

Minutes
Urbana-Champaign Senate Meeting
January 30, 2012

A regular meeting of the University of Illinois at Urbana-Champaign Senate was called to order at 3:20 pm on the 3rd floor of the Levis Faculty Center with Chancellor Phyllis Wise presiding and Professor Emeritus H. George Friedman, Jr. as Parliamentarian.

Chancellor Wise asked for a moment of silence for the family of Aaron Easter. Aaron was the son of Interim Vice-Chancellor for Research Robert Easter and his wife Cheryl.

Approval of Minutes

01/30/12-01 The minutes from December 5, 2011 were approved as written.

Senate Executive Committee Report

Senator Matthew Wheeler (ACES), Chair of the Senate Executive Committee (SEC) gave the following report.

Wheeler welcomed everyone back to the campus after winter break. He announced that there were several important issues on the agenda and encouraged everyone to stay for the entire meeting.

The Enrollment Management Task Force report was approved by the SEC after the full Senate discussed it on December 5, 2011. The final report was forwarded to the University Senates Conference (USC) for deliberation on this matter. The USC sent their report to the President on December 23. There is a resolution regarding enrollment management on the agenda for today.

Wheeler announced that the SEC would be making a donation in memory of Aaron Easter to the Gift of Hope, the organ donor network of Illinois. He offered his condolences to Bob and Cheryl Easter and their family during this difficult time.

Wheeler mentioned Don Chambers' Statement to the Board of Trustees that is on the agenda for endorsement, and expressed his hope that senators had come to the meeting prepared to vote on this agenda item. He also mentioned that he would have some revisions to the language in the supporting documents related to the SEC Statement on Ethical Leadership and Shared Governance.

He encouraged all senators to attend the Chancellor's reception that would be held immediately after the meeting.

Tellers for the meeting were Bill Williamson (LAS), Katherine Martensen (AP), and Shao Guo (DGS).

Chancellor's Remarks

Chancellor Phyllis Wise invited all senators to attend a reception immediately following the Senate meeting. The reception will end earlier than scheduled to accommodate those wanting to travel to Mahomet for Aaron Easter's visitation.

Last semester Wise held a listening and learning tour. One hundred days has not been enough time to hear and learn from everyone, and plans to continue meeting with. Wise learned a great deal about the depth and length of excellence at the University of Illinois at Urbana-Champaign. The area of diversity came out loud and clear as needing improvement.

At the end of last semester a retreat was held. Part of the retreat involved tying a ribbon around Stewarding Excellence which was a good exercise. Wise received reports from the major areas and looked at where the University saved money. The second half of the day was to plan the vision for future excellence and to know where we want the University to go in the future. She also mentioned looking at a 20-40 year plan. Sessions will be held next semester to discuss major areas that the University needs to invest in. Simultaneously there will be a Chancellor Seminar series. Douglas Beck will facilitate bringing in three people this semester and five in the fall for this seminar series.

There are a few leadership positions currently open. The Provost search and the Vice-Chancellor for Research (VCR) are underway. The VCR search committee has chosen twelve finalist of which will be narrowed to three. Also, Barbara R. O'Connor, the University of Illinois Chief of Police, will be retiring in March 2012.

Questions/Discussion

No questions were asked.

Old Business

Proposed Revisions to the *University Statutes*

01/30/12-02 SP.12.07* Proposed Revisions to the University Statutes, Article II, Section 2 – University Senates Conference (Campus Rotation of Leadership Positions).

William Maher, Chair of the Committee on University Statutes and Senate Procedures, noted that this was the second reading of this proposed change. Maher put forward the Senate Committee on University Statutes and Senate Procedures recommendation that the UIUC Senate vote to concur with the USC's September 21 statement to not support codifying this rotation in the Statutes.

Matthew Wheeler was asked as a member of the USC to provide additional back-ground information in regards to the current deviation from the traditional rotation of leadership positions in the USC. At the April 29 USC meeting, Professor Wheeler appointed the USC nominating committee of Leslie Struble, chair; Kathryn Eisenhart; and Michael Koronkowski. At the May 25 USC meeting, the nominating committee was not ready with their report. At the next USC meeting, on June 21, nominating committee brought forward nominees for the chair, and vice-chair, but the slate of nominees was referred back to the nominating committee for further review. The nominating committee came back to the full USC with the same nominees. On July 20, Donald Chambers (UIC) was elected Chair and Nicholas Burbules (UIUC) was elected as Vice-Chair.

Maher moved approval of the USSP's recommendation that the UIUC Senate vote to concur with the USC's September 21 statement to not support codifying this rotation in the Statutes.

01/30/12-03 By voice, the motion to concur with the USC's September 21 statement to not support codifying this rotation in the Statutes passed.

Proposals for Action

01/30/12-04 SP.12.08* Adjustment of numbers used in calculating size of Faculty Voting Units.

William Maher, Chair of the Committee on University Statutes and Senate Procedures, summarized the background and historical information given in the proposal. If the 1970 rules were used, it would only produce 169 faculty senators for the next academic year. Maher continued by noting how the senate in 1970 decided that 200 faculty was the best representation.

A voting unit having seven members of the faculty electorate is entitled to elect one senator from its membership. For each 12 members of the faculty electorate over the initial seven, the unit shall elect an additional senator. Prior to each election, the Senate shall retain or adjust the numbers 7 or 12 or both by whole numbers to ensure that after such election the total number of senators from the faculty electorate shall be as close to 200 as possible.

Maher moved to adjust the numbers 7 and 12 to 5 and 10 to yield a faculty electorate as close to 200 as possible.

01/30/12-05 By voice, the motion to adjust the numbers used in calculating the size of the Faculty voting Units from 7 and 12 to 5 and 10 passed.

01/30/12-06 CC.12.09* Nominations for Membership on Standing Committees of the Senate.

Senator Bettina Francis (LAS), Chair of the Committee on Committees, moved approval of the nominations on CC.12.09. There were no floor nominations and nominations were declared closed.

01/30/12-07 By voice vote, the slate of candidates on CC.12.09 were approved.

01/30/12-08 SC.12.09* Endorsement and Support of University Senates Conference Chair Donald Chambers' Statement on the Ethical Dimension of Leadership to the Board of Trustees on January 19, 2012.

Senator Matthew Wheeler (ACES), Chair of the SEC, moved to endorse Don Chambers' Statement.

01/30/12-09 By voice, the motion passed.

01/30/12-10 SC.12.10* Statement on Ethical Leadership and Shared Governance.

Senator Matthew Wheeler (ACES), Chair of the SEC, noted that in the spirit of fairness and accuracy there are some revisions needed to the statement's supporting documentation.

Wheeler noted that Ti-Fen Ting requested corrections on page 9 of the supporting documents of this statement. Wheeler suggested the following revision that SEC had approved prior to the meeting.

On Friday December 9,... The President had received a copy of the draft report that was improperly forwarded by Tih-Fen Ting, ~~even though the Conference had explicitly agreed that no drafts would be shared with others until the group was ready to issue~~

its final report. even though, the document was clearly marked draft and had not been discussed by the full conference and was not meant for distribution beyond the conference.

Wheeler also noted that Lisa Troyer sent him an email noting that there were some errors in the supporting documentation of this statement. The items she noted are as follows. In Appendix 7, the entire e-mail was not included and it was truncated. The entire e-mail can be found on page 61 of Appendix 5 of the Investigative Report of the University of Illinois Anonymous emails of December 12, 2011. Troyer also noted that this email was sent under her signature. She then stated, "I neither wrote nor sent the anonymous e-mails and will continue to assert this."

Wheeler moved approval of the revisions to the supporting documents.

01/30/12-11 By voice, the motion to approve revisions to the statement supporting documents was approved.

Senator Joyce Tolliver (LAS) read the following prepared statement during discussion of SC.12.10.

I'd like to provide some context for our discussion of Item SC.12.10, and to draw your attention to the important documentation provided in that statement. I speak now as an individual Senator, and not on behalf of SEC. I ask for your forbearance as I read this statement, which is longer than the standard two minutes.

The case of the fraudulent emails first came to light when a member of the University Senates Conference discovered that the messages sent by the pseudonymous "AboutUI-Integrity" were first composed on a Word application that appeared to be registered to Lisa Troyer, Dr. Hogan's Chief of Staff. He alerted his colleagues on the Senates Conference and informed them he had already contacted the university's IT Security office, who began their investigation almost immediately. When the university Ethics Office was later contacted, they began to work with IT staff to investigate the incident.

It was not until December 22—ten days after the incident—that the University engaged an outside firm, Jones-Day, to do its own forensic analysis. As the Report specifies, Jones-Day in turn engaged a second firm, Duff & Phelps. They issued a joint report on January 13, 2012.

Dr. Hogan and his spokespeople have said that the Investigative Report clears him of any involvement in this incident. That's not true. The Investigative Report in fact shows that he *was* involved, in a wider sense, in a pattern of what SEC calls "surveillance and intrusion into legitimate faculty governance deliberations," of which the production of the anonymous emails was simply one manifestation. This wider pattern of activity posed a direct assault on the independence and integrity of shared governance at this university. The IR documents a peculiar three-sided relationship among Dr. Hogan, Dr. Troyer, and Dr. Tih-Fen Ting, the UI-Springfield representative on the University Senates Conference who was leaking information to them.¹

At last week's meeting of the Senate Executive Committee, Dr. Hogan was asked to respond to the observation that receiving confidential documents was just as unethical as the action of leaking them. His response was that it didn't matter because 1) the draft

forwarded to him was subject to the Freedom of Information Act and therefore “not secret;” and 2) he never acted on that information. Neither of these statements is true.

First, the Illinois Freedom of Information Act protects draft documents from public distribution. ⁱⁱ The USC report that Dr. Hogan received was clearly marked as a draft and was not intended for distribution beyond the group charged with approving it.

Second, he did act on the leaked information that he received, in at least two instances. Upon receiving the leaked Senates Conference draft, on December 9, he called Senates Conference Chair Don Chambers, and in terms that Prof. Chambers describes as “irate,” attempted to pressure him to change the recommendations. This was a clear effort to direct and intimidate the Senates Conference leadership, in a phone call that the President then tried to keep confidential.

This effort was echoed in the email message that Dr. Hogan drafted for Chairman Kennedy to send, stating that it would be unfortunate if Senates Conference were to find itself in disaccord with the Board.

As the Investigative Report documents, Dr. Hogan also forwarded at least one leaked email that we know of to Chairman of the Board of Trustees Chris Kennedy, stating that he had received it “anonymously.” In that message, he represented our campus Senate report on enrollment management as “nearly completely oppositional.” As all of you who have read and supported the UIUC report know, that’s not true.

In introducing the leaked email to Chairman Kennedy, Dr. Hogan also told the Chairman that the Senates Conference draft response was being produced under “pressure” from the Urbana contingent “with the aim of forcing a confrontation.” That is emphatically not true. And not only is it not true, it is a misrepresentation of the intentions and accomplishments of Michael Biehl, who chaired the Urbana senate task force, and of the other members of the Urbana Senate and Senates Conference task forces, who were actively trying to *avoid* an unnecessary confrontation by adopting a conciliatory stance on most of the enrollment management recommendations.

In that same message, Dr. Hogan also suggested to Chairman Kennedy that the three Senates were hopelessly divided over the issue, and that the Senates Conference’s statutory role, under such circumstances, was simply to report those differences. Again, neither of these is true.

First, the Statutes specify that the role of the Senates Conference is to “promote agreement and consistency” among the Senates. ⁱⁱⁱ

Second, in the end the Conference did successfully produce a consensus report. If the Conference was hopelessly divided, as Dr. Hogan reported to Chairman Kennedy, it is difficult to explain the fact that its consensus report was approved by an overwhelming 13-2 vote.

The anonymous emails that triggered the investigation emphasized many of the same themes that Dr. Hogan expressed in his communications to Chairman Kennedy. The email messages from “About UI-integrity” were clearly trying to divide the campus senates from each other in order to impede them from cooperating on a consensus report. Dr. Hogan may not have been *directly* involved in the composition of those two email messages. But as the SEC statement documents in detail, he *was* involved in repeated efforts to divide and interfere with the deliberations of faculty governance in order to

block a report that was unfavorable to some of his enrollment management proposals; a strategy of which the anonymous emails were simply one part.

Most of you have heard about the President's "apology" for this matter. But an attentive reading of that statement shows that it is not an apology at all. He says that he is "sorry," and regrets the incident – but he nowhere admits any personal responsibility or blame for what happened. As one senator said in the SEC meeting last week, where this statement was first delivered, it's like saying you are "sorry" that it is raining.

He says in his statement that he is "responsible," but at no point does he suggest that he is responsible, in any way, for the actions outlined in the Investigative Report. Instead, he says he is responsible for "articulating high standards" and "acting swiftly when they are violated." Rather than admit any misjudgments or wrongdoing, he turns this "apology" into yet another assertion that he is the ethical guardian for the institution.

He does not explain how an ethical guardian can oversee an investigation when his own actions are implicated in it.

He says that he "commissioned an internal review" of the matter. That is misleading. In fact, the original investigation was triggered by faculty interventions.

Dr. Hogan says that he "decided to hire two external firms." ^{iv} But because the university ethics officer, IT security staff, and university legal counsel all report to him, this decision to hire independent investigators was absolutely necessary – and it shows the problems of such a centralized system when the President's own actions fall under a cloud of ethical suspicion.

Finally, he says that his job is articulating and holding "the highest ethical standards." Yet in last Monday's comments to the SEC he defended the actions of Dr. Ting in leaking the materials in the first place. In view of the fact that just last Friday her own campus Senate found her actions "unprofessional and unethical," calling for her resignation as Senate chair, it raises the question of whether Dr. Hogan's ethical bar is set too low when it comes to people who have been working to help him.

In the aspect of this scandal that has sparked perhaps the greatest outrage, Dr. Hogan announced, at the time of her resignation, that his former Chief of Staff would be taking up a tenured faculty position on our campus—without having consulted the Provost. Later, he told reporters that he "calls" Dr. Troyer "from time to time to check up on her," since she is an old friend. ^v The fact that he sees no conflict of interest in pursuing a faculty position for the one person whose silence protects him from any further disclosures suggests an ethical standard far below what common sense would dictate. The very fact that she *is* a "good friend" reinforces this concern.

In summary, the SEC statement we are voting on today documents Dr. Hogan's involvement in pressuring the Senates Conference, in making repeated false or misleading statements, in receiving and acting upon information leaked from internal Conference deliberations, and seeking over and over again to prevent it from issuing a report in any way critical of his enrollment management proposals. He has also issued a supposed "apology" that in fact takes no responsibility for any of these events, and he has led the effort to secure a campus position for his disgraced Chief of Staff. All of these actions fall far short of our ideal of ethical leadership, and violate both the spirit and the letter of shared governance.

NOTES

ⁱ The authors of the Investigative Report conclude that Dr. Troyer "was keenly interested in, and motivated to, advance the President's and Board's agenda with respect to the enrollment management proposal, as a key member of the University's leadership team and someone deeply loyal to Hogan" (28).

ⁱⁱ <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=85&ChapterID=2>
Section 7.1.f:

ⁱⁱⁱ *Statutes*, Article II, Section 2b: "If two or more senates have acted differently on a subject, the conference shall attempt to promote agreement or consistency. "

^{iv} "This appears to be an incident where somebody acted alone," Hardy said. "He was quick to tell Dr. Troyer that she should notify the appropriate parties to look into what she suspected was a hacking. He was quick to support the engagement of external independent counsel to conduct a very thorough inquiry."

<http://www.news-gazette.com/news/education/2012-01-14/report-troyer-acted-alone-anonymous-emails.html>

^v "Asked if he has talked to Troyer since the investigation, Hogan said, 'I call her from time to time to check up on her. ... I've been a good friend of hers for many years.'"

<http://www.news-gazette.com/news/education/2012-01-20/faculty-blasts-ui-leaders-over-anonymous-emails.html>

Tolliver's statement was followed by a lengthy round of applause.

Faculty Senator Michael Biehl (VMED) read a prepared statement as the Enrollment Management Task Force chair. He referred to a specific personal email that he had sent. It was alleged by Hogan and Troyer that UIUC was trying to force UIC and UIS consensus. These allegations are a gross misrepresentation of facts. On December 8 they met to put a report together. That morning they were informed that they had 12 hours to finish the USC report. The only way they anticipated achieving this tight deadline was to use the UIUC report as a template.

Faculty Senator Tamara Chaplin (LAS) from the Department of History read a prepared statement on behalf of History Professor John Randolph.

Dear colleagues in the Senate,

Like many, I have been following the anonymous e-mail scandal with a mixture of nausea and anger and nonetheless little bit of pride, that among other things many of my good friends on the faculty have been doing their best to get this out into the open and set things right. Thanks so much for being part of the senate in this crazy time!

There's a lot to do here, obviously. And the more I've thought about it, the less I personally have wanted to see some sort of Kangaroo court for Dr. Troyer. But I read today in the News Gazette that she's been given an appointment letter in the Psych Department; and that apparently she's just being transitioned there quietly, without nay publicly described (if not detailed) process at all.

I think this cannot happen this way. I think campus authorities have to take a stand describing how the ethical issues surrounding her departure from the Chief of Staff issue are being investigated. I think this is extremely important, because otherwise the whole institution of tenure will be seen as just a cynical sinecure. I have no idea if she deserves

to be fired. But there has to be some process, even if it's confidential, that can be described to the public. Right now, we have a story that on its face makes no sense; either she is lying, in saying that she didn't send the e-mails (which, more even than the e-mails themselves, has to be a case for firing); or there is some unresolved mystery here. This can't just stop now, with her getting paid an enviable salary for dubious scholarship on innovative problem solving.

The conflicts of interest in assuming the President will initiate further investigation must be patently obvious, even to him. So I would assume Chancellor Wise would be the one to describe publicly how this will be handled. I feel the Senate must press on this issue; again, not to create some instantaneous verdict or Kangaroo court, but just to make sure that people know how the glaring ethical issues here are being resolved, or at least they are being somehow addressed. "We do not comment on personnel issues" will not be good enough here; the public deserves at least a description of process.

I write to you as our representative in the Senate, in the hopes that this issue will be brought to full attention, alongside the three (!) other resolutions stemming from this scandal that I see are on the docket.

I feel strongly about it, not just because of the violation in and of itself, but the real threat I see to the institution of tenure, which sustains academic fields. How can we argue for tenure with a straight face, when ethical violations seem so cavalierly handled?

I thank you very much for your attention. I hope you have a great day!

John

The reading of Randolph's letter was followed by round of applause.

Wise responded to the letter by noting that there is a process in the *University Statutes*, that there are sanctions, but before that process can be started, one must be a member of the faculty with more than a 0% time appointment. Troyer has not signed the offer letter of appointment at this time. A deadline of January 27 was given, but she has requested an extension.

Wheeler moved approval of the revised statement.

01/30/12-12 By voice, the motion to approve the revised statement passed.

01/30/12-13 RS.12.01* Resolution on Senate Agendas.

Faculty Senator Peter Loeb (LAS) reminded the Senate that in November there were two reports that came to the Senate that would affect retirement.

Loeb noted that the Senate wanted to act as a whole, but were told we could not act. Prior notice of such action was not made so action could not be taken. Many Senators left and a quorum was not present. Loeb proposed to give notice on all agendas that items submitted as items of information may be subject to a vote.

Faculty Senator George Francis (LAS) gave understanding to Loeb's resolution, but urged the Senate not to follow this example. Faculty Senator Mary Mallory (LIBR) added that the Illinois Open Meetings Act notes that new items of business not on the agenda can

be discussed, but that action cannot be taken on them. She felt this resolution would be breaking the law. Nikita Borisov – this is the most people I've seen at a senate meeting and I think that it's important to give notice to that. Al Kagan – a Q&A is not a legal document. Various lawyers will give different answers. I support this resolution. Loeb – let people know that these items might be subject.

Faculty Senator Michael Biehl (VMED) felt this resolution leaves open a door for voting on or passing items from emotions that arise rather than leaving time for emotions to settle. He noted that this might open the door for the Senate voting on items it might regret later.

Faculty Senator Francis noted that as Senators, they do not vote their own ideas, but have constituents that they might need to discuss these items with prior to voting.

Faculty Senator Mark Roszkowski (BUS) noted that this involves interpretations into the Illinois Open Meetings Act and the law. He moved to refer this to the University Statutes and Senate Procedures (USSP) committee.

01/30/12-14 By voice, the resolution was referred to USSP.

01/30/12-15 RS.12.02* Resolution on Enrollment Management, Diversity, and Shared Governance.

Faculty Senator Kathryn Oberdeck (LAS) presented the Resolution on Enrollment Management, Diversity, and Shared Governance. She and the others that had signed the resolution thought it was important to point a way forward. Nothing in the external enrollment management report addresses faculty retention and recruitment, or racial climate. She then invited discussion and moved adoption of this resolution.

Faculty Senator Mark Roszkowski announced his endorsement of the proposal. He continued by noting that the Enrollment Management Task Force report recommended reviewing the current state of enrollment management. He felt this should be done regardless of President Hogan's plan. A lot of enrollment management deals with jiggering with numbers so an institution looks better in the US World News and Report rankings. None of this has to do with education, but rather making our ranking in US World News and Report look better. The University needs to better understand what enrollment management really entails. Roszkowski felt that the faculty should have a more active role in enrollment management. He believes that the centralization should not go forward until an internal review is completed.

Chancellor Wise noted that it should be about attracting the very best students based on diversity and other important criteria, not just on numbers from SAT and ACT scores. Wise invited Interim Provost Richard Wheeler to speak. Wheeler commented that enrollment management can be a difficult term. The goal is to put together a really good freshman class. Diversity numbers are down and we are now pouring a lot more money into raising diversity numbers. The University has the best retention and graduation rate across the country. There are always things we can do better and many things that need to be review.

Faculty Senator Leanne Howe announced her support of this resolution. The University has near zero numbers of American Indians and she felt the University could do much better.

01/30/12-16 By voice, the motion to adopt the Resolution on Enrollment Management, Diversity, and Shared Governance passed.

Proposed Revisions to the *Bylaws* and *Standing Rules*

01/30/12-17 SP.11.12* Revisions to the *Bylaws* and *Standing Rules* Regarding Illinois Open Meetings Act compliance.

William Maher, as Chair of the Committee on University Statutes and Senate Procedures, and the USSP committee were charged with reviewing the governing documents to comply with the Illinois Open Meetings Act. This proposal addresses the changes needed in the governing documents to be in compliance with the Illinois Open Meetings Act.

Maher moved approval of the revisions to the *Bylaws*.

01/30/12-18 By voice, the motion to revise the *Bylaws* passed.

Maher moved approval of the revisions to the *Standing Rules*.

01/30/12-19 By voice, the motion to revise the *Standing Rules* passed.

Reports for Information

01/30/12-20 HE.12.04* FAC/IBHE Report – December 9, 2011

01/30/12-21 UC.12.03* USC Report – November 17, 2011

01/30/12-22 UC.12.04* USC Report – January 13, 2012 – It was noted that NE should be corrected to Nebraska, not Northwestern.

01/30/12-23 SC.12.11* BOT Observer Report – December 2, 2011

01/30/12-24 SC.12.12* BOT Observer Report – January 19, 2012

New Business

No new business was discussed.

Adjournment

The meeting adjourned at 4:53 pm.

Jenny Roether, Senate Clerk

*Filed with the Senate Clerk and incorporated by reference in these minutes.