

FACULTY COUNCIL
Tuesday, January 20, 2009
3:30 – 5:15 pm
Penn State Room, 337 IMU

MINUTES

Councilors Present: M. Cohen, J. Cox, D. Hammond, B. Justman, L. Richman, R. Valentine, J. Woodhead.

Officers Present: D. Drake, M. O’Hara, V. Sharp, S. Stromquist.

Councilors Excused: D. D’Alessandro, T. Mangum, P. Mobily, A. Morris, G. Russell, K. Tachau.

Councilors Absent: J. Reist, L. Robertson, J. Tomkovicz, R. Williams.

Guests: E. Altmaier (Psychological and Quantitative Foundations/Faculty Athletics Representative), C. Drum (University Relations), B. Ingram (Office of the Provost), S. Johnson (Office of the Provost), D. Kieft (Office of the President), B. Morelli (Iowa City *Press-Citizen*), L. Zaper (Faculty Senate)

- I. Call to Order – President O’Hara called the meeting to order at 3:32 pm.
- II. Approvals
 - A. Meeting Agenda – President O’Hara explained that because of technical difficulties a scheduled presentation by Cynthia Joyce, Office of the Ombudsperson, on the new conflict management website would be removed from the agenda. The Council decided that Ms. Joyce’s presentation could still be made as scheduled to the Faculty Senate on February 17, without a separate showing to the Council. Professor Cohen moved and Professor Richman seconded that the agenda be approved as amended. The motion was unanimously approved.
 - B. Faculty Council Minutes (November 18, 2008) – Professor Justman moved and Vice President Drake seconded that the minutes be approved. The motion was unanimously approved.
 - C. Draft Faculty Senate Agenda (February 17, 2009) – Professor Cohen moved and Professor Hammond seconded that the draft Senate agenda be approved. The motion was unanimously approved.
 - D. Committee Replacements (David Drake)
 - Alan MacVey (Theatre Arts) to replace Jonathan Wilcox (English) on the Faculty Senate for the spring 2009 semester

- Carin Green (Classics) to fill the unexpired term of Douglas Baynton (History) on the Research Council, 2008-11

Professor Justman moved and Professor Hammond seconded that the replacements be approved. The motion was unanimously approved.

E. Faculty Senate Elections Vacancy Tally (David Drake) – Professor Cohen moved and Professor Richman seconded that the vacancy tally be approved. The motion was unanimously approved.

F. Jean Jew (Anatomy & Cell Biology), new COIA representative (Mike O’Hara) – Professor Richman moved and Professor Hammond seconded that the appointment be approved. The motion was unanimously approved.

III. New Business

- *Update from the Faculty Athletics Representative to the Big Ten Conference and the NCAA (Betsy Altmaier, Psychological and Quantitative Foundations)*

Professor Altmaier stated that the Faculty Athletics Representative visits the Faculty Council each year to report on new developments and answer questions. She updated the Council on a recent national issue involving commercialism in the NCAA. Student athlete name, likeness, and image have now been opened up to greater usage. Previous NCAA legislation on this issue had been written during the era when companies had only one logo. It was permissible for this logo to be displayed on items like schedule cards, etc., of athletic teams. Now, however, there are many different promotional “platforms.” For example, you can download game footage onto your cell phone, you can vote for “play of the week,” and you can interact with a variety of platforms such as fantasy football or video games. On the positive side, this new NCAA legislation attempts to address the various platforms, but on the negative side, it opens up a student name, likeness, or image to commercialization in a way that was previously prohibited. The NCAA will form a committee to determine if student athletes are being exploited.

President O’Hara asked for further clarification. Professor Altmaier gave the example of the University forming an institutional partnership with Coke, resulting in a commercial showing a specific Iowa football player running down the field with the camera then panning to a shot of spectators drinking Coke products. A voiceover would say “Running for the end zone with your new Coke Zero.” This would be permissible as long as there was some type of statement in the commercial indicating “Coca-Cola – a proud sponsor of Hawkeye athletics.” Technically, the student athlete and the athletics director will need to give consent for this type of usage of the athlete’s name, image, or likeness. The Student Athlete Advisory Council has recommended that the student athlete be able to consent to each different usage. There cannot be a direct endorsement of a product by a student athlete, however. There do not appear to be any measures preventing coaches or athletic directors from pressuring student athletes to participate in these commercial endeavors. The Big Ten has some regulations on advertising associated with alcohol. The NCAA has a set of standards regarding “visible sponsorship” (advertising during a single broadcast), but there is also “invisible sponsorship.” For example, during a televised game when the camera pans to the spectators, these are scripted, not random, shots. A commercial sponsor can purchase exposure during these stadium shots. Secretary Stromquist asked if there are data on tutoring services provided to athletes. He has anecdotal evidence that Iowa underpays tutors compared to our peer

institutions. The tutors also do not have access to free parking or a central place to congregate. The athletes are not well served if the tutors are not well served. These are issues that could be of concern to faculty. Professor Altmaier encouraged the Council to approach Fred Mims, Associate Director of Athletics, with any concerns about tutors. President O'Hara recognized Professor Altmaier for her fine work as Faculty Athletics Representative. Her term will expire in 2011.

- *Parental Leave Proposal (Martha Greer, President, Staff Council; Lynn Richman, Chair, Faculty Policies and Compensation Committee)*

Ms. Greer gave some background on this proposed policy revision, which had been approved by Staff Council during the 2007-08 academic year. Ms. Greer stressed that this proposed revision has nothing to do with the Modified Duties policy. Some staff members had pointed out what they perceived to be inequities in the current parental leave policy. The proposed revision re-defines the term "parent" to include biological, adoptive, and foster parents, guardians, and domestic partners. As the current policy stands, adoptive parents can take sick leave when a child enters the home; however, birth fathers must take vacation time. Birth mothers are currently allotted six weeks of disability leave following the birth. The proposed revision calls for all parents to be allowed up to fifteen days of their accumulated sick leave following the entry of a new child into the home. Ms. Greer added that Human Resources had calculated that, if everyone eligible for this proposed benefit during fiscal year 2006 had used it instead of accumulated vacation, the cost for the reimbursed vacation hours (if all those employees subsequently left the university without using that vacation time) would be approximately \$500,000.

Associate Provost Susan Johnson noted that nine-month faculty do not have vacation. Any leave not charged to sick leave would have to be leave without pay. Past President Sharp asked if Human Resources is informed when an employee adds a foster child to the family. Ms. Greer responded that HR does generally know this, although the numbers may not be exact. Although some families may add more than one foster child per year, this proposed benefit can only be used once per year.

Lynn Richman, chair of the Faculty Policies and Compensation Committee, explained that members of the Staff Council had presented this proposed policy revision to his committee. The committee initially had concerns about the specifics of the policy revision (financial implications, the effect on nine-month faculty) and the reasons for it. Staff Council addressed those concerns, and the Faculty Policies and Compensation Committee approved the proposed policy revision last month. The Committee felt that the previous exclusions of biological fathers and domestic partners were appropriately addressed by the revised policy. It is consistent with policies at Iowa State University and the University of Northern Iowa. Human Resources has reviewed the proposal and will review it again after it moves through Faculty Senate. President O'Hara stressed that if this revised policy is adopted it will affect both staff and faculty.

Professor Richman moved and Vice President Drake seconded that the revised Parental Leave Policy be approved and forwarded to the Faculty Senate. The motion was unanimously approved.

- *Update on Searches (David Kieft, Office of the President)*

David Kieft noted that there have been some budget issues at both the state and university level and therefore the administration has been evaluating all of the current executive-level searches. The decision has been made to put all of these searches on hold at this time: the Vice President for Legal Affairs/General Counsel, the Vice President for Student Services, the proposed new Vice President for Strategic Communication, and the Associate Vice President/Associate Provost for Diversity. These searches may be resumed in the future. No ads had been put out yet for these positions.

Professor Cox asked about the title “Vice President for Strategic Communication.” What is the meaning of the word “strategic”? Mr. Kieft responded that this is a common title found at other institutions. “Strategic” refers to the overall image of the university and how the university tells its story to its different constituents: students, Regents, legislators, the state. This new position will bring various units around campus together under one umbrella: University Relations, the Alumni Association, Hancher Auditorium, the Center for Media Production, the University spokesperson, UITV, etc.

President O’Hara welcomed Beth Ingram, new Interim Associate Provost for Undergraduate Education and Dean of University College. Professor Ingram thanked the Council for inviting her to the meeting and stated that she looked forward to working with the Council.

- *Provost Promotion Advisory Group (Susan Johnson, Office of the Provost)*

Associate Provost Susan Johnson stated that Provost Wallace Loh requested that she bring this item to the Council to hear the Council’s initial thoughts about it. Most institutions have a faculty advisory group to advise the president or the provost about promotion cases. Associate Provost Johnson did not think that the University of Iowa had ever had such an advisory group. Provost Loh is interested in considering such an idea, a change in our procedures. His preference would be to do it in time for next year’s promotion process; it would have to be done by September 1, so that people starting the process would be aware of this change to the procedure. Associate Provost Johnson has researched the usage of this type of advisory group at other institutions; there is a wide variety of practices. Groups are between 6 and 12 members. In some cases they are appointed by the Provost, in others by the Faculty Senate (or similar body). The major question is, which cases would the group look at. In most places, the advisory group looks at all promotion cases (at UI this would be about 140 cases per year). Provost Loh would prefer, however, that the advisory group only look at selected cases. At another institution where the advisory group only looks at selected cases, they look at cases in which there has been some disagreement.

President O’Hara asked what Provost Loh’s rationale would be to have the advisory group look at a case. Associate Provost Johnson responded that Provost Loh was familiar with this concept from his other institutions. He would value faculty input on difficult cases, especially those in which a dean is recommending against promotion. Professor Cohen asked what the normal appeal process is if someone is denied tenure. If a dean and then the provost recommend against promotion, tenure is denied. The faculty member can then request a written statement of reasons for the denial from the

Provost. Then the faculty member can go through the faculty grievance process. The proposed advisory group would most likely review cases prior to the Provost's decision. Secretary Stromquist asked if there is a problem with the current procedure. Associate Provost Johnson replied that this is just a different way of doing things. Professor Richman commented that if the Provost overrules the department and dean, it might be appropriate to have faculty input. Associate Provost Johnson responded that she was unaware of any cases in which the Provost had recommended against promotion when the department and dean had recommended for it.

Professor Cox commented that one of the ways that a Provost gets to know a university is by reading all of the promotion files. The formation of this advisory group might take away from that opportunity. Also, an advisory group with rotating members would not retain a depth of knowledge about the individual characteristics of different departments and colleges. An argument could be made for uniformity, however.

President O'Hara commented that it was his understanding that Provost Loh plans to read all the promotion case files. Also, rotating members would bring a fresh perspective and prevent the advisory group from becoming "overly grooved," which he has observed sometimes happens with collegiate promotion and tenure committees. Professor Cox added that it is a crucial job of the Provost to read these promotion case files; this responsibility should not be shifted to an advisory committee. Professor Hammond stressed that this would be an "advisory" committee and would not be taking any responsibility away from the Provost. Attention should be focused on situations in which there are split votes. The Provost must still make the final decision; having individuals to consult with can be useful. Professor Hammond noted the variance of expectations in different colleges. She expressed concern that the decision of a dean, who thoroughly understands the expectations of his/her college, might be overruled by this advisory committee. Professor Cox urged that careful consideration be given to the composition of this committee. President O'Hara commented that a previous provost would share difficult cases with the associate provosts for advice. Professor Hammond reminded the group that at every stage of the process a faculty member can insert comments on the decisions taken regarding promotion. Past President Sharp commented that advisory committee members should not rotate off too quickly, as it takes time to acquire expertise on these matters. Secretary Stromquist asked what the anticipated impact on current promotion procedures would be. And, how would this change affect non-tenured faculty members who were hired under the current procedures? Associate Provost Johnson responded that this change in procedure would add an extra layer of review. In her experience, whenever procedures are changed, they are changed for everyone all at once. Professor Hammond expressed concern about additional time being added to the process. Associate Provost Johnson responded that if every case was to be reviewed (Professor Loh is not planning to do this), a couple weeks would be added to the process. If only selected cases are reviewed, it would not add significant extra time. Vice President Drake commented that he recalled Provost Loh indicating that the actual number of difficult cases was small. Associate Provost Johnson estimated the number at fewer than 20. Professor Cox commented that functionally, an advisory committee already exists if the Provost consults with the Associate Provosts. He expressed concern that this committee would add another hoop to jump through for faculty members, another layer of bureaucracy. President O'Hara suggested that Associate Provost Johnson work with the Faculty Policies and Compensation Committee to develop a

policy that the Faculty Council can review. Associate Provost Johnson asked if the group overall was in favor of pursuing the formation of an advisory committee to review selected promotion cases.

Professor Hammond moved and Professor Richman seconded that the formation of an advisory committee be explored further and that a proposal be brought back to the Faculty Council at a later date. The motion was unanimously approved.

IV. From the Floor

Professor Richman moved and Professor Hammond seconded that the Faculty Council moved to closed session following the presentation of items from the floor and announcements. The motion was unanimously approved.

Prior to moving to closed session, Professor Cox stated that the American Association of University Professors (AAUP) Executive Committee has been having a discussion over several years regarding post-tenure review. A decision was made to bring the issue to the Faculty Council and Senate to determine if there is support for a review of the post-tenure review process. Post-tenure review has been in existence at the university since 1989, but has not been reviewed since implementation. Post-tenure review policies vary among colleges. The AAUP had long been opposed to post-tenure review but now supports it, with the view that it should be developmental rather than punitive. There appear to have been very few complaints about this process, so it may not be necessary to review it, except that it has been in existence for so long and it should be looked at from the faculty point of view to see how well it is working.

Associate Provost Johnson commented that the university policy on post-tenure review is very brief, and this has led to collegiate variability. Any problems that she has been aware of have occurred on a collegiate level. President O'Hara noted that in his experience in the Psychology Department, the process is primarily developmental and appears to be beneficial. Past President Sharp suggested that a comparable review be set up for clinical faculty. Professor Hammond commented that the review of clinical faculty at the time of contract renewal may be considered somewhat comparable.

Professor Valentine moved and Professor Cohen seconded that an ad hoc committee be established to examine the post-tenure review. The motion was unanimously approved.

V. Announcements

- Professor Cox announced that the annual Legislative Forum, sponsored jointly by the AAUP, the Faculty Senate Governmental Relations Committee, and the League of Women Voters of Johnson County, will take place on Saturday, February 28, 9:30-11:30 am, at the Iowa City City Hall, Emma Harvat Hall.
- Online nominations for Faculty Senate begin on Friday, February 6, at 8 am. Please encourage your colleagues to participate.
- The next Faculty Senate meeting will be Tuesday, February 17, 3:30-5:15 pm, in the Senate Chamber of the Old Capitol.

- The next Faculty Council meeting will be Tuesday, March 10, 3:30-5:15 pm, in the Penn State Room (337) of the Iowa Memorial Union.

The Council moved to closed session to discuss the upcoming university budget.

Professor Cox moved and Professor Cohen seconded that the Faculty Council move out of closed session. The motion was unanimously approved.

Professor Hammond moved and Professor Cohen seconded that the meeting be adjourned. The motion was unanimously approved.

VI. Adjournment – President O’Hara adjourned the meeting at 5:15 pm.