

FACULTY COUNCIL
Tuesday, March 4, 2014
3:30 – 5:15 pm
Seminar Room (2520D), University Capitol Centre

MINUTES

Councilors Present: F. Abboud, S. Ali, H. Bartlett, C. Bohannon, E. Ernst, C. Fox, S. Gardner, E. Gillan, N. Grosland, J. Kolker, P. Muhly, J. Pendergast, E. Wasserman.

Officers Present: D. Cunning, R. Fumerton, E. Lawrence, A. Thomas.

Councilors Excused: S. Schultz, S. Seibert.

Councilors Absent: D. Black, P. Brophy.

Guests: W. Darling (Faculty Policies and Compensation Committee), R. Hichwa (Office of the Vice President for Research and Economic Development), G. Martin (Office of the General Counsel), T. Rice (Office of the Provost), L. Zaper (Faculty Senate).

I. Call to Order – President Lawrence called the meeting to order at 3:35 pm,
<http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultyCouncil.03.04.14.pdf>.

II. Approvals

- A. Meeting Agenda – Professor Bohannon moved and Professor Pendergast seconded that the agenda be approved. The motion carried unanimously.
- B. Faculty Council Minutes (January 28, 2014) – Professor Abboud moved and Professor Ali seconded that the minutes be approved. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (March 25, 2014) – Professor Pendergast moved and Professor Fox seconded that the draft agenda be approved. The motion carried unanimously.
- D. Committee Appointments (Alexandra Thomas, Chair, Committee on Committees)
 - *None at this time*

III. New Business

- *Research Misconduct Policy Revision (Richard Hichwa, Senior Associate Vice President for Research)*

Richard Hichwa, Senior Associate Vice President for Research in the Office of the Vice President for Research and Economic Development, explained that the university has had a policy on research misconduct in place for many years. New federal regulations have required that some revisions be made to the policy. The Office of the Vice President for Research and Economic Development (OVPR&ED) took this opportunity to seek additional revisions to sections of the policy that had proven difficult to implement. The policy defines research

misconduct as the fabrication, falsification, and plagiarism of information and data; this narrow definition is the one used by the federal government. Incidents of research misconduct are reported to the OVPR&ED on average 5-6 times per year. Other cases may occur, but are intercepted at the departmental or collegiate level. The policy requires that specific procedures are followed by the OVPR&ED when there is a report of research misconduct. These procedures are in place for the protection of the person who brings forward an allegation of research misconduct, for the protection of the person accused of research misconduct, for the protection of the university, and for the protection of everyone involved in the investigation. Following the investigation, protection continues to be extended to the person who filed the report of research misconduct. In summary, the policy covers the definition of research misconduct, the investigation process, and the resolution of the situation following a finding.

Senior Associate Vice President Hichwa indicated that the additional draft changes sought by the OVPR&ED and researched and suggested by the Research Council, concerned the membership of the ad hoc investigation committee. He added that when an allegation of research misconduct is brought to the OVPR&ED, the Research Integrity Officer (Senior Associate Vice President Hichwa) evaluates the allegation to determine if further investigation is warranted. If it is, the ad hoc investigation committee, consisting of one faculty member from each of the eleven colleges, is convened. To bring together such a large group and provide them with sufficient information to understand the case in a short time frame is a daunting task. The Research Council's proposed change to the policy would require that the ad hoc investigation committee be composed of only seven members, each to come from a different college. Additional consultants would be brought in on an as-needed basis to help the committee understand the issues involved in the case. The rest of the changes to the policy were required to ensure that the policy adheres to new federal regulations.

Professor Pendergast noted that the policy requires that research misconduct be reported to the federal agency that has funded the research activity now under investigation. She asked if there was a similar expectation that research misconduct would be reported to private foundations and other non-governmental funding entities. Senior Associate Vice President Hichwa responded that the federal funding agencies mandate that research misconduct be reported to them, but that many non-governmental funding entities do not have such a requirement. For those that do, research misconduct will be reported to them. He added that failure to report misconduct to federal agencies can have serious consequences, such as the disruption of all federal research grants across campus. Professor Pendergast then asked where the creative arts fit in to the policy's definition of research misconduct. Senior Associate Vice President Hichwa commented that this had been difficult to resolve, as the creative arts often have their own norms that must be considered. Generally, the allegations that come to his office involve the scientific disciplines. Professor Pendergast further noted that the current version of the policy provides clear guidelines for the temporary replacement of the Research Integrity Officer, in cases of conflict of interest for example, but that this language does not appear in the revised version. Senior Associate Vice President Hichwa explained that the revised version would still allow for these temporary replacements. Professor Pendergast then drew the group's attention to awkward wording in section III. Definitions (c) *An allegation made with knowing or reckless disregard for information that would negate it is not made in good faith. A*

suggestion for clarification was, *An allegation is not made in good faith if it is made with knowing or reckless disregard for information that would negate it.*

Professor Abboud asked if the committee investigating research misconduct was a standing committee or if new members were selected for each case. Senior Associate Vice President Hichwa indicated that a pool of scholars would be created, with members drawn from this pool as needed for each case. Terms for pool members would be three years. Colleges would nominate individuals for pool membership. Professor Abboud then asked for clarification at what point in the investigative process the funding agency would be notified. Senior Associate Vice President Hichwa indicated that this would often occur at the point when an investigation begins (not at the point of an allegation coming forward). A finding of misconduct must be reported to the agency immediately. Professor Abboud asked if agencies themselves would take punitive action against individual scholars, or if this would be left to the institution. Senior Associate Vice President Hichwa responded that both the agency and the institution may take action. For example, an agency can require that an institution do the research again at its own expense. Also, while the institution may dismiss the person who engaged in the misconduct, the agency may prohibit that person from serving on the agency's review panels for a period of time. An agency may also require that an institution pay back grant funds.

Past President Fumerton suggested that the definition of Research in section III (h) be altered to state that research *includes any systematic investigation...*, in order to encompass the creative arts. Senior Associate Vice President Hichwa indicated that this definition was chosen to cover all types of human subject and animal research. Professor Pendergast observed that distorting the words of others, in an oral history project for example, could then also fall under this definition. She suggested removing the parenthetical phrases (*basic research*) and (*applied research*). If the definition of *Research* comes from federal sources, however, altering it might not be possible. Professor Bohannon suggested inserting an additional sentence at the end of that section, to the effect that *Research also includes...* She also suggested that the definition of plagiarism in section (i)c. be expanded to include the phrase *or artistic work*.

Past President Fumerton moved and Professor Pendergast seconded that the revised Research Misconduct Policy be approved with suggested changes to be made at the discretion of the OVPR&ED. The motion carried unanimously.

- *Human Rights Policy Revision (Tom Rice, Associate Provost for Faculty)*

Associate Provost for Faculty Tom Rice explained that last year President Mason received an audit of the university's human rights policy. The auditors suggested that this policy be expanded and made consistent with the university's other behavioral policies. The human rights policy, a single paragraph, had existed for decades and never undergone a revision similar to those made to the other policies. The Conflict Management Advisory Group (CMAG) was reconvened to examine the policy, as it had done with the other behavioral policies. The CMAG is composed of representatives from the faculty and staff, as well as the Office of the Provost, the Office of the General Counsel, the Office of Equal Opportunity and Diversity, and Human Resources. Using the harassment policy as a model, the group expanded and revised the human rights policy. The Faculty Policies and Compensation Committee reviewed and approved the revised policy, as have the student governance groups. Staff Council will review it soon.

Referring to section 3.3 b., Professor Bohannon questioned to whom the word *person* referred in the second paragraph. Professor Gillan, a member of the CMAG, clarified that *person* most likely should be changed to *respondent* in this passage. Professor Warren Darling, chair of the Faculty Policies and Compensation Committee, concurred, noting that this was what his committee had also suggested. Professor Gillan added that one of the challenges the CMAG faced in adapting wording in the harassment policy to the human rights policy was that the respondent in a human rights complaint could be an individual *or* a unit (such as an academic department). Professor Pendergast raised the issue of an employee who might file multiple complaints during his/her time at the university. Associate Provost Rice commented that if numerous complaints under different policies are filed by the same individual over time, the university is permitted at some point to stop responding to these complaints. Professor Pendergast then asked whether the policy applied to people who are not employees of the university, such as vendors. She cited a passage in section 3.4 which included *separation from the University* as a sanction, distinct from *termination*. Councilors observed that the separation sanction might be applicable to students.

Professor Bohannon asked whether language indicating that complaints should be made in good faith had been inserted in the policy. Professor Gillan noted that the policy does indicate that complaints *must state specific and credible allegations of discrimination to warrant an investigation*. Associate Provost Rice added that in section 3.8 the policy provides for action to be taken against those who bring *false or malicious allegations*. Related to this, Past President Fumerton suggested that the reference to *person* in section 3.3 b., discussed earlier, not be changed to *respondent*, so that the language could cover both the complainant and the respondent. Professor Bohannon found the use of *person* in this passage to be too vague, however. Professor Darling observed that the Faculty Policies and Compensation Committee had assumed that a malicious complaint would likely lead to a formal complaint by the original respondent. Professor Abboud asked who informs the respondent about whether information about an allegation would be placed in the respondent's personnel file. Associate Provost Rice indicated that this would depend upon the case, perhaps the respondent's supervisor or the Office of Equal Opportunity and Diversity. Professor Gillan pointed out that the respondent has the right to include a letter of response to the allegation in his/her personnel file.

Professor Pendergast moved and Professor Muhly seconded that the revised Human Rights Policy be approved. The motion carried unanimously.

- *Research Track Policy Revision (Warren Darling, Chair, Faculty Policies and Compensation Committee)*

President Lawrence reminded the group that last year an ad hoc committee had reviewed the research track and submitted a report to the Faculty Senate recommending that the research track be permanently retained. Along with this primary recommendation, the research track review committee had suggested additional recommendations to improve the functioning of the track. The Faculty Policies and Compensation Committee had taken up discussion of those secondary recommendations this year, and during those discussions also determined that revisions to the qualifications for specific ranks, listed in the policy, were necessary. Research-track faculty, in a survey conducted as part of the review, had indicated that they were unsure

about what was expected of them in order to advance to the next rank and they urged that clear guidelines be developed. Therefore, the committee revised this portion of the policy for presentation to the Council today. Additional proposed revisions on other aspects of the policy will be brought to the Council next month. Professor Darling explained that research-track faculty are currently only employed in the Carver College of Medicine, although the track has also been approved for implementation in the Colleges of Public Health and Pharmacy. He referred the group to the redlined revisions in the distributed document.

Professor Bohannon noted that research-track faculty were similar to tenure-track faculty in the expectation of sustained productive scholarship, although different in other ways. She asked if the language regarding scholarship expectations in the research-track policy mirrored the scholarship expectations for tenure-track faculty. Professor Darling responded that research-track faculty were held to a higher standard of productive scholarship than tenure-track faculty. Professor Abboud asked from whom input was received in determining these promotion criteria. He expressed concern about the level of specificity, such as the percentage of extramural research funding required (80% to move to associate professor), in the criteria, as well as the expectation of service to the profession. Professor Darling responded that these would be the criteria for promotion, not for remaining in a rank. President Lawrence added that feedback on these proposed revisions would be sought not only from the Council, but also from the Office of the Provost and the Council of Deans. Professor Bohannon questioned the service requirements for promotion and the specific percentages, as well. She asked whether all the listed criteria needed to be met or if they were just factors to consider. Professor Darling responded that the wording in this section before had been extremely vague. He added that the Council was free to suggest alternatives to the more specific criteria, such as the 80% requirement, although he compared the external grant process to external peer review.

Professor Pendergast commented that there could be many different ways to calculate the 80%, especially since the research-track faculty would likely be on several grants at once, and she suggested keeping the language more generic. She added that there are many different grant structures and that an individual could hold a significant leadership position in a large grant team without holding the title of principal investigator or co-principal investigator (another of the criteria for promotion). And, service to the profession takes significant time, while grant demands may restrict research-track faculty members' activities solely to grant-related work. Professor Darling reiterated that these criteria were for promotion. Several councilors stressed that the specifics for promotion were better left to the colleges to determine and to include in their collegiate research-track policies.

Professor Wasserman commented that, in his view, creating a university policy to accommodate only a few colleges was not a good idea. He stressed the need to compare the promotion criteria of the tenure track with the proposed promotion criteria for the research track. The expectations for quality should be parallel, although research-track faculty may have a greater quantity of output. Professor Ali asked what percentage of salary support assistant research professors were expected to generate. Councilors responded that all research-track faculty were expected to generate their salary support from extramural grants or other sources; no general education funds can be used to support research-track faculty. Professor Darling added that assistant research-track professors may be supported primarily by other faculty

members' grants, but that it was the view of the Faculty Policies and Compensation Committee that the percentage of grant funding that is self-generated must rise substantially if a research-track faculty member wishes to move up through the ranks.

President Lawrence commented that it was because the collegiate research-track policies were so vague and because it was unclear whether the colleges had developed promotion criteria that the Faculty Policies and Compensation Committee decided to take on the task of developing more detailed criteria at the university level. Professor Abboud stressed that it is the responsibility of the department chair to develop the specific criteria for the research-track faculty in the unit. He added that more input was needed before general guidelines were drawn up for the university as a whole. Regarding the issue of comparison of these research criteria to those for tenure-track faculty, Past President Fumerton indicated that sections (2)(b) and (3)(b) of the policy here were based on similar passages in the tenure track policy. He recognized the need to keep the university policy general enough so that colleges and departments could adapt it to fit their particular needs. Professor Abboud advocated for more flexible criteria at the university level. Professor Bohannon found too much specificity in the proposed revision. Professor Pendergast concurred, adding that expectations across disciplines vary greatly, and these criteria could not be broadly applicable to all research-track faculty. Professor Bohannon commented that it was the task of the university policy to make sure that research quality at the institution was not diluted and to prevent the exploitation of research-track faculty. She suggested adding a statement directing units to create clear promotion guidelines. Professor Abboud thought the policy could be improved by reconsidering the specific percentages required and by combining (e) and (f) under *Associate professor* and *Professor*.

President Lawrence commended Professor Darling and the Faculty Policies and Compensation Committee for their work on this important issue. She proposed that the draft revision be returned to the FPCC for additional work. She planned to contact relevant administrators in the colleges with approved research-track policies to obtain their input. The revised policy would not be advanced to the Faculty Senate at this time.

IV. From the Floor – There were no items from the floor.

V. Announcements

- The call has gone out for nominations for the Michael J. Brody Award for Faculty Excellence in Service to the University and the State of Iowa. Please encourage your colleagues to nominate someone. The deadline to submit nominations is Thursday, March 13.
- The online committee recruitment drive is scheduled to end Friday, March 7. Please encourage your colleagues to participate.
- The online Faculty Senate elections end Saturday, March 8. Please encourage your colleagues to participate.
- The next Faculty Senate meeting will be Tuesday, March 25, 3:30-5:15 pm in the Senate Chamber of the Old Capitol.
- The next Faculty Council meeting will be Tuesday, April 8, 3:30-5:15 pm in room 2390 of the University Capitol Centre.

VI. Adjournment – Professor Bohannon moved and Professor Fox seconded that the meeting be adjourned. The motion carried unanimously. President Lawrence adjourned the meeting at 5:10 pm.