Trustee Bergman concerning this resolution.

Senator Fowles: In our Senate packets that were distributed on November 9, 2005, there was information from Dr. Capperella about some of the issues that have been plaguing Trustee Bergman. As I understand it, these pollution issues have continued throughout the year and continue to emerge and become quite serious. We have a Sense of the Senate Resolution before you that we would like to discuss tonight listing our concerns about the allegations against Trustee Bergman. Since his appointment officially ended in January and he is still sitting on the Board, the resolution is asking that he be denied the privilege of serving on the Board until some of these allegations are addressed.

Senator Garrison: The e-mail from Trustee Bergman reads as follows: "Dear Josh, It is my understanding that in Dr. Crothers' absence you will lead Wednesday's meeting of the Academic Senate. It is also my understanding that the Senate is scheduled to consider a resolution regarding the operations of Petco Petroleum Corporation. My purpose in writing is to respectfully request the Senate postpone debating and taking a vote on such a resolution this Wednesday so that I might have an opportunity to express my opinion on their issues of concern. Much of what I have seen in the newspapers is inaccurate and, in some cases, totally untrue. In the interest of fairness to all parties, I would hope that the Senate would want to have the facts and opinions of all parties prior to debating and considering a resolution. I would like to make a narrative of my opinions available to senators for their

consideration prior to the next meeting or at such a time that they wish to consider this subject. I could have attached comments to this writing, but I am not really certain as to what the issues are. I have seen a draft of the proposed resolution, but the wording does not seem to reflect the current situation. It would be most effective if a senator or senators could tell me what their current specific issues or questions are so that I could address them in my writing. Thank you for your consideration. I look forward to hearing from you.”

Senator Fowles: I guess my concern is that three new allegations have been brought up just in this past month by the State’s Attorney on pollution issues. Again, in *Educating Illinois*, one of our goals is promoting environmental stewardship. This is a person on our Board, grant you he has been supportive of higher education, but his business practices are going against one of the principles in our leading document.

Senator op de Beeck: We have the e-mail, but we don’t have any comments. I feel like we should have a little bit of discussion just to see where people stand on this. Otherwise, the e-mail sort of acts as a delaying tactic and we won’t have another Senate meeting until the spring and meanwhile everything continues as usual.

Senator Campbell: Did I understand you to say that his term expired in January?

Senator Fowles: January 2005, but there has been no reappointment. He is not the only trustee whose term has expired but who has continued to sit because there has been no appointment to replace them.

Senator Campbell: So is that intended to be an indication that we aren’t able to find someone more qualified and more well respected?

Senator Fowles: It’s a governor’s appointment.

Senator Campbell: So, the Governor is the one who would replace someone? Are we at liberty to remove a person without a replacement or we expected to await the Governor’s graces?

President Bowman: The statute is written so that the Board member serves until they are replaced by the governor. The university does not have a role in the selection of Board members. They are quite literally gubernatorial appointments, so he could stay in place for five years for that matter.

Senator Kukla: Has any appropriate information gone to the Governor? Would it be inappropriate to send him information or pressure of any kind?

Senator Garrison: This resolution would go, but I don’t think that there has any been formal action by this body or any other that I know of.

Senator op de Beeck: SEAC, the Student Environmental Action Coalition on campus, did have a petition online that people were able to sign asking actually for his removal. I think that the Sense of the Senate Resolution is a bit less aggressive.

Senator Fowles: We are not asking for his removal, but until the allegations are addressed and have been resolved, we are asking that he does not sit on the Board.

Senator op de Beeck: The resolution is acting as an advisory point showing that we are displeased. We would like to bring this to the Governor’s attention realizing that there may not be that many other organizations pointing this out to him.

Senator Alferink: My question has to do with adhering to due processes of law. The filing of a complaint by itself

certainly raises some concerns and it may well be appropriate when a complaint is filed that is judged serious enough to still have the individual suspended. But I don't think we make judgments of guilt until there is such a finding in a court of law. In this resolution, the last paragraph does presume guilt without due process. Is it reasonable to have a resolution on the basis of a complaint, and it may well be, and where does that stand to further legal findings subsequent to the resolution of the complaint?

Senator Fowles: My sense is that this is not a single complaint. There have been multiple complaints over a long period of time. We, as a Senate, can say that we believe that it is a privilege to serve on our Board of Trustees. Therefore, we are asking the Governor that until these complaints are addressed, to have someone else serve in his place or not have someone there.

Senator Borg: I wonder about the "Be It Resolved" clause also. Are we asking for something that cannot be done? The provision that a person serve until the replacement is sworn in does not allow for someone to be suspended from the Board. So, I would feel very uncomfortable supporting this particular resolution for that reason. If we send a communication to the Governor, it ought to be something that can reasonably be expected to be done.

Senator op de Beeck: Is there a way that we might reword that to address the fact that we are aware of it and concerned? But, that does not address your concern. How else might we reword it?

Senator Borg: We could encourage the Governor to find a replacement appointment. I am not sure that we want to do that. We could encourage the Governor to remove him in whatever way that is possible, not just "suspend" him. I am not sure that we could not do that either without the Governor making a subsequent appointment.

Senator Campbell: Has there ever been a precedent at another university for situations similar to this that we could look to? If not, then we are on sort of uncharted territory here. At the least, it seems that we could contact the Governor's office and request that some attention be given to these individuals whose terms have expired in that we are operating with expired-term representatives and would like to have an active Board.

Senator Borg: I don't know of any precedent. Someone would have to research that.

Senator Dagers: Since it seems like Trustee Bergman would like the chance to come and address us, what would be the harm in waiting for this? The Senate does not go back into session until February.

Senator Fowles: The next Senate meeting is on January 25, 2006.

Senator Dagers: What would be the harm in waiting for Trustee Bergman to discuss this with us and then making our views known to the Governor since we can't do anything until January anyway?

Senator Fowles: Well we can do something. We can revise and vote on this right now. As far as waiting to hear his point of view, that would depend on the will of the Senate.

Senator Maroules: I totally support Senator Alferink's concerns about due process. I had occasion to take issue many years ago with then Attorney General Ed Meese for presuming that individuals charged with crimes must be guilty otherwise they would not have been charged. I think that above all, this body needs to demonstrate that it is reasonable and that it respects our system of justice. While I am appalled by the allegations, they are, in fact, allegations. If anything, I think that we should petition the Attorney General's Office to get on with their case so that we can have a better sense of whether there is a legal finding on the allegations. I would be very troubled supporting this kind of action based on something less than a finding of a court of law.

Senator Faron: What has Trustee Bergman done in the past to address these various claims made against him and what is the feasibility of getting him to come to address this body? Is this merely a delaying tactic—should we expect him here at the first meeting? I am all for due process; I believe that he has a right to plead his case, but I wonder what the timetable would be on that.

Senator Garrison: I think that one thing that could be done is that Senator Fowles and op de Beeck could address their specific concerns to Trustee Bergman, or the Executive Committee could do so, and either invite him to send something formally in writing or to attend a Senate meeting.

Senator Daggers: For clarification, I was referring to the State Senate and not this body when I said that we could do nothing until February.

Senator Kukla: I am hearing urgency from the two senators that put this forth and think the students who have backed you also have a concern for a forward motion. So, I am wondering is there anyway that this could be slightly rephrased to suggest that during this fact finding or inquiry phase, we don't think that this sheds positive light upon the university. Does that address the issue of "not until you are proven guilty"?

Senator Garrison: Yes, and I do believe that this body last year passed a resolution saying that we disapprove of some of his actions. I am sure that that was passed and was sent by the Academic Senate.

Senator Estep: I would like to speak in favor of some resolution about Trustee Bergman. I think it is pretty clear from his past actions that he is perhaps an environmental outlaw and I think that his past comments show that he does not have the temperament to be a trustee. So, even though this resolution may not be perfect, I think that we should do something. I really appreciate the students, the SEAC group, too, who have worked on this.

Senator Fowles: SEAC had over 11,000 signatures on its petition; of course, many could have been duplicates.

Senator Mackey: What is the turnaround for appointments? Do appointments usually take almost a year?

President Bowman: There is a lot of variability. There have been some appointments that have taken longer than a year. We currently have two members whose terms have expired, Trustee Bergman's and Trustee Froehlich's. The reappointments could occur at anytime; it is just impossible to predict when.

Senator Garrison: I agree that it is a privilege to sit on the Board of Trustees and I know that there are multiple complaints. I also appreciate the actions of SEAC. I think what they have done is an example of how students should take hold in a democratic process. Having said that, I do agree with Senator Alferink that it would be irresponsible to move forward without having a guilty verdict being found.

Senator Fowles: I would support sending something to Trustee Bergman to respond to us within the framework of *Educating Illinois* and the action 10 that is listed. I would ask for a response to be presented at the next Senate meeting.

Senator Borg: I would like to comment on the e-mail that was read. Trustee Bergman was interested in correcting facts and yet when he made his appeal to come and share with us, he offered to share his opinions, not necessarily establishing the facts. I am suspicious of what the difference might be and what information we might receive from him. Having said that, I certainly would have no objection to hearing what Trustee Bergman might have to say. I take heart that though I remind the Senate that our Sense of the Senate Resolutions have no legal force, someone is indeed listening to the fact that we are even thinking about doing this. I would feel more comfortable, in spite of this perceived urgency, if we draft a somewhat better conclusion and we might want to have a group work on this in more detail before the January meeting.

Senator op de Beeck: I think that we could have a resolution where we would ask that he work to improve and maintain the petroleum company's compliance and that if he can't establish or prove compliance, then he be removed and replaced on the Board of Trustees. I would invite anyone else who would like to work on this resolution to do so.

Senator Fowles: I feel that we can bring an adaptation of the resolution to the next Senate meeting.

Senator Campbell: The fact that half of our student body signed a petition is something that I think we need to take very seriously. It does sound like our recommendation made to the Governor's Office could be that he appoint a new person to fill the position that expired. That might get around the issue of him coming and filibustering us on his position as to why his petroleum company is a fine environmental organization and meeting the letter of the law. I really think we have to respond to our students.

Senator Garrison: Just for clarification, the signatures on the petition run by SEAC were not all just students. They were from off-campus, faculty, staff; it was a mixture.

Senator op de Beeck: Yes, they brought the petition to the community's attention and it was a little bit of everyone, but I think that it was primarily on campus that they were doing their outreach.

Senator Holland: My understanding is that it was actually 1,100 and not 11,000 signatures.

Senator Fowles: I thought I read 11,000.

Senator Garrison: I don't know the exact number myself. If there are no further comments on this, we will bring this back to the next Senate meeting.

12.01.05.02 *Announcement of Men's Tennis Schedule – Spring 2006*
Schedule Online at: <http://goredbirds.collegesports.com/ot/sport-schedules.html>

Adjournment