

**University of Iowa**  
**FACULTY COUNCIL**  
Tuesday, February 26, 2002  
3:30 p.m.  
Penn State Room, 337 Iowa Memorial Union

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**Members Present:** Joyce Berg, Rebecca Hegeman, Richard LeBlond, Patrick Lloyd, Chuck Lynch, David Manderscheid, Kim Marra, Ann Marie McCarthy, Paul Muhly, Gene Parkin, Craig Porter, Margaret Raymond, Hazel Seaba, Lisa Troyer, John Westefeld

**Members Absent:** Vicki Grassian, John Moyers

**Faculty Senate Officers in Attendance:** Amitava Bhattacharjee, President; Jeff Cox, Vice President; Erin Irish, Secretary; Carolyn Colvin, Past President

**Guests:** Kathleen Buckwalter (APHS), Charles Drum (University Relations), Linda Everett (UIHC), Bob Engel (Emeritus Faculty Council), Lee Anna Clark (Provost Office), Julie Thatcher (Faculty Senate Office), Heather Woodward (*Press-Citizen*), Jon Whitmore (Provost), Mark Schantz (General Counsel), Jan Waterhouse (Affirmative Action), David Johnsen (UIHC), Katherine Wynes (Office of the Provost)

I. Call to Order

The meeting was called to order at 3:35.

II. Approvals

A. Minutes: Faculty Council, February 5, 2002

Prof. Lynch offered two changes to the minutes. The amended minutes were accepted by consensus.

B. Approval of March 5, 2002 Senate Agenda

Prof. Lynch moved and Prof. Porter seconded the following  
**MOTION:** That the agenda be approved. *The motion carried.*

C. Approval of Faculty Senate replacements.  
With no objections, the changes were accepted as recommended.

III. Reports

A. Search for the Dean of the College of Medicine (K. Buckwalter)

President Bhattacharjee introduced this report by reminding the Council that a month or so ago President Coleman had announced by e-mail that there would be two national searches,

for a Dean of the College of Medicine and for a Director and CEO of the UI Hospital. K. Buckwalter came to the Council meeting to report on the search for the Dean.

Prof. Buckwalter directed the Council's attention to her handouts, one of which provided a list of the members of the search committee, the other the ad for the Dean position. Faculty have approved the draft of the job description, where the job will be advertised, etc. The search committee intends that groups of committee members will meet with DEOs in the College of Medicine, the deans of other health science colleges, and with faculty, and with students. They have requested names of candidates from committee members, as well as lists of national organizations from which suitable candidates might be drawn. They have received a number of good names already. Prof. Colvin asked what the timeline is for the search. Prof. Buckwalter answered that ideally they will have someone in place in nine months, but more realistically it will be a year from now. Prof. Colvin asked how many will be interviewed. Prof. Buckwalter answered that nine or ten will be interviewed at O'Hare. After that, a short list in which the candidates would remain unranked will be drafted and those candidates will be invited to campus. Provost Whitmore addressed his office's involvement in the search. This search is unusual in that the new dean will have a dual reporting position. Normally for a deanship, the Office of the Provost would be doing everything itself, but as this will be a dual reporting position, his office has been operating in conjunction with the Vice President for Statewide Services. President Coleman, who normally is involved in dean searches, will play an even more prominent role than usual.

President Bhattacharjee, noting that the search committee charge seemed very vague, asked whether all members of the search committee, including any students, have equal voting rights. In the CLAS, it has been established that students can serve on search committees but not vote. Prof. Buckwalter answered that they haven't gotten that far. President Bhattacharjee recommended that the search committee follow models of search committees in other colleges, advice Prof. Buckwalter appreciated. Prof. Porter pointed out that there hasn't been much "turn-over" in deans in the College of Medicine, and thus it might not be unexpected that there is no well-defined search protocol. Prof. Buckwalter concurred, and described how the organization has changed since then. She assured the Council that the committee is made up of many with recent experiences in dean searches.

Prof. Lynch asked whether other deans in health sciences having dual reporting. Provost Whitmore answered that no other deans have this; it is unique. He explained that the responsibilities of a dean of the College of Medicine are vast, with concerns of space planning, funding raising for the health sciences, and coordinating interdisciplinary functions at the clinical level. The Dean helps coordinate health services with the state government. No other dean is expected to report to the Vice President for Statewide Health Services. There is a health sciences policy forum, cochaired by Vice President Kelch and Provost Whitmore, that brings all the health sciences deans together once a month to discuss space, legislative issues, and so on. Prof. Lynch asked why the Dean of the COM reports dually but the other deans do not. Provost Whitmore responded that the Dean of the COM has to interface with the hospital and UI Health Care. That is a huge job. The new CEO of the hospital will report to Vice President Kelch. Academic issues are controlled by the Provost, but not the day-to-day operations of the hospital. President Bhattacharjee mentioned that Prof. Lynch's point of the asymmetry of one dean reporting to VP group has been brought up to him several times. He asked whether that means that the COM has greater representation than do faculty in other colleges. Provost Whitmore answered that President Coleman has designed this organization. Prof. Buckwalter added that she knows that faculty are

concerned that the new dean would be simply a yes-person. The search will target people who will share the current vision of UI Health Care. Prof. Cox noted that dual reporting implies equal reporting, but wondered whether there is a default of reporting to the VP unless specified otherwise. Prof. Buckwalter responded that academic matters in the College of Medicine, such as promotion and tenure, are very important and are dealt with by the Provost. Prof. Cox asked whether the search committee would make a recommendation to the Vice President. Prof. Buckwalter responded that the recommendation would go to the Vice President and to the Provost, who will work together with President Coleman.

Prof. LeBlond wanted clarification regarding whether the handout was the job description or an ad. Prof. Buckwalter replied that it is what has gone to Affirmative Action. Provost Whitmore clarified that this is an ad, not a job description. Prof. LeBlond commented that the COM is involved to a huge extent in education that is not degree granting: faculty supervise residents and postdocs, yet do not report to the Provost for these activities in the same way that they do for teaching medical students and undergraduate. This is one of the linkages between the hospital and the COM, and maybe this should be overseen by the Provost, too. Prof. Buckwalter reported that they have had big discussions about whether postdocs are students or employees. Prof. LeBlond reported that the Accreditation Council for Graduate Medical Education is pushing for a more academic structure for residents. Prof. Buckwalter thought that this would be a good topic for discussion with the job candidates. On a related topic, Prof. Seaba asked how the needs of Nursing and Pharmacy, which are very dependent on the hospital for training their students, would be met with this new reporting structure. The needs of the students sometimes conflict with the needs of providing care for patients. Prof. Buckwalter replied that Nursing has representation on the search committee. Prof. Seaba asked her to address the issues of student access of UIHC. Prof. Buckwalter answered that associate deans currently bring some student access issues to her as a member of the Office of the Provost. President Bhattacharjee terminated this discussion by suggesting that additional questions be addressed directly to Prof. Buckwalter.

B. Search for the Director and CEO of the University of Iowa Hospitals and Clinics  
(D. Johnsen)

Prof. Johnsen reported on the progress of this search, and distributed copies of the job ad. The search committee is composed of nearly 20 people. They were charged during the first week of December and have met six times already. He predicted that the search would be concluded before that of the Dean of Medicine. They are looking for exceptional people, and are not being too restrictive, using a wide lens to seek an exceptional leader. One of the primary characteristics that they are looking for in the candidates is experience running an academic hospital, preferably a large one. Another essential characteristic is that the applicant has been part of a successful leadership team; however, the search committee is open to how s/he got to that role. The candidate could be a physician, or an MBA, or a lawyer, etc., but (s)he must have extensive experience in a leadership team. The team aspect is especially important for Iowa, as the Dean must be able to work with the CEO. Kelch and Howell worked so well together- they are a model for success. The search committee is employing rigor in assessing candidates, but also realize that competition for very best people is fierce. The difference between the CEO and Dean searches is that candidates for a deanship expect that once they are on the short list, the process will become very public. In

contrast, candidate CEOs cannot be expected to participate in a public search. He expected that the list would be narrowed to just two or three before this becomes at all public. The search is already attracting some very strong candidates. Now they need to convince them that Iowa is the place for them.

Prof. Everett made some additional comments on the search, reporting that Faculty Council is the tenth group with which they have met, including AFSCME. In addition, they have met with individuals, to learn their views on what characteristics to look for. A recurring issue is the relationship between the Dean and the Director. They hope to build on the firm foundation of the last seven years.

Prof. Cox observed that the search committee had met with unions, and that the job ad suggests working with the unions, and wondered whether this is a change in policy. Prof. Johnsen answered that the unionized workers are part of the operation, and the Director must be able to work with them. He added that the issues of commitments to patient care and to education keep coming up, as well as the need to be able to work with the Dean. Prof. LeBlond brought up that whereas we have some 800 medical students in academic programs, we also have 700 residents, but with no structure for their training despite their each bringing in \$80,000 per year in fees. He would like to see a stronger structure supporting the education of the residents, parallel to the support of medical students. Prof. Westefeld asked how much coordination is going on between the two searches. Prof. Johnsen replied that Sandy Boyd serves on both search committees, which helps with communication between the searches. Prof. Colvin asked whether there is some advantage in the CEO search finishing first, as far as setting some agenda. Prof. Johnsen answered that he was not sure: they will be trying to find the very best person. Prof. Colvin continued that we are all concerned about the relationship between these two new people and that the shared vision be continued, but if one search is finished first, will there be an advantage to that person in setting the vision? Prof. LeBlond brought up the fact that Dean Kelch is still acting as a dean until the new one is found: this will ensure that the role of the new dean will be protected.

#### C. HF 2061: Faculty Member on the Board of Regents (Amitava Bhattacharjee)

President Bhattacharjee reminded us of where we were a few weeks ago, when the Council had some concerns about this proposal. We were unique in not passing it. He had passed our concerns onto Barbara Finch, who then modified her proposal, copies of which had been distributed. He reported that even though hers is just a three-person subcommittee, here politics has played a big role. The bottom line is that Democrats want Finch's spot, and with this proposal Finch, a Republican, is adopting a traditional Democratic position. Thus, Democrats have opposed it. Christy Pope (ISU Faculty Senate President) has accused us of being a bunch of intellectuals who have missed the big point of having a voice on the Board of Regents. The Regents had been opposed to this, and President Coleman came out against it. Now, Rep. Finch has blue-carded the proposal, so that it won't go down in flames, in part because of what we did. Rep. Finch has asked Mr. Nichols of the Board of Regents to find out what the Board will do to get greater input from faculty. The political wisdom is that if a subcommittee had voted against a proposal, it would be dead for years. Having been blue-carded instead, this proposal could be brought up again. Presidents of the other faculty senates have asked President Bhattacharjee to bring the revised version back to us. Nothing will happen this year, but the proposal could be revived next year.

Prof. LeBlond thought we needed to distinguish voice from membership. A two-year membership for the faculty representative would be meaningless. (S)he would not a real member without experience or the hope of it; this amendment reduces the membership idea to tokenism. Prof. Lynch would still like to hear from the leaders of faculty at UNI, ISU, especially since now we don't have a time constraint. Our concern is what that member should be doing-- how on earth do we represent faculty from other universities? He wondered how much thought they put into it beyond, "we want a voice." President Bhattacharjee responded that Christy Pope had thought that having a voice was primary, and how representation would be accomplished was secondary. He added that one thing that he has learned in this issue is that the levels of faculty representation by central administrations are variable—we can rely on our administrators to speak for us, whereas it is not so much true at the other universities. It seems that if this proposal is to go forward, our support as the flagship senate is essential.

President Bhattacharjee reported some AAUP data: there are four states (Kentucky, Oregon, New Jersey, and North Dakota) where there are faculty members on the Board of Regents; that is, it is rare. One would have to support this proposal with logic, rather than by pointing to other states. Prof. Marra was still concerned about how this person would be chosen. Would we have to declare our political alliances? She found that bizarre. Prof. Cox pointed out that that is the way the rest of the Board of Regents is chosen. Prof. Troyer confirmed that it is a political appointment. President Bhattacharjee added that it is the same thing for the student member. Prof. Marra observed that in all other aspects of our professional work we are not to be political, but here it would be an issue. President Bhattacharjee reported that Christy Pope had made the point that it is the backroom discussions that are important, whereas the public meetings are fairly scripted. Prof. Colvin proposed that there be regular monthly meetings in which the three Faculty Senate presidents meet privately with some Board of Regents members. That way we could speak for ourselves, and wouldn't have to worry that we might be misrepresenting faculty at other universities. President Bhattacharjee suggested that we think about this for a while. Prof. LeBlond still felt that we were considering the wrong question, and thought that the real issue is how best to get faculty concerns heard at the Board of Regents.

D. Regents and Brody Awards (Amitava Bhattacharjee)

The committee for making these awards is nearly constituted. The deadline is February 28 for nominations for the Regents Award. Nominations for the Brody Award can be made until March 8.

E. Announcements (Amitava Bhattacharjee)

1. We have two finalists for Dean of the Graduate College, Profs. John Keller and John Nelson. The former is interim Dean. There are two times scheduled for faculty to interact so that they might provide feedback to committee
2. President Bhattacharjee has been addressed by a Republican candidate for governor, Doug Gross, who wants to meet with Faculty Council. The UI Student Government has invited him to campus. Mr. Gross used to be on the Board of Regents: we may

wish to hear his view on the Regents' universities. We can meet with him on Tuesday, March 5, in room 345 of the IMU.

#### IV. Unfinished Business: Sexual Harassment Policy and Consensual Relations Policy

Jan Waterhouse, who had made the final changes, reviewed them for the Council. The changes to the Consensual Relations policy were very minor. They were mostly clarifications of language or changes in organization to maintain parallel construction. Prof. Raymond asked whether graduate assistants who are under a contract are "staff under a union contract" or "graduate assistants." Prof. Cox asked in general what the changes are. Ms. Waterhouse replied that the policy has been separated from that on sexual harassment and has been clarified and strengthened.

Prof. Colvin moved and Prof. LeBlond seconded the following

**MOTION:** To accept this policy and forward it to the Senate. *The motion passed.*

Ms. Waterhouse continued by outlining the changes to the Sexual Harassment policy. There is no time limit now on complaints. The word "corroborate" was changed to "substantiate" (p. 3). As now third party complaints are allowed, throughout the document an alleged victim was distinguished from a complainant. They clarified in sect. 5 the transition from informal to formal complaints, specifying that a formal complaint need not be preceded by an informal complaint. They clarified what the respondent has the opportunity to respond to, and added a sentence to describe what kind of notification a third party would receive. They modified who can make up a victim's personal support group: the policy now states that a victim cannot discuss it with people at work, but can with anyone outside work or educational environment, as the university has no regulatory power outside of the work or educational environment. With the desire to make the educational component stronger, Section 12 has been changed: while not making education mandatory, it says that administrators are responsible for knowing this policy. They are now working out the educational training. Associate Provost Clark added that this training may be developed similarly to the online training for Use of Human Subjects. A final section, 14, was added that specifies that this policy will be reviewed and revised, if needed, within three years from its adoption.

President Bhattacharjee asked when the last revisions occurred, to which Ms. Waterhouse replied, 1993. Prof. Cox said that when this was first brought up there was concern that there would be a file on people that they might not know about. He asked how that concern has that been addressed. Associate Provost Clark answered that if Affirmative Action is given a name in a complaint, then the person named is notified, and reciprocally, if a person is informed that a complaint has been made, Affirmative Action is given the name. Without a name, there can't be a file, and if there is a file, the person would know that it exists. Prof. Cox asked whether a person can ask that the file be eliminated. General Counsel Schantz responded that if you asked that a file to be destroyed, and it's not, you could grieve it. President Bhattacharjee asked about the current practice, wondering whether DEOs could talk about a situation after there had been numerous informal discussions, but nothing was ever written down. Associate Provost Clark pointed out Section 3, which allows a DEO who did not feel that he or she had sufficient evidence for a complaint to have an informal discussion. Even so, the advice of the policy is to consult with Affirmative Action to make that decision. President Bhattacharjee continued his question, asking if this is a big change from present practice, when he is aware that DEOs consult with their deans. Associate

Provost Clark responded that it depends on what drives a DEO to consult with the dean- whether the DEO had made an observation, or had heard a complaint. President Bhattacharjee concluded that DEOs need to be educated about this policy. Prof. Cox asked whether the policy requires that a complaint go to Affirmative Action, even if neither the DEO nor the dean thinks there is a need. Associate Provost Clark answered that it need not; it could stop there provided the information or complaint did not rise to the level of “specific and credible”.

Prof. Marra was pleased with the changes but still had a niggling concern that in third party complaints, a DEO could radically affect the accused without ever addressing the “credible and specific” standard. She acknowledged that Section 4e is there to allow the DEO to protect a victim, but felt that there is still the spuriously accused to worry about. Ms. Waterhouse agreed that that is still a risk; we can only hope that DEOs will act in a fair and reasonable manner. Whereas they have not eliminated risk, they feel that this policy has minimized it. Associate Provost Clark added that, having watched these processes and speaking generally, her observation is that DEOs act conservatively. Prof. Muhly was delighted with both policies and addressed the plan to review them in 3 years. He wanted to know who will do the review and whether all cases will be examined. Associate Provost Clark reported that she had picked up the phrase for doing a review right out of the clinical track policy. Ms. Waterhouse thought the review would probably be done by a group similar to the group that constructed the policy. Prof. Muhly wanted to know how to they would choose which cases to examine. General Counsel Schantz agreed that that can be problematic, as many might not be happy to have their cases examined.

Prof. Colvin moved and Prof. Raymond seconded the following

**MOTION:** To accept this policy and forward it to the Senate. *The motion carried.*

V. Adjournment

The meeting was adjourned at 5:17.

Respectfully submitted,  
Erin Irish, Secretary