

FACULTY COUNCIL
Tuesday, March 5, 2013
3:30 – 5:15 pm
C217 College of Public Health Building

MINUTES

- Councilors Present: F. Abboud, B. McMurray, J. Murph, J. Pendergast, S. Schultz, K. Tachau.
- Officers Present: R. Fumerton, E. Lawrence, N. Nisly, L. Snetselaar.
- Councilors Excused: N. Grosland, J. Solow, E. Wasserman, S. Wilson.
- Councilors Absent: D. Black, C. Bohannon, D. Bonthius, S. Clark, E. Ernst, S. Gardner, G. Penny, K. Sanders.
- Guests: T. Bannow (*Iowa City Press-Citizen*), J. Drews (ITS), D. Finnerty (Office of the Provost), B. Jett (*Daily Iowan*), J. Jorgensen (Office of the General Counsel), T. Rice (Office of the Provost), K. Ward (Human Resources), L. Zaper (Faculty Senate).

I. Call to Order – President Snetselaar called the meeting to order at 3:45 pm,
<http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultyCouncil.03.05.13.pdf>.

II. Approvals

- A. Meeting Agenda –President Snetselaar indicated that there would be a change in the agenda circulated earlier – Staff Council President Earlene Erbe was unable to speak with the Council today. Professor McMurray moved and Professor Tachau seconded that the agenda be approved. The motion carried unanimously.
- B. Faculty Council Minutes (January 29, 2013) – Professor Abboud moved and Professor Murph seconded that the minutes be approved. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (March 26, 2013) – Professor Tachau moved and Professor McMurray seconded that the draft agenda be approved. The motion carried unanimously. President Snetselaar noted that Craig Lang, President of the Board of Regents, State of Iowa, would address the Senate at this meeting, which would focus on engagement and would feature several speakers on this topic. Councilors observed that this was a good opportunity for faculty to interact with President Lang and to highlight faculty engagement activity, while also noting that there had been some controversies lately that might give rise to questions from the senators present.
- D. Committee Replacements (Erika Lawrence, Chair, Committee on Committees)
 - None at this time

III. New Business

- *Acceptable Use of Information Technology Resources Policy Revision (Jane Drews, ITS Security Office; James Jorgensen, Office of the General Counsel; Kevin Ward, Assistant Vice President for Human Resources Administration)*

Kevin Ward, Assistant Vice President for Human Resources Administration, explained that over the years since the Acceptable Use of Information Technology Resources Policy had first been implemented, the interpretation of public records laws has evolved. The policy in its current form may be misleading to university employees regarding the amount of privacy that they have when using information technology resources. The revision of the policy is intended to make that lack of privacy clear, while also accommodating the advances made in information technology since the policy was written. Additionally, the revised policy seeks to strongly encourage the reporting of violations, whether through normal channels or the Ethics Point anonymous online reporting program. The policy was also updated to acknowledge the Health Insurance Portability and Accountability Act (HIPAA) and other federal policies. Updates have been made to the accompanying supervisor's guide, as well. The revised policy and guide were recently reviewed by the Faculty Policies and Compensation Committee and suggestions from that group were incorporated into the versions brought before the Faculty Council today.

Professor Murph observed that the health care environment may present challenges for this policy. For example, patients may send personal health information to their physicians via university email accounts. She also asked how the policy would be maintained as a dynamic document, in order to address the increasing advances in information technology. Mr. Ward responded that UIHC officials could provide guidelines on use of email with patients. He added that the revised policy language strives to anticipate information technology advances as much as possible. Professor Tachau questioned whether copyright laws would protect documents generated as part of a faculty member's research (draft book chapters, databases) from public records laws. Mr. Ward commented that draft documents are not considered completed work, so have not been interpreted by the university to be subject to public records laws. James Jorgensen, Office of the General Counsel, noted that material for which a faculty member holds the copyright may not be a university record anyway; he added that there are now about sixty exceptions to the Public Records Law listed in the Iowa Code. Professor Tachau suggested that at least the existence of exceptions be noted in the policy, as the proposed language does not mention this and may therefore unduly alarm faculty members. Past President Fumerton commented that some examples of exceptions could be added to the policy. Professor Tachau also raised the issue of documents, such as handwritten notes, associated with employment searches. Mr. Ward and Mr. Jorgensen commented that information regarding searches is primarily regulated by other university policies and guidelines.

Professor McMurray asked about the applicability of the policy, not just to documents and email messages, but to implicit documentation such as swipe card records, the existence of which might not be obvious to most people. Jane Drews, Information Technology Services Security Office, responded that such records may fall under security exceptions to public records law. Professor McMurray also commented that much documentation required by the Institutional Review Boards is confidential and may also constitute an exception to public records law. Professor Abboud expressed surprise that work-related material in one's personal

email account would fall under public records law. Mr. Ward indicated that this provision arose in response to situations at other institutions in which work-related material was intentionally put on personal email accounts in order to shield it from discovery.

Professor Tachau moved and Professor McMurray seconded that the revised Acceptable Use of Information Technology Resources policy be approved with the understanding that concerns expressed by the Faculty Council be addressed prior to the Faculty Senate meeting. The motion carried unanimously.

- *Conflicts of Commitment and Interest Policy Revision (Richard Fumerton)*

Past President Fumerton reminded the group that last year revisions to the portion of this policy that concerned research had been made in order to comply with federal regulations. The Faculty Senate Officers and members of the Faculty Policies and Compensation Committee had then worked with Provost Office staff on revisions to the rest of the policy over many months. The revision of the remaining portion of the policy had been precipitated by an internal auditors' report indicating that the policy was unclear. Revisions sought primarily to improve clarity and precision, not to alter the basic spirit of the policy, which has been in existence for years.

Diane Finnerty, Director of Faculty Human Resources and Development in the Provost's Office, who had worked extensively with faculty on the revisions, further explained that the auditors had questioned whether faculty members understood their obligations under the policy as it was currently written. The auditors also had concerns that implementation of the policy could not be adequately monitored by DEO's and the Provost's Office. Professor Tachau observed that, depending on which discipline they are in, faculty members spend their time productively in many different ways. She also noted that most faculty members work far more than forty hours per week and at all times of the day. Given this type of work schedule, it is problematic to determine how much time a faculty member could reasonably spend on other projects. She expressed a general concern about attempts to fit faculty activity into "measurable boxes." Past President Fumerton sympathized with this view and indicated that work on the revision had taken so long because of such concerns. He drew the group's attention to the paragraph beginning on line 170, which recognizes "that much faculty work is conducted outside of the traditional business day and often outside of the office..." He commented that most people would agree, however, that it is still possible for a faculty member to have a conflict of commitment. While the number of days specified in the policy as the limit for outside work may seem arbitrary, it nevertheless brings the UI policy into alignment with the ISU policy, as well as supplies the auditors with quantitative data. When applied properly, the policy will not harm faculty, yet will satisfy those who have concerns. Secretary Nisly commented that in her experience, faculty members work very hard for the university, yet there remains a perception in the public, perhaps due to the existence of tenure or the lack of consistent, specific office time, that faculty may be pursuing other interests. This policy helps to educate the public about the effort faculty do put into their university jobs.

Professor Tachau moved and Professor Schultz seconded that the revised Conflict of Commitment and Interest policy be approved. The motion carried unanimously.

Professor Abboud stressed the importance of this policy, given faculty members' increasing opportunities to interact with the public. He also raised a question about limits on honoraria received. Professor Fumerton responded that this issue was covered in the Conflict of Interest in Research policy. Professor McMurray observed that as more faculty members undertake engaged activity, there is greater potential for conflicts of interest and commitment.

- *Research Track Review Update (Nicole Nisly)*

President Snetselaar indicated that she had received several requests from faculty members for an update on progress made in the review of the research track. Secretary Nisly, co-chair of the Research Track Review Committee along with Vice President Lawrence, made a brief presentation to the Council on the work of the committee thus far. She reminded the group that the review committee membership consists of several tenured professors, as well as two assistant research professors, who have been instrumental in helping the review committee understand the attractions and challenges of a research track position. Committee membership also includes an associate, who may later opt to pursue a tenure-track or a research-track position. Secretary Nisly is the clinical-track faculty member of the review committee.

Professor Nisly explained that a review of the research track not later than five years after implementation was mandated by the policy itself when it was approved by the Faculty Senate in the spring of 2008. The policy indicates that, following the review, the Senate must take a vote whether to retain the research track. The research track will be abolished if the Senate does not vote to retain it. Professor McMurray asked about the fate of current research-track faculty members if the track is abolished. Secretary Nisly responded that this was not yet clear, but that she assumed that they would move into other positions. There are currently about thirty research-track faculty members; this low number had come as a surprise to the review committee. She continued, noting that two years ago a review of the research track by a committee of faculty members had been carried out at President Mason's request. That review had revealed that most research-track faculty were satisfied with their positions. They felt that their titles as *research professors* had increased their ability to obtain grant funding. There remain some challenges, however. For example, research-track faculty are not represented in shared governance. Some would like the opportunity to do more teaching on their particular specialties. They expressed concern about their employment options if the research track were to be abolished.

The review committee will now undertake its own survey of the research-track faculty and will also survey those tenured faculty who serve as mentors or principal investigators for research-track faculty members, to more accurately determine the impact and effectiveness of the track. Committee members will interview deans and research scientists for their views of the track; the review committee is particularly interested in learning from the latter group what would or would not entice them to apply for research-track faculty positions. Information about the use of the research track in peer institutions will also be gathered. Some information about the UI's research-track faculty has already been obtained. Secretary Nisly explained that this small group of faculty can be found only in the Carver College of Medicine thus far. They are usually members of large, well-funded research groups, and serve particular roles within those

groups. The Colleges of Pharmacy and Public Health, while they have approved the research track, do not currently have anyone serving on that track.

Professor Abboud, a member of the committee, commented that he was initially surprised to learn that so few research-track faculty members have been hired thus far. He later came to the realization that this was perhaps natural, given the time it took to establish the track, but also because the research track fits a need particular to the Carver College of Medicine (CCOM), which is heavily dependent on external research grant funding. He voiced the opinion that the existence of research-track faculty in the CCOM has not impacted how other colleges operate in any way. President Snetselaar commented that one of the arguments in favor of the research track had been that individuals with this title, rather than a title of *research scientist*, would be more likely to obtain grants as principal investigators. She wondered if this in fact turned out to be true. Professor Abboud responded that this information had not been acquired yet, but he commented that it appears that the title of *research professor* carries more weight with funding agencies than the title of *research scientist* does. It seems to indicate a higher level of recognition and commitment by the university, as well as contributing to the sense of the individual research-track faculty member's identity, especially in relation to his/her work with other professors. Secretary Nisly added that one of the research-track faculty members on the committee had reported that when she had applied for grants as a research scientist, she had needed to include a lengthy explanation of her position and role within the university. Now that she has a faculty title, she no longer does this.

Professor Pendergast spoke in favor of retaining the research track, but commented that its role is much less appealing at the UI than at other institutions. She explained that while most research-track faculty do want to focus primarily on research, they do not want to be entirely prohibited from teaching, and therefore from passing on their knowledge to the next generation. She noted also that the UI research-track policy does not reward longevity. Other institutions will give more lead time when funding runs out for a research-track faculty member who has been at that institution for a long time. She expressed concern that the UI was creating a tiered system of faculty. Professor McMurray commented that a research-track position with these characteristics would be difficult to distinguish from a tenure-track position, except that one must pay one's own salary through grants. Professor Tachau responded that restrictions were put on the research track to prevent it from becoming too enticing. While the research track may serve a useful purpose in the health sciences, tenure and the academic freedom that it creates must be protected throughout the university. She added that tenured faculty in the biological sciences in the College of Liberal Arts and Sciences had expressed concern that they would be at a disadvantage in competing for funding with research-track faculty who do not have the added responsibilities of teaching and service. Vice President Lawrence commented that all aspects, positive and negative, of the research track would be examined by the review committee. Past President Fumerton observed that it can be difficult to predict who would make an effective teacher. A research-track faculty member may find teaching more difficult than s/he assumed.

Secretary Nisly reiterated that there are few research-track faculty members at UI, and only in one college. They are clustered in large research groups where their presence is useful and welcomed. Because they must maintain their research program to preserve their salary, they

would only take on teaching duties closely connected with their narrow research focus. Professor Pendergast commented that most institutions place some restrictions on teaching for the research track, but no others prohibit it, as the UI does. Past President Fumerton clarified that the UI policy allows a limited amount of teaching, but that the research-track faculty member cannot be the instructor of record for a course. General Education Fund money cannot be used to pay for the course, either. Professor Pendergast observed that some institutions might allow for some teaching when a research-track faculty member's grant is running low and a course needs to be taught for someone on leave. Professor McMurray asked if the effectiveness of the track nationally would be examined. He has heard anecdotally that research-track faculty are no more productive than tenured faculty. Vice President Lawrence responded that the committee would look at that issue. She added that proposed modifications to the research track would constitute a separate discussion from the recommendation whether to abolish it. Professor Tachau urged that, should the research track be abolished, a recommendation be made about the employment fate of the current research-track faculty.

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

V. Announcements

- The next Faculty Senate meeting will be Tuesday, March 26, 3:30-5:15 pm in the Senate Chamber of the Old Capitol.
- The next Faculty Council meeting will be Tuesday, April 16, 3:30-5:15 pm in room 2520D of the University Capitol Centre.
- 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 14.
- The online committee recruitment drive is scheduled to end Friday, March 8. Please encourage your colleagues to participate.
- The online Faculty Senate elections end Saturday, March 9. Please encourage your colleagues to participate.
- President Mason's reception for Faculty Senate will take place on Monday, April 29, 4:30-6:00 pm at her residence, 102 Church St.

VI. Adjournment – Professor Tachau moved and Professor Abboud seconded that the meeting be adjourned. The motion carried unanimously. President Snetselaar adjourned the meeting at 5:10 pm.