

Northwestern University
Minutes of the Faculty Senate Meeting
Pancoe Auditorium - Evanston, Wieboldt Hall 421 - Chicago
May 4, 2016

The meeting of the Faculty Senate of May 4, 2016 took place on the Evanston Campus in Pancoe Auditorium with videoconferencing to the Chicago Campus in Wieboldt Hall 421. A number of Senators participated remotely. President Edward FX Hughes called the meeting to order at 5:05 PM. There were 63 of 88 members in attendance, with 45 attendees in Evanston, 6 in Chicago, and 12 participating off-site. The quorum of fifty-one percent was met. Also in attendance on the Evanston Campus were Professor Roger Boye, three guest speakers, Daily Northwestern reporter Kelli Nguyen, and several Faculty visitors.

1. Welcome, Greetings, and Introductions:

President Ed Hughes welcomed everyone and made opening remarks. He introduced the three invited guest speakers as Bill Osborn, Chairman of the Northwestern University Board of Trustees, Pamela Beemer, Vice President of Human Resources, and Sean Reynolds, Vice President and Chief Information Officer. Beemer and Reynolds were asked to speak on recent developments concerning a social security breach affecting many Faculty, Staff, and Students. Furthermore, President Hughes introduced Medill Professor Roger Boye and announced that he would be serving as the Parliamentarian for the meeting.

New Senate attendee Professor Inigo Manglano-Ovalle from the Art Theory and Practice Department introduced himself, as did Daily Northwestern reporter Kelli Nguyen; guests, Jorge Coronado, Professor of Spanish and Portuguese; Jackie Stevens, Professor of Political Science and Legal Studies and Director of the Deportation Research Clinic at the Buffett Institute; and Nasrin Qader, Chair of the French and Italian Department. Two additional guest Faculty were in attendance but did not introduce themselves.

2. Annual Session with Mr. Osborn:

In his introduction, President Ed Hughes quoted from the Faculty Senate Bylaws, *Article I: Authorization, Section 1: Functions*, stating that it relates nicely to the purpose which brings Bill Osborn, Northwestern Board of Trustees Chairman, to speak to the Senate. The Bylaws state: "*The Faculty Senate shall consider, make recommendations, and pass resolutions concerning matters of general university interests, including all educational and research endeavors, hiring policy, the tenure and promotion system, and campus life. It is the elected and representative body of the faculty...*"

President Hughes explained that Bill Osborn comes to the Faculty Senate every year to discuss and share with members of the Senate matters of general University interests. He introduced Chairman Osborn as a graduate of Northwestern University at the undergraduate level who holds an MBA from the Kellogg School of Management and is retired Chairman and CEO of Northern Trust.

Chairman Bill Osborn thanked the Senate for inviting him to speak and for allowing him to listen to issues that are on the minds of Faculty. Further, he thanked everyone for their support of Northwestern University and their efforts in continuing to improve the University through teaching and research efforts globally. He opened the discussion with a brief update on NUQ and then offered the Board's view on the evolution of the University efforts being made to move towards excellence. Chairman Osborn gave updates on numerous University initiatives, successes, and challenges including several joint ventures between Northwestern and both the cities of Evanston and Chicago; Northwestern as a growing research enterprise in terms of higher rankings and physical expansion; the extraordinary and increasingly more diverse student population; dorm room expansion; the fund raising campaign; challenges around diversity, inclusion, and student demands; and Faculty recruitment.

Chairman Osborn specifically addressed two recent incidents, the setback in finding a Buffett Institute Leader and the Task Force looking at student experience endorsing a calendar change, by stating that, upon further reflection, perhaps these issues should have been socialized a little bit more with the Faculty and with the students before being brought by the Administration to the Board for a final decision. He emphasized that the Global Strategy Task Force is looking to socialize issues with Faculty and will be reaching out to them before the determination is made for what direction NU will take.

Senators engaged Chairman Osborn in a robust open dialogue, asking questions and making remarks. President Hughes also presented prepared questions.

3. Review and Approval of Minutes of March 2, 2016 meeting and April 6, 2016 Meeting:

Prior to the approval of the minutes, President Ed Hughes remarked as follows, *"The Senate has made enormous strides in the past year and achieved a number of very important accomplishments...The leadership of the Faculty Senate stands by these achievements. If in the process of achieving them there were any deviations from the rules or any mistakes, I apologize and I take total and complete responsibility for them...the Senate will continue to move forward in addressing issues that are important matters bearing the general University interest as we go forward. The current Agenda and the Minutes were sent out five days in advance. They will be sent out five days in advance heretofore. Further, we have today a Parliamentarian who is not a member of the Senate and that tradition will continue as we move forward also."*

A quorum was established preceding the vote. Motion to approve the minutes of the March 2, 2016 Faculty Senate meeting carried.

A motion was made to move the consideration and the acceptance of the minutes of the April 6, 2016 meeting to the next Senate meeting in order to have time for consideration of the minutes and to potentially

correct any discrepancies in the record. The motion to defer the approval of the minutes to the June meeting failed.

Motion to approve the minutes of the April 6, 2016 Faculty Senate meeting carried unanimously.

4. The "Letter to the Senate" previously circulated April 20th, 2016:

In the interest of time and in order to avoid duplication of discussion, Senator Michal Ginsburg, Author of the "Letter to the Senate," asked that the discussion move to the next item on the Agenda which addresses similar issues. There were no objections to the request.

5. Consideration of Motion to declare invalid the vote in support of appointment of Ambassador Eikenberry:

Prior to the formal introduction of her motion to declare invalid the vote in support of appointment of Ambassador Eikenberry, Barbara Newman struck from the original motion the following two items:

- *Entertaining a belated motion from the Executive Committee, which is not empowered to make one*
- *Entertaining a motion not within the Senate's purview, namely confirmation of an appointment already made by the Central Administration*

Senator Barbara Newman then introduced the following motion:

In view of the numerous violations of due process at the Senate meeting of 6 April 2016, we move that the vote in support of the appointment of Ambassador Eikenberry be declared invalid. These infractions include:

1. *Sending out the agenda and documents for the meeting only two hours beforehand, rather than five days as mandated by Senate by-laws (Art. IV, sec. 2)*
2. *Failing to ask for a waiver of this rule that would have enabled discussion to proceed (Art. VII, sec. 2)*
3. *Failing to notify the Senate of a crucial piece of information, namely that Ambassador Eikenberry had already stated his intention to withdraw*
4. *Conducting a lengthy discussion with no motion on the floor, in violation of Robert's Rules of Order (Art. IV, sec. 3)*
5. *Failing to ensure that both proponents and opponents had equal opportunity to present their views, i.e. by asking one but not both sides to submit documents in advance*
6. *Entertaining a motion to cut off debate, even though it interrupted the speech of an invited guest at the meeting*
7. *Failing to ascertain the presence of a quorum before tallying the vote (Art. IV, sec. 4)*

A lengthy and robust discussion took place.

Senators who opposed the motion made the following points:

Addressing points 1 and 2 of the motion:

- *Confirmed procedural mistake made in not sending the agenda five days prior to the meeting and other rule violations were acknowledged. Violations and mistakes will not occur moving forward.*

- *Procedural deviation of not distributing the documents five days in advance was deliberate and unavoidable as many of the documents did not exist until the day before and/or the day of the Senate's meeting. The circumstances which brought about this deviation were in reaction to the discovery by the Executive Committee over the weekend that the ASG Senate was to vote on an anti-Eikenberry motion at their next meeting immediately following our Senate meeting and there were concerns that students were misinformed that Faculty opposed the Eikenberry appointment. It was necessary to act quickly so as to not miss that window of opportunity to send a message to students that across the University there was a lot of Faculty support for the appointment of Eikenberry.*

Addressing point 3 of the motion:

- *There was no foreknowledge that Ambassador Eikenberry would withdraw. Eikenberry did not notify the University of his intent to withdraw until Wednesday morning, April 13th, in a call to Provost Linzer, a full week after the Faculty Senate meeting vote.*

Addressing point 5 of the motion:

- *Both proponents and opponents had equal opportunity to present their views and documentation. The topic was placed on the March 2, 2016 Faculty Senate meeting agenda. Those opposed to the Eikenberry appointment presented information as did Provost Linzer and other Administrators. At the April 6, 2016 Senate meeting, Professors Jackie Stevens and Jorge Coronado were once again invited to present additional information and did so.*

Addressing point 6 of the motion:

- *Acknowledgement that there was an inappropriate interruption on the floor after guests began presenting repeat information that had already been heard at the March 2, 2016 Senate meeting. The Senate had to move on to the serious business listed on the Agenda that needed to be addressed. After the interruption occurred, a motion was made to end debate and a vote was taken, which passed, therein ending the debate. The motion to close debate passed by greater than a two thirds margin.*

Addressing point 7 of the motion:

- *A quorum was verified prior to the vote, as is done prior to every vote taken. It is the job of the Senate Administrative Coordinator to alert the Senate in the event that there is not.*

Other points made:

- *Nullifying a vote is serious and should only be done under certain conditions if something went terribly wrong. Some mistakes were made, but not serious enough to nullify the vote.*
- *Standard version of Robert's Rules state that those voting count, not those present.*
- *All Senators are equally responsible for paying attention to whether there is a quorum or not. If a Senator doubts there is a quorum before a vote, it is his/her responsibility to stop the vote from taking place.*
- *The Senate had one month to consider the matter. Facts were presented at the March meeting with careful presentations from both the Administration, Jackie Stevens, Jorge Coronado, and others. It is the Senator's job to do their due diligence when these matters are presented.*
- *The Senate was not endorsing something that was done by the Administration, but rather reflecting concern brought to it. After hearing both sides and doing additional research, the Senate leadership crafted a position that was presented to the Senate and approved.*

Senators who were in favor of the motion made the following points:

Addressing points 1 and 2 of the motion:

- *A standing rule about sending the agenda and documents five days in advance was violated. Acknowledgement of this infraction should have been made at the meeting and a vote should have been taken to allow or disallow discussion.*
- *The vote was rushed. Senators were not given ample time to make an informed decision.*

- *By not allowing more time for the Senate to consider the matter, the Senate leadership did not operate in good faith.*

Addressing point 5 of the motion:

- *Stating that proponents and opponents had equal opportunity to present is a poor defense. It was estimated that at the April meeting 45 minutes was spent reading documents that were all one-sided. One document that represented opposing views was not read even though President Hughes mentioned that it would be read. There was no attempt prior to the meeting to collect materials from the opposing side.*
- *At the March meeting there was very little debate and having the Administration present stifled discussion even further. At the April meeting, one side was given full exposure, both on writing and in speaking, and the opposing side got practically none.*

Addressing point 6 of the motion:

- *The Senate is a body that is governed by rules. No one should be allowed to shout as they please and when they please. There should be a motion on the floor. Senate Leadership should not have allowed this to take place.*

Addressing point 7 of the motion:

- *The issue was not whether there was a quorum or not. The issue was that there was no attempt made publicly to verify a quorum prior to the vote taking place.*

Other points made:

- *A vote on such a matter should not have taken place in the first place since this was not a Faculty matter but rather an Administrative issue.*
- *There was still a question of whether or not the motion passed by a two thirds vote since there were people who chose not to vote.*
- *The rules matter and they were violated.*
- *The importance of due process was strongly articulated. It is impossible to conduct business without proper procedures.*
- *Procedural mistakes were mentioned repeatedly.*
- *It was wrong to invite the Provost to the debate. It prevented Senators from speaking freely.*
- *Concern was expressed that the April minutes state that the Senate leadership was contacted by Provost Linzer on the matter. Was the Administration the driver for this matter?*
- *One violation is enough to invalidate the vote.*

At the conclusion of the debate and prior to a vote, the quorum was established. The Motion to declare invalid the vote in support of appointment of Ambassador Eikenberry failed.

6. Request to for Agenda Changes:

President Ed Hughes introduced a motion to change the order of the Agenda to allow for critical new business to be presented. He also asked that the meeting time be extended to 7:00pm to allow for regular Senate business to be discussed.

Past President Babette Sanders requested that items such as the Handbook revisions and Senate Bylaw changes be given a first notice today and the Senate body recognize that the proposed changes were distributed physically as part of the meeting materials and also electronically. Further, she requested

Senators to accept and consider the distributed proposed changes as a first read, which would enable the Senate body to vote on them at the June 8, 2016 Senate meeting.

Motion to consider the inclusion of the changes in the meeting materials as a first read of the Bylaw changes for the Senate, the Faculty Handbook changes, and the Guidelines for Handling Appeals Made to University Faculty Appeals Panel to be voted on at the June 8, 2016 meeting, carried unanimously.

Motion to change the order of the Agenda to allow invited guest speakers to present critical information on the recent Social Security theft affecting the Faculty and the Northwestern community, carried unanimously.

7. New Business: Identity Theft, Social Security Data Breach Affecting Northwestern Faculty, Staff and Students

Pamela Beemer, Vice President of Human Resources, and Sean Reynolds, Vice President and Chief Information Officer, talked about the recent developments concerning a social security breach affecting many Faculty, Staff, and Students. Pamela Beemer apologized that this issue has created this level of uncertainty and concern for the Northwestern community.

Sean Reynolds explained that the issue came to surface after approximately 100 NU employees self-reported that when they filed their income tax return it had already been filed. Tax fraud involving Northwestern Faculty and Staff has happened in the past but increased this year, which prompted NU to investigate the matter further. He reported that the investigations revealed that the breach does not appear to have come from Northwestern University and he proceeded to give a more detailed explanation about the process by which the breach occurred. He emphasized that it is not believed that NU released social security numbers or that Equifax, a partner in the distribution of W2 forms, released this information either. Reynolds confirmed that suspicious activity has been identified around 300 individual W-2 accounts and NU has been in communication with them.

Senators asked many questions and raised various concerns ranging from trust issues with Equifax and the NU systems and processes, timely communication with those who have been violated, and rethinking of policies and procedures that use social security numbers as a required identifier.

One Senator asked how one can find out if their information has been compromised. Sean Reynolds instructed Senators to send him or Pamela Beemer an email directly with the subject "Can you please look up my social and see if there is suspicious activity on my account."

Sean Reynolds stated that as a next step, everyone who received a W-2 form from Northwestern in 2015 will be offered free credit monitoring and identity theft protection for a year. Pamela Beemer further explained that this year a priority will be looking into strengthening procedures, offering the credit

monitoring and identify theft protection services on an ongoing basis as a benefit, and offering workshops to teach individuals how to protect themselves against identity theft. A series of University email communications will go out to the NU community that will explain the situation, give information, and offer next steps.

8. The Ongoing Work of the Senate:

President Ed Hughes stated that Michele McDonough, Chair of the Educational Affairs Committee, and her committee are working to analyze all of the reports on the Task Force on Undergraduate Academic Experience received to date. The Educational Affairs Committee will generate a report of the findings that will be presented at the June 8th Senate meeting.

9. Succession Planning:

President Ed Hughes reminded Senators whose term of service is ending to reach out to their Department Chair to request that an election be held for a new Senator. Vice President Laurie Zoloth is reaching out to Deans and Department Chairs to make sure the elections take place this Spring.

10. Upcoming Meetings:

President Ed Hughes reminded the Executive Committee members about the Summit Meeting taking place on Friday, May 13, 10:00-11:30am, and the Executive meeting scheduled for Thursday, May 19, 4:30-6:30pm. He reminded Senators about the final Faculty Senate meeting of the academic year scheduled for June 8th from 4:45pm (2nd Wed. of the month) as well as the Spring Assembly scheduled for Tuesday, June 7, 4:00-5:30 pm, Swift Hall 107 and Wieboldt Hall 421.

11. Concluding Remarks:

President Ed Hughes gave a special thanks to Professor Roger Boye for serving as Parliamentarian of the meeting.

12. Adjournment:

There being no further business the meeting was adjourned at 7:15PM.

Respectfully submitted,
Diana Snyder
Administrative Coordinator