

The University of Iowa
FACULTY COUNCIL MINUTES 2000-01
Tuesday, January 23, 2001
Penn State Room, Iowa Memorial Union 337

Members Present: Steven Aquilino, Jeff Cox, Jean Jew, Debora Liddell, Chuck Lynch, David Manderscheid, Ann Marie McCarthy, Gary Milavetz, John Moyers, Paul Muhly, Gene Parkin, Mort Pincus, Margaret Raymond

Members Absent: Lois Geist, John Paul Long (Emeritus Council)

Members Excused: Caroline Carney Doebbeling, Vicki Grassian, Craig Porter

Faculty Senate Officers in Attendance: Carolyn Colvin, President; Amitava Bhattacharjee, Vice President; Teresa Mangum, Secretary; Jonathan Carlson, Ex-Officio President

Guests: Jim Andrews (Emeritus Faculty Council/AAUP), Lee Anna Clark (Office of the Provost), Charlie Drum (University Relations), Beth Pelton (Chair of Faculty Welfare Committee), Maile Sagen (Ombudsperson), Mark Schantz (Office of the President), Bernard Sorofman (Ombudsperson), Christopher Squier (Office of the Provost), Ruth Wachtel (Anesthesia/AAUP), Jon Whitmore (Office of the Provost), Ekhard Ziegler, Joyce Crawford (Office of the Provost-Faculty Senate)

I. Call to Order

The meeting was called to order by President Colvin at 3:35 p.m.

II. Approvals

A. Meeting Agenda

Pres. Colvin called for a motion to accept the minutes of November 28. Prof. Liddell moved, and Prof. Lynch seconded the following.

Motion: That the November 28 minutes be accepted with revisions. *The motion carried.*

B. Approval of external reviewer for the review of the Provost's Office

Pres. Colvin called for a motion. Prof. Muhly made the motion, and Prof. Carlson seconded the following.

Motion: That the Faculty Council approves Dr. Lee L. Huntsman, Provost and Vice President of Academic Affairs at the University of Washington-Seattle, as an external reviewer for the review of the Provost's Office. *The motion carried.*

C. Senate Agenda

Pres. Colvin asked for a motion to approve the agenda. Prof. Manderscheid moved to accept the agenda, and Prof. Lynch seconded.

Motion: That the Faculty Council approves the proposed Senate agenda for Tuesday, January 30. *The motion carried.*

III. Announcements

Vice President Bhattacharjee is currently planning the annual faculty retreat. He asks Council members to mark their calendars for the all-day meeting on Thursday, May 31.

IV. New Business

A. Report from the Faculty Welfare Committee—presented by Beth Pelton, Committee Chair

As discussed in an earlier meeting of the Council, the fourteenth annual report from the Office of the Ombudsperson revealed widespread concern about increasing incivility on campus. Therefore, the Faculty Welfare Committee met with the Ombudspersons and decided to revise the existing Ethics and Academic Responsibility statement (Section 15.4) of the Operations Manual. The Faculty Welfare Committee also conducted a survey, revealing that a significant number of faculty members, staff, and students had encountered behavior they would characterize as incivility. Moreover, of the retiring faculty who agreed to respond to questions about their employment at the University, those who registered dissatisfaction were most likely to attribute their displeasure to departmental atmosphere. Moved by evidence from these various quarters, the committee members decided that in their revised policy statement they needed to make institutional expectations for behavior of faculty members—the only group that falls under their purview—more explicit.

Council members offered a number of suggestions. Many wished the statement to clarify the need for faculty to treat *everyone* on campus with respect. Others were bemused by terminology, asking if civility encompassed fairness and dignity? Ombudsperson Sagen stated that in the long run it would be most useful for one committee overseeing all the groups on campus—students, staff, and faculty—to review the Operations Manual as a whole. That way all statements in all parts of the document for all parties would be consistent both in the way civility was defined and in the way acceptable (or unacceptable) behavior was described. The

committee will continue to work on a policy statement for the Operations Manual and will bring another draft to Council.

B. Report from the “Unfitness Ad Hoc Committee”—presented by Jeff Cox, Committee Chair

To begin at the end (of our discussion), the Council agreed to change the name of this policy to “Unacceptable Performance of Duty.” The acronym UPOD will be used hereafter.

Pres. Colvin opened discussion of the policy by reminding the Council that the committee members, Jeff Cox, Margaret Raymond, Betsy Altmaier, Ekhard Ziegler, John Paul Long (Emeritus representative), Jon Carlson (1999-2000), and Carolyn Colvin, have been at work rewriting the "unfitness policy"--a policy that has long been in the Operations Manual--for two academic years. She also noted that at a recent meeting of CIC governance leaders, many participants indicated that their universities were also attempting to create policies to address the problem of faculty members who were not meeting minimal requirements for their jobs. In addition, Pres. Colvin pointed out that in response to public criticism of tenure and increased calls for accountability, many schools have attempted to clarify the requirements for tenure and for post-tenure. Consequently, this issue has drawn attention as colleges and universities have begun conducting regular, rigorous reviews of tenured faculty. While incidents of alleged unfitness are rare, Pres. Colvin said, faculty members need to address problems when they arise in a responsible fashion, rather than leaving this difficult matter to administrators. Pres. Colvin concluded by asking for a motion to take the Committee’s latest draft to the Senate not for a vote, but for discussion and suggestions. Ultimately, she recommends that the policy be presented to the university community in the context of campus-wide discussions about the role of tenure in the twenty-first century. Together with members of the Provost’s office, she will schedule these conversations during February.

Prof. Cox then explained that the document in Council members' hands is the second major draft of the policy. After the Council asked the committee to reconvene this past fall, they consulted with the AAUP and with the General Counsel, Mark Schantz, before producing this second version of the policy.

Prof. Cox summarized the differences between this draft and wording in the current Operations Manual. The draft clarifies that UPOD procedures will be initiated by a dean, after discussion with the appropriate faculty supervisor. The policy explains how the overseeing committee should review and use records. It also stipulates the need for documentation of attempts to resolve the problem before a dean turns to the UPOD policy. Moreover, the policy places the burden of proof that the faculty member’s academic freedom has not been jeopardized upon the administration. The Committee members also agreed that an additional

section needs to be written for the Operating Manual to spell out the nature and appropriate uses of Post-Tenure Effort Allocation (PTEAP). They believe PTEAP must be kept clearly distinct from the UPOD policy. PTEAP is a creative, temporary measure that permits faculty members to change their allocation effort voluntarily, *not* a nonconsensual, punitive measure.

Council members voiced several concerns. Does the policy imply that a faculty member who is not meeting minimum performance standards would be put in the classroom? Will faculty members participate in making final decisions about the restructuring of a poorly performing faculty member's duties? Will the policy include clear terms to distinguish a review recommending changes in workload, on one hand, from the UPOD policy, on the other—phrases such as *significant* period of time and *substantial* dereliction of duty? Prof. Cox replied that the policy does use such language and that the grievance panel would consist of faculty.

Prof. Wachtel, speaking for AAUP, suggested that it seemed unnecessary to have two separate processes, one for *inadequate* performance and another for “unfitness” or *unacceptable* performance. Unacceptable performance seems to cover the gamut of poor performance and to permit a wide and flexible range of remedies. The AAUP is still debating whether formal evaluation or informal negotiations would be the best method for dealing with unacceptable performance. Others disagreed, arguing that the UPOD policy should be used distinctly and strictly as a last resort.

Council members agreed with the UPOD committee that the Operations Manual needs to draw clear distinctions among the following: post tenure review, post tenure reallocation of effort (PTEAP), and the charge of Unacceptable Performance of Duty. Though PTEAP is often thought to be a reallocation of effort for a limited short term, the Operations Manual permits renewal of the agreement. Associate Provost Lee Anna Clark reminded Council members that current policies do not empower either a dean or a DEO to *impose* reallocation of workload upon a faculty member. Prof. Bhattacharjee observed that some DEOs have said that the vagueness of the current “unfitness” policy, as now described in the Operations Manual, allows a DEO greater flexibility to deal with poorly performing faculty members than the new policy would. Deans, on the other hand, prefer a new, clearer policy. Other Councilors argued that faculty members should take responsibility for removing a colleague who is not doing her or his job and that vagueness could also lead to the abuse of faculty members.

Rex Honey, chair of the Liberal Arts Assembly, noted that the Assembly will discuss the policy at their February 14 meeting. Meanwhile, Mark Schantz encouraged Council members to send comments to Prof. Cox.

Pres. Colvin then asked for a motion to change the name of the policy before presenting the draft document to the Senate. Prof. Lynch moved and Prof. Manderscheid seconded the following motion.

Motion: That the “unfitness policy” be renamed “Unacceptable Performance of Duty.” *The motion carried.*

Prof. Cox then proposed that the Council accept specific changes recommended by the AAUP. Prof. Carlson moved, and Prof. Muhly seconded the following.

Motion: That Faculty Council accepts the AAUP proposed changes stated as Suggestion 2, 5, and 6. *The motion carried.*

V. Adjournment

Prof. Muhly moved to adjourn; Prof. Lynch seconded. All concurred.

Next Council meeting: Tuesday, February 6, 2001

Respectfully submitted,

Teresa Mangum
Secretary