

Minutes of the
Fifth Regular Meeting of the
Fifth Senate Indiana University-Purdue University at Fort Wayne
January 20 and 27, 1986
Kettler G46

Agenda

1. Call to order
2. Approval of the minutes of December 9, 1985
3. Acceptance of the agenda
4. Reports of the Speakers of the Faculties
 - a. Purdue University - J. Lantz
 - b. Indiana University - M. Downs
5. Report of the Presiding Officer
6. Committee reports requiring action
 - a. Budgetary Affairs Subcommittee (Senate Document SD 85-11)
 - b. Rules Committee (Senate Document SD 85-9) - S. Hollander
 - c. Educational Policy Committee (Senate Document SD 85-10) – R. Barrett
 - d. Indiana University Committee on Institutional Affairs (Senate Reference No. 85-5, State for 1986-87 Faculty Board of Review Election) - M. Downs
7. New business
8. Committee reports "for information only"
Agenda Committee (Senate Reference No. 85-6, Documents under Deliberation by Senate Committees and Subcommittees) - M. Lipman
9. The general good and welfare of the University
10. Memorial resolution: Carl E. Bickley (Senate Reference No. 85-7)
11. Adjournment

Session I
(January 20)

Senate Members Present:

R. Barrett, G. Bell, D. Bialik, J. Brennan, C. Butler, J. Carnaghi, J. Chandler, J. Clausen, F. Codispoti, M. Crill, J. Davis, L. DeFonso, A. Dirkes, M. Downs, A. Finco, P. Flynn, A. Friedel, H. Garcia, R. Hack, J. Haw, M. Hayden, S. Hockemeyer, S. Hollander, R. Kovara, M. Kubik, J. Lantz, M. Lipman, D. Mauritzen, J. Moore, E. Nicholson, M. Nusbaumer, D. Oberstar, J. Outland, R. Otten, J. Owen, K. Perry, R. Pippert, R. Ramsey, M. L. Richeson, J. Silver, J. Smulkstys, J. Sunderman, J. Ulmer, J. Violette, K. Wakley, D. Wartzok, J. Wilson, W. Worthley

Senate Members Absent:

S. Beering, J. Bundschuh, V. Coufoudakis, N. Fincher, R. Hess, C. Maile, D. McCants, G. Parsons, J. Ryan, P. Zonakis

Attachments:

["Amendment to the Bylaws: Revision of charge and membership--Budgetary Affairs Subcommittee"](#) (SD 85-11)

["Contempt citation--Vice Chancellor for Academic Affairs"](#) (SD 85-9)

["Conflicts of financial interest in instructional situations"](#) (SD 85-10)

"Memorial resolution, Carl E. Bickley" (SR No. 85-7)

Parliamentarian: M. Mansfield

Faculty Members Present:

T. Guthrie, F. Kenworthy, K. Stevenson

Visitors Present:

J. Clinton, J. Dahl, M. Dinnerstein, J. Ferguson, A. Montgomery, R. Steiner, D. Worthley

Acta

1. Call to order: E. Nicholson called the meeting to order at 12:04 p.m.
2. Approval of the minutes of December 9, 1985: The minutes were approved as distributed.
3. Acceptance of the agenda:
M. Lipman moved acceptance of the agenda. Seconded.
The agenda was accepted as distributed.
4. Reports of the Speakers of the Faculties:
 - a. J. Lantz:
 - (1) I would like to call a short meeting of the Purdue University Committee on Institutional Affairs immediately after this meeting.
 - (2) In the past few weeks, the Purdue University Senate has acted on a piece of legislation regarding college-credit courses taught in high schools. Some time ago, we passed in this Senate regulations governing those offerings. In fact, the Purdue University Senate has endorsed exactly the same kind of thing that this Senate has done. They will no longer accept, for university credit, courses taught to high-school students by non-university faculty members, except that they will accept credit by examination. I think we should be pleased with what we have done.

- (3) Under "the general good and welfare of the University," I would be happy to give you an update or answer questions about the search and screen committee for a new chancellor.

b. M. Downs:

- (1) The Task Force on University Organization will be submitting a very tentative, interim report to the Indiana University board of trustees for consideration. Study copies have gone out to selected administrators in the system. Following discussion by the board of trustees at its meeting this month, we will be attempting to incorporate suggestions, amendments, and even criticisms into the report, and then it will be distributed, and discussions will be arranged throughout the Indiana University system. We will go back to President Ryan in May, and the report will be considered by the trustees this summer. Those parts of the report that are accepted by the trustees will be implemented this fall. We have no idea yet as to what the traffic will bear in reference to what we have suggested. Reactions have varied from passive acceptance to vehement rejection thus far.
- (2) Professor Patterson from Bloomington and I are co-chairing the all-university fringe benefits committee this year. The committee has just endorsed a proposal that is in keeping with what we recommended five years ago to the university, that is, that an option be created for the payment of fringe benefits with so-called pre-tax dollars. The first step has been taken, and the changes will be presented to faculty members, if all goes well, this spring and summer. It will be possible for all medical insurance costs to be paid for with pre-tax dollars by Indiana University faculty. In other words, you will still be bearing a portion of the medical insurance cost, but you will be able to pay for it with dollars that are not computed as part of your income for tax purposes. Two other individual accounts will also be established whereby faculty can make contributions of pre-tax dollars to funds to pay for medical costs not covered by insurance and for the payment of child-care costs. The administration brought forth a plan that seems to be very workable. There are still some questions to be answered. But I have every expectation that it will be an optional way of transferring the burden of this part of the fringe benefits package to pre-tax or non-taxed dollars. There will be sessions in which people far more knowledgeable than I will be explaining the ramifications of this. It is not 100% plus for us, but it does create the possibility for savings on the tax base. . . .

5. Report of the Presiding Officer:

E. Nicholson:

- (a) I have asked Jim Ferguson of Personnel/Payroll Services to speak on proposed changes in TIAA/CREF tax law.

J. Ferguson: As you may know, the Tax Reform Act of 1985 has passed the House of Representatives. It will now be considered in the Senate. TIAA/CREF sent something to all of you who are in TIAA/CREF trying to explain the changes. Like most legislation, they are not sure of the impact. I will try to briefly explain what TIAA/CREF, at this point, thinks may happen that may affect your pension income. There are about three different things that will affect pension income in higher education.

The first one is that TIAA/CREF will lose its tax-exempt status. That means they are going to have to start paying taxes. If they pay taxes, that obviously means there will be less income for them to pay out to you and me as annuity-holders once we retire.

The second item is that the tax law is going to require TIAA/CREF to meet the same coverage and contribution rules that are applicable to private industry. The main thing that means for universities is that they have a nondiscrimination clause in there that says TIAA/CREF may have to be offered to all university employees. Right now, it is offered only to some administrative staff and to faculty. We do not offer it to hourly staff. If this is true, we may have to offer TIAA/CREF to hourly staff. The only thing that is wrong with that, I guess, is that the federal government has imposed that on the institutions. And the institutions have not taken an affirmative vote and said that is what we would like to do for the staff. That could be a negative impact for the institution, but a positive impact for those people affected.

The third major change is only for those of you who like to have a salary reduction from your paycheck. It is an optional, so-called supplemental retirement annuity. In that, they are going to reduce the maximum per year you can tax-reduce from \$30,000 to \$7,000. Now, that is not going to cramp too many people's style, but as inflation goes on, I suppose it might. The limit will be \$7,000 including an IRA. So if you have an IRA for \$2,000, that will leave you \$5,000.

These changes have passed the House. If you feel strongly that that would adversely affect you and you would like to write to someone, you should write your senators at this point. There are two other things you can do: You can call TIAA/CREF collect at 212-490-9000 and speak to them about your particular situation, and on March 18, 1986, there will be two TIAA/CREF representatives on campus who will speak on supplemental retirement annuities and on retirement through TIAA/CREF. You can show up at the morning or afternoon session and ask questions on TIAA/CREF if you want to. It is anticipated by Senator Dole, majority leader in the Senate, that this tax legislation will not be passed until May or June. So if that is correct, March will not be too late for you

to ask questions and to write your senators. It is a complicated issue. . . . I'll try to answer questions.

C. Butler: Do you have any idea what percentage the pension at retirement might be reduced?

J. Ferguson: No, no one has stated any percentages at all.

W. Worthley: In the information we received from TIAA/CREF, they gave the addresses of the senators and suggested a letter-writing campaign. Are you going to rally a letter-writing campaign on this campus--maybe send out a sample letter outlining the key issues that could either be paraphrased or used directly by our faculty to stop this when it gets to the Senate?

J. Ferguson: Both presidents have chosen not to do that at this point. I don't know that I can lobby for or against federal tax legislation without some direction from them, saying they wish for me to do that in my capacity as personnel director. I plan on writing them personally. Both of them are aware of it and have been asked to take a stand on the issue. To my knowledge, neither of them has chosen to do that yet.

M. Downs: I think one of the reasons that they have been unable to predict what the impact would be is because one of the strategies they have talked about is reorganizing TIAA/CREF in order to take advantage of any loopholes that might be left in the law as it is rewritten. They feel that as it stands right now, there are a number of things they could do to reorganize aspects of the program so that they can remain tax-exempt. But they don't think they can reorganize everything in order to re-achieve tax-free status.

K. Perry: It was my understanding from the letter that I received that the TIAA/CREF retirement plan has been singled out for these changes. In other words, union retirement plans, etc. are not included in this provision. Is that correct?

J. Ferguson: That's the way I read it also. I have not talked with anyone specifically on that issue. I can't figure out why they are being singled out, whereas other nonprofits, such as unions, are not affected.

- (b) I will give you an update on our enrollments. We predicted an enrollment of approximately two and one-half percent below last spring's. We are within that. We based our budget on that. We are on target with our budget, but we have a half of summer to go yet. The headcount was also below last spring's, but we feel comfortable with the level of enrollments this spring. Any questions about enrollments?

A. Finco: How far down are we?

E. Nicholson: I am not sure, but it's around 2 percent.

- (c) I would like to mention that I don't know a great deal more about the status of the proposed fine arts facility. I have been assured by President Beering that the fine arts facility remains a top priority for Purdue University. It is his view that it is likely to be funded by the General Assembly during the next general session, i.e., not this year, but next year. My own feeling is that they are not going to open the budget to this type of thing this year. I feel very confident that in the next general session they will give authorization for bonding authority for the full \$4.5 million. Any questions?

H. Garcia: I have an item from the News-Sentinel dated January 16, 1986. It says the Senate Finance Committee voted 15-0 for an amended legislation which authorizes state universities to borrow money to fund construction projects. The bill authorizes issuance of bonds up to \$5.4 million for repair and rehabilitation of the Purdue Memorial Union and \$1 million for construction and repair of the Vincennes University student union. The bill will also permit Indiana State University and the University of Southern Indiana to refinance past projects. Can you comment on that, please?

E. Nicholson: I can't comment on it.

J. Carnaghi: I can say something about the Purdue Memorial Union. The union is much like our copy center and athletics office. They do remodeling from funds they earn, which is in a sense their charge to us: go out and secure funds and you can build your fine arts facility. So by authorizing them to do that, the state is not giving them any money if these other projects are like the Purdue Union, and I assume they are. The remodeling is coming from profits over the years.

H. Garcia: They are borrowing money?

J. Carnaghi: It's like borrowing money for a car. I am sure they would be happy if we would go out and borrow \$2.25 million and we would pay it back ourselves.

J. Violette: Won't they have to adjust the price of the building next year?

E. Nicholson: I don't think they have to. That is another matter that has to be addressed, I am sure.

S. Hollander: One of the claims made by the legislators this year about the absence of funding for the fine arts building was that the university had not submitted the kind of detailed plans that had been submitted for other university

projects. Are those plans being drawn up, or have they been drawn up? Will they be ready for the next legislative session?

E. Nicholson: I haven't heard those complaints directly except to say I don't think we did anything any different from a large number of projects that were, in fact, and have been in the past, funded. Nor have I heard of any requests to come forward from either West Lafayette or from the Commission for Higher Education that we should have more detailed plans. I can't address that any further. There were a lot of rumors going around about why the legislature was unable to provide \$4.5 million dollars. I can't comment on those.

M. Hayden: Individuals from the arts community have been asking what they can do to help this go along faster. I don't know what to tell them. Is there anything they can do?

E. Nicholson: Other than to tell the legislators we do have a need and explain the need, I don't know what else they can do. It is certainly a top priority with Purdue University. Dr. Beering has reiterated that several times, both publicly and privately. It is now in the hands of the legislature.

M. Downs: I had heard from people who worked on the project during the last session that a bill would be submitted by members of the local delegation to the General Assembly to make an effort this year to gain funding. Do you know anything about that?

E. Nicholson: I have heard that as well, but I have not seen anything.

M. Downs: If such a bill is submitted, is it to be expected that, despite the news about the budget not being opened and the prognosis being negative, that Purdue University would make it a priority this year?

E. Nicholson: I am sure it would.

- (d) You might hear about some information today or tomorrow on the child-care center. The news conference was a little premature, but necessary because of some misinformation given to the press. Ivy Tech, the head of the State Developmental Center, and I met with members of the press today to answer any questions they might have about changes in the child-care arrangements here on the campus and the potential consortium of the three institutions. I want to give you some history about it and answer any questions you might have. The present child-care center is on property owned by the State Developmental Center. They have a provision in their contract with us that when they have a need for it, we shall leave it. They indicated to Dean Ulmer several months ago that they have a need for it, but they also offered us what they considered larger and better facilities on their property. During the last six months there has been a committee formed, including Dr. Ulmer, members of Mr. Carnaghi's staff, and

the Division of Education to look into moving the facility from where it is over to the State Developmental Center grounds. As you might suspect with three state institutions attempting to agree, it has to go to a lot of offices, and a lot of questions are asked, and a lot of concerns are raised. At this point, I think an agreement will be reached among the three institutions to provide expanded child care to the children of the faculty and staff of Ivy Tech and IPFW. The facilities are very nice. If you would like to go see them, I think Dean Ulmer or John Carnaghi could arrange that for you. It is just a matter of getting all of the signatures and making sure the insurance is in place. I don't know that there is going to be a major expansion in the number of slots available to our faculty, staff, and students, but it at least will accommodate those who are using the present child-care center. It will probably not be more expensive, it will probably not be less expensive. It will probably be competitive with the costs of commercially available child care. We hope it is going to be better, and we hope it is going to be more convenient.

J. Violette: One thing I would like to see is that the child care will extend between semesters when school is not in session.

E. Nicholson: I believe that is going to be the case.

J. Carnaghi: We are talking about maybe opening it from 6:30 in the morning to 8:30 at night, Monday through Saturday, and possibly extending it to Sunday if the demand is there. We are planning to be open 52 weeks a year. We will serve meals. If you don't want to take advantage of that service, the brown bag is still acceptable. The drop-in rate will be the same as it has been--\$1.50 an hour. You will be able to get full-time child-care service with meals or without meals. The state hospital does have doctors and nurses on staff. It will be a very fine operation once we get all the bugs worked out.

E. Nicholson: I want to emphasize it meets all state criteria for licensing child-care facilities, even though state agencies are not subject to those requirements. We meet all safety and fire codes as well. I think it is going to be a first-class center. We don't have all the signatures yet.

S. Hockemeyer: What are they going to do with the present property?

E. Nicholson: I don't know. I think they are going to return it to its original use, whatever that may be.

J. Ulmer: Half of it now is used as kind of a perch for people coming in, . . . e.g., students can use it for a couple of months for free until they can get housing in the community. So I think it is going to be returned to temporary housing.

F. Codispoti: You mentioned you are waiting for signatures, etc. I know that right now they are kind of half way in between one place and another, with

everything at the new place, with the people and the kids at the other place. I know they hoped to be moved in at the beginning of the semester. Do you have an estimate as to when these signatures will be completed and when they can move in?

E. Nicholson: I expect within two weeks, probably sooner.

J. Carnaghi: What slowed the process down was that Dr. Ackerman thought he could sign for his operation. Then he inquired at the state Attorney General's office about one aspect of the contract, and they said "Let us see it." And now it's gone to practically every agency in Indianapolis. That really got us into a bind. . . .

S. Hollander: Is there any kind of protection built in for current employees of our child-care center?

J. Carnaghi: The employees are being taken over there, yes. Expansion will come as the center grows.

6. Committee reports requiring action:

a. Budgetary Affairs Subcommittee (SD 85-11) - R. Barrett:

R. Barrett moved to approve SD 85-11 (Amendment to the Bylaws: Revision of change and membership--Budgetary Affairs Subcommittee). Seconded.

S. Hollander moved to amend SD 85-11 by deleting the word "biennial in section 5.3.541.2.1. Seconded.

Motion to amend passed on a voice vote.

R. Pippert moved to amend SD 85-11 by adding a section: 5.3.5.1.2.4 priorities for capital outlays. Seconded.

Motion failed on a show of hands.

S. Hollander moved to amend SD 85-11 by deleting from section 5.3.5.1.2.3 the words Undertaking of." Seconded.

Motion failed on a voice vote.

The motion to approve SD 85-11, as amended, passed on a voice vote.

b. Rules Committee (Senate Document SD 85-9) - S. Hollander:

S. Hollander moved to postpone indefinitely SD 85-9 (Contempt citation--Vice Chancellor for Academic Affairs). Seconded.

M. Lipman moved the previous question. Seconded.

Motion passed on a voice vote.

The motion to postpone indefinitely passed on a show of hands.

c. Educational Policy Committee (SD 85-10) - R. Barrett:

R. Barrett moved to approve SD 85-10 (Conflicts of financial interest in instructional situations). Seconded.

The meeting recessed at 1:17 p.m. until Monday, January 27, at noon.

Session II
(January 27)

Senate Members Present:

R. Barrett, G. Bell, D. Bialik, J. Bundschuh, C. Butler, J. Carnaghi, J. Chandler, J. Clausen, F. Codispoti, M. Crill, J. Davis, L. DeFonso, A. Dirkes, M. Downs, A. Finco, P. Flynn, A. Friedel, R. Hack, J. Haw, M. Hayden, S. Hockemeyer, S. Hollander, R. Kovara, J. Lantz, M. Lipman, C. Maile, D. Mauritzen, E. Nicholson, M. Nusbaumer, D. Oberstar, J. Outland, R. Otten, K. Perry, R. Ramsey, M. L. Richeson, J. Silver, J. Smulkstys, J. Sunderman, J. Violette, K. Wakley, D. Wartzok, J. Wilson, W. Worthley

Senate Members Absent:

S. Beering, J. Brennan, V. Coufoudakis, N. Fincher, H. Garcia, R. Hess, M. Kubik, D. McCants, J. Moore, J. Owen, G. Parsons, R. Pippert, J. Ryan, J. Ulmer, P. Zonakis

Parliamentarian: M. Mansfield

Faculty Member Present: L. Balthaser (assoc. fac.)

Visitors Present: J. Dahl, M. Dinnerstein, A. Montgomery, L. Price

Acta

E. Nicholson called the meeting to order at 12:03 p.m.

6. Committee reports requiring action:

c. Educational Policy Committee (SD 85-10) - R. Barrett:

20.

The motion to approve SD 85-10 was on the floor from the meeting of January

J. Haw moved to amend SD 85-10 by adding to 1.a., line 3, after the word specified, the words "by the instructor and approved." Seconded.

Motion passed on a voice vote.

A. Finco moved to amend SD 85-10 by substituting the word "Faculty" in 1.a. for the word Student." Seconded.

Motion failed on a show of hands.

J. Lantz moved to refer SD 85-10 back to the Educational Policy Committee for further study. Seconded.

M. Lipman moved the previous question. Seconded.

Motion passed on a voice vote.

J. Lantz' motion failed on a show of hands.

J. Silver moved to amend SD 85-10 by substituting the following text for the text contained in numbers 1 and 2.

In order to implement this policy, each department shall, when necessary, establish a mechanism to certify that one of the following conditions is satisfied before an instructor may use his or her own text in a class.

1. The text is nationally available for adoption through a recognized publisher of college level texts and the author will not profit beyond the usual and customary royalties for such a work.
2. The material is being furnished to the students at a price which represents only the cost of reproduction, distribution, and copyright fees to third parties.

In all cases, it will be the author's responsibility to initiate the certification process and to furnish the department with proof that the appropriate condition has been satisfied. Seconded.

A. Finco moved the previous question. Seconded.

Motion passed on a voice vote.

J. Silver's motion failed on a voice vote.

W. Worthley moved the previous question. Seconded.

Motion passed on a voice vote.

Motion to approve SD 85-10, as amended, passed on a show of hands.

M. Downs moved to amend the agenda and to move to item #10: the memorial resolution. Seconded.

Motion passed on a voice vote.

8. Memorial resolution: Carl E. Bickley:

The Senate accepted the attached resolution in memory of Carl E. Bickley (Senate Reference No. 85-7). Copies of the resolution will be sent to Professor Bickley's family.

9. Adjournment: The meeting was adjourned at 1:15 p.m.

Respectfully submitted,

Barbara Blauvelt
Secretary of the Faculty