

FACULTY COUNCIL
Tuesday, March 8, 2011
3:30 – 5:15 pm
Seminar Room (2520D), Old Capitol Centre

MINUTES

Councilors Present: M. Billett, D. Black, S. Clark, S. Kurtz, P. Mobily, J. Murph, N. Nisly, G. Penny, J. Reist, J. Schoen, R. Valentine.

Officers Present: E. Dove, D. Drake, R. Fumerton, J. Garfinkel.

Councilors Excused: L. Robertson, S. Wilson.

Councilors Absent: D. Bonthius, J. Cox, D. Morris, K. Sanders.

Guests: B. Butler (Provost), J. Carlson (Office of the President), D. Finnerty (Office of the Provost), B. Ingram (Office of the Provost), L. Larson (University Relations), J. Pendergast (Biostatistics), T. Rice (Office of the Provost), R. Sayre (Emeritus Faculty Council), A. Wright (*Daily Iowan*), L. Zaper (Faculty Senate).

I. Call to Order – President Dove called the meeting to order at 3:33 pm,
<http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultyCouncil.03.08.11.pdf>.

II. Approvals

- A. Meeting Agenda – Professor Clark moved and Professor Black seconded that the agenda be approved. The motion carried unanimously. President Dove noted that several announcements in addition to those listed on the agenda would be made at the end of the meeting.
- B. Faculty Council Minutes (January 25, 2011) – Professor Black moved and Professor Schoen seconded that the minutes be approved. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (March 29, 2011) – Professor Mobily moved and Professor Black seconded that the agenda be approved. The motion carried unanimously.
- D. Committee Replacements (Richard Fumerton, Chair, Committee on Committees)
 - Christina Bohannan (Law) to fill a vacancy on the Judicial Commission, 2011-13
Professor Kurtz moved and Professor Mobily seconded that the replacement be approved. The motion carried unanimously.

III. New Business

- *Annual Review Policy (Ed Dove)*

President Dove reminded the group that earlier in the year the Faculty Council and Senate had approved a Post-Tenure Review Policy. The second section (10.7.2) of that policy had very briefly addressed annual review procedure. A separate policy for annual review does not

exist in the Operations Manual. He indicated that the Offices of the President and the Provost had suggested some minor changes to section 10.7.3 *Five-year peer review of tenured faculty* and 10.7.4 *Special cases procedures*, which he planned to discuss later.

President Dove then turned discussion back to section 10.7.2 *Annual review of tenured faculty*, noting that changes to the previously-approved version of the Post-Tenure Review Policy were made by the Faculty Policies and Compensation Committee and included lines 7-12 and lines 28-43. This is the portion that the Faculty Council would be asked to vote on today. President Dove further indicated that the Offices of the President and the Provost had also suggested some changes to these sections, starting at line 28: “An annual performance review of all tenured faculty members, through a process developed ~~by the faculty of the department~~ at the departmental level, or in non-departmental units ~~faculty of the college~~ at the collegiate level, and approved by the Dean and Provost, is conducted by the unit head as part of the salary-setting process.” Professor Kurtz asked what these changes meant. He commented that the changes appeared to imply that an annual review process could be developed by the unit head without the approval of the faculty. The Senate officers concurred that the policy might be interpreted in that way, although Vice President Fumerton noted that this language was simply more ambiguous than the previous version. Professor Kurtz then stated his intention to oppose the suggested language change because it could allow for the exclusion of faculty from the work of developing the annual review process. He added that there was a policy question to be addressed: should the process be developed by the faculty, be developed by the unit head without the faculty, or be developed collaboratively? The original intention was for the process to be developed by the faculty and approved by the Dean and the Provost; the new language appears to cut out the clearly-stated role of the faculty in the development of the process.

Vice President Fumerton responded that the new language takes into consideration a variety of departmental cultures. In some departments, faculty would not tolerate a unit head trying to impose a process on them, while in other departments, faculty would view the development of a process as the responsibility of the unit head. Professor Kurtz said departmental culture was not the issue for him; rather, he was concerned that at some point unit heads would intentionally try to eliminate the faculty role which had previously been established in departments. Professor Black spoke in favor of the proposed new language, commenting that he felt the language was flexible enough to accommodate those departments in which faculty would take an active role in developing the process while recognizing the more top-down cultures of other departments. Professor Mobily agreed with Professor Kurtz, expressing concern that an administration might try to impose a process on faculty. Vice President Fumerton pointed out that the policy states that the process must begin at the departmental level; therefore, a dean should not be able to impose a policy on a department. Professor Kurtz commented that since unit heads serve at the pleasure of deans, deans could dictate to the faculty via unit heads.

Professor Schoen observed that policy should protect the most democratic option and protect against the worst case scenario. Professor Penny concurred with this opinion. Past President Drake asked how to balance the cultural differences of departments in which the faculty would not want to participate in developing the policy and those in which they would. Professor Kurtz suggested that language therefore be added to indicate that if the faculty choose

not to act, then the responsibility of developing the policy passes to the unit head. Professor Nisly noted that if, for example, for various reasons faculty in departments in the Carver College of Medicine (CCOM) choose not to participate in developing their departmental annual review processes, a more appropriate body to do this might be the college's Executive Committee, a body of faculty elected by faculty. Professor Black commented that the Executive Committee might see this as a departmental issue and also choose not to be involved. Professor Nisly responded that she was not comfortable taking the position that all CCOM faculty would not want to be involved in the development of the annual review process. She preferred to give CCOM faculty an opportunity to participate. Professor Fumerton suggested that the phrase "by the department" be substituted for "at the departmental level," with the implication that the "department" is understood to mean the faculty and the unit head together. Both faculty and unit heads will then address the annual review process in accordance with their departmental cultures. Professor Kurtz objected, however, as he found that language did not clarify the role of the faculty. He added that he could not imagine the Faculty Senate voting to diminish the role of the faculty in the annual review process. President Dove, who had composed the original language of the policy, commented that he did not envision faculty developing a policy that a dean would not ultimately approve. He suggested that the Council first vote on the suggested language and then return to the original language and modify it if necessary.

Past President Drake moved and Professor Nisly seconded that Section 10.7.2 *Annual review of tenured faculty* of the policy *Review of Tenured Faculty Members* be approved with the modifications suggested by the Offices of the President and the Provost. In a hand vote, the motion was defeated, with four voting for the motion and eleven voting against.

Vice President Fumerton moved and Professor Billett seconded that Section 10.7.2 *Annual review of tenured faculty* of the policy *Review of Tenured Faculty Members* be approved with the phrase "by the department" substituted for "by the faculty of the department" and the phrase "the college" substituted for "faculty of the college."

Professor Kurtz commented that while the new language proposed by Vice President Fumerton was an improvement over that proposed by the administration it still lacked a clear reference to the role of the faculty and remained ambiguous. Vice President Fumerton responded that ambiguity can sometimes be useful in moving a process forward, adding that concerns have been expressed about the original language of the policy. He noted that faculty in departments in his college, generally, would never interpret "the department" to mean a unit head acting on his or her own. Professor Billett observed that two types of error might occur, one in which administrators impose their will on faculty, and one in which a poorly-functioning department chooses to insulate itself from external oversight that should be present. Professor Nisly suggested inserting the phrase "the department in consultation with the faculty" into the policy to clarify who develops the process, while Professor Kurtz suggested "a process jointly developed by the faculty and the unit head." Professor Valentine cautioned against using language that appeared to exclude the unit head, who might have a broader concept of what was best for the department than individual faculty might. Professor Nisly then suggested, "the DEO/unit head or equivalent, in consultation with the faculty, and with the approval of the Dean and/or Provost," which would not only make clear the faculty role but also define who is to lead

the process. Vice President Fumerton commented that in many departments the DEO/unit head is not seen as separate from the department or as part of the administration. Also, he added, by definition, a DEO/unit head is not “a department.” Professor Kurtz commented that his experience was entirely different. The dean in his college could make decisions in consultation with the faculty, or entirely on his/her own; therefore, he preferred that the faculty’s role be clearly stated in this policy.

In a hand vote, the motion was defeated, with six voting for the motion and nine voting against.

Professor Kurtz moved and Professor Nisly seconded that Section 10.7.2 *Annual review of tenured faculty* of the policy *Review of Tenured Faculty Members* be modified to begin (lines 28-30) “An annual performance review of all tenured faculty members, through a process developed by the unit head in consultation with the faculty of the department, or in non-departmental units with the faculty of the college, and approved by the Dean and Provost, is conducted by the unit head as part of the salary-setting process.” In a hand vote, the motion carried unanimously.

President Dove noted that further in the policy, lines 35-39, it is stated that negative reviews will be put in writing and kept on file. This is a new requirement for the university. Otherwise, this policy gives colleges and departments the flexibility to continue doing what they already have been doing regarding annual reviews. Professor Kurtz requested that the Faculty Senate Officers report back to the Council at the next meeting whether there was resistance on the part of the administration to this new language just voted on; this would signal that the administration does not want faculty to play a role in developing the annual review process. President Dove indicated that the Faculty Senate Officers were scheduled to attend the Council of Deans meeting the next morning to receive feedback on the annual review policy. President Dove planned to report on this meeting to the Council soon afterward.

Professor Kurtz moved and Past President Drake seconded that Section 10.7.1 *Introduction* be approved as amended and that Section 10.7.2 *Annual review of tenured faculty* be approved in its totality. In a hand vote the motion carried unanimously.

President Dove then drew the group’s attention to Section 10.7.3 *Five-year peer review of tenured faculty*, lines 47-8, in which the administration had made the following suggested edit, “In a shared governance academic environment, the faculty body ~~has primary institutional responsibility for faculty status~~ plays a critical role in (i.e., appointment, reappointment, promotion, tenure and dismissal) of faculty members. One of the ways that faculty ~~Faculty members~~ exercise this responsibility is through the formal process of peer review.” President Dove explained that the rationale for the change was to clarify that these procedures begin with the faculty.

Professor Kurtz moved and Past President Drake seconded that Section 10.7.3 *Five-year peer review of tenured faculty*, lines 47-8, be amended as suggested by the administration. In a hand vote the motion carried unanimously.

President Dove then directed the group to line 115, where the administration has suggested that a parenthetical reference to the ethics policy (III-29.7) be inserted in addition to the parenthetical reference to the unfitness policy.

Professor Kurtz moved and Past President Drake seconded that Section 10.7.4 *Special cases procedures*, line 115, be amended with the parenthetical reference to the ethics policy as suggested by the administration. The motion carried unanimously.

- *College of Pharmacy Research-Track Policy (Ed Dove)*

President Dove explained that the policy had been reviewed by the Faculty Policies and Compensation Committee which discovered several errors after comparing the Pharmacy policy to the university policy and the collegiate policies of Public Health and Medicine. Those errors were subsequently corrected by the College of Pharmacy administration. The Faculty Policies and Compensation Committee then approved the policy after determining that it was similar to the other two collegiate policies.

Professor Kurtz moved and Professor Murph seconded that the College of Pharmacy Research-Track Policy be approved and passed to the Senate for consideration. The motion carried unanimously.

- *Conflicts of Commitment and Interest Policy (Ed Dove)*

President Dove indicated that this item was on the agenda at the suggestion of Associate Provost for Faculty Tom Rice. He invited Professor Kurtz to explain the history of the policy to the group. Professor Kurtz stated that the university has had such a policy for many years, but that the policy had undergone a revision during the time that Professor David Skorton served as Vice President for Research. This revised policy went through the usual channels of review and approval. Professor Leanna Clark, when she served as Associate Provost for Faculty, also made non-substantive changes to the policy. The policy also served as a model for a similar policy that was adopted by the Carver College of Medicine, which had some internal and external concerns about these issues that largely do not apply to most of the other colleges.

Associate Provost for Faculty Tom Rice explained that soon after he had assumed his new role in the Office of the Provost, he had begun reviewing this and related policies and had observed that the language of the policy could be made clearer and more consistent with related policies. After Associate Provost Rice's office had begun working on the policy, the office learned that an audit of the policy was now planned. The office was able to postpone the audit while it carried out a revision of the policy. Associate Provost Rice stressed that changes to the policy would be in terms of clarity, not content. A first draft of the revision should be ready by May, at which time it will be circulated to a variety of constituencies for feedback. Diane Finnerty, Director of Faculty HR and Development, added that one of her concerns is consistency of language within the policy, but also across a set of related policies. For example, the definition of "immediate family" differs across policies.

Professor Kurtz observed that there can sometimes be a blur between a substantive change and a change for the sake of clarity. He suggested that, before a revised draft of the policy is

created, a list of issues needing clarification be developed and presented to the faculty for review. He added that the policy sections on conflicts of commitment primarily affect faculty, rather than other campus groups, while the policy sections on conflicts of interest have a wider application. The conflicts of commitment sections profoundly impact faculty work, especially in relation to external constituencies. Professor Kurtz urged extreme caution in undertaking any revisions to these sections of the policy.

- *New Compensation and Classification System for P&S Staff (Kevin Ward and Karen Shemanski, Human Resources)*

Mr. Ward explained that faculty who supervise P&S staff will be the most directly impacted by the new system; he estimated such faculty to number about 700. Karen Shemanski and Bob Millsap of Human Resources have been the leaders of the project. Mr. Ward further explained that the project was initiated because of dissatisfaction with the current system, which was considered by many not to be market-responsive and therefore was not supporting recruitment and retention. The ultimate goals of the project include changes in the classification system and in the pay grades. He emphasized that the project does not change the amount of money that is available for salary increases, but does give guidance for future salary increases within the available resources.

The project has sought to reduce the use of generic classifications such as “project associate” and “program associate” and replace them with more descriptive job classifications. P&S staff were invited to complete a Job Information Form detailing their responsibilities. Each position was then placed into a job classification, a job family and a job function according to its “Key Areas of Responsibility” by committees of university employees. Supervisors can view the new classifications of their employees, but only employees will be able to appeal their placements. The deadline for appeals is March 22. The classification system will be put into place in July. The compensation portion of the project should be implemented by October, leaving plenty of time before salary decisions are made for the following fiscal year.

Professor Nisly asked if salary decreases were contemplated by the project. Mr. Ward responded that no individual salaries would be decreased because of the project; however, it would impact how future salary decisions are made. Professor Black asked what Mr. Ward meant by “market corrections may need to occur.” Mr. Ward explained that the current system has had little connection to the market. If an employee is found to be out of his/her market zone, corrections may be needed to be made, but that may be an incremental process and is subject to available resources. Vice President Fumerton asked if Human Resources planned to discuss appeals with supervisors. Mr. Ward responded that the appeal would automatically be sent to a supervisor for review and comment.

IV. From the Floor – Professor Kurtz noted that three new regents had recently been appointed. President Dove indicated his intention to meet with them once they are confirmed.

Professor Penny commented that a colleague had brought to his attention a new collegiate form requiring faculty to indicate where they will be when they leave town. Professor Penny stressed the added time burden placed on faculty by the growing amount of paperwork required

of them. Vice President Fumerton indicated that he had attended the DEO meeting during which the form was presented, and noted that the requirement does not apply to the summer months (for nine-month faculty) or semester breaks. This particular form is not required if a department has an alternate means of obtaining contact information (such as a cell phone number which may already be on file). He commented that the form may be in response to the rare cases when students were not made aware that a class was canceled and the faculty member in question cannot be reached. DEO approval is only really needed when alternate arrangements must be made for teaching classes.

Professor Schoen considered the policy to be institutional overreach and an attempt to make policy for everyone based on one or two worst case scenarios. Professor Billett noted the cost involved for all faculty to fill out the form versus the perceived benefit. He questioned if this was the best avenue to pursue in order to prevent worst case scenarios. Vice President Fumerton pointed out the Operations Manual passage quoted on the form, “the faculty member has a responsibility to participate in the day-to-day operations of the University.” Professor Kurtz commented that research is one of the day-to-day operations and faculty are frequently required to leave campus to carry out this duty. Professor Nisly indicated that faculty in the Carver College of Medicine have two types of forms to fill out when they are absent; one form is for absences that do not affect patient care or classes, and another form when those activities are impacted. The latter form requires approval, while the former is just for departmental information. Professor Schoen observed that the use of such a form for days when faculty would otherwise be in the classroom could be appropriate, but it would not be appropriate when classes are not affected.

Professor Penny asked how faculty concerns about this policy could be voiced to the administration. President Dove suggested making a motion, while Vice President Fumerton suggested talking to one’s DEO or the dean. Past President Drake asked how this form differed from the trip requests that faculty regularly fill out on ProTrav when planning a work-related trip. Professor Kurtz commented that ProTrav trip requests are submitted when one is requesting funds for travel. Some faculty travel to conferences using their own funds. He wondered if a faculty member could be denied permission by a DEO to travel because of this form. Professor Nisly remarked that this could be a tool that a DEO uses to deal with a poorly-performing faculty member. Professor Kurtz responded that all faculty should not have to pay the penalty for a few poorly-performing ones. Professor Schoen added that there are consequences for faculty who do not do their jobs properly; that should suffice to address such a situation. President Dove indicated that he would work with Professor Penny to determine an appropriate way to express faculty concern about this issue.

V. Announcements

- President Dove announced that he has been appointed by President Mason to a small committee charged with reviewing the Presidential Committee on Athletics. The review committee expects to submit its report soon. A review of all the charter committees is also planned. The Faculty Senate Officers will work with the leaders of the other governance groups to coordinate this review.
- President Dove announced that he and Vice President Fumerton had traveled to Des Moines yesterday to speak with state legislators about the university’s state funding

situation. President Dove intends to invite several legislators to campus to talk about the impact of proposed budget cuts. President Dove and Vice President Fumerton had traveled to Des Moines with a group of students, and President Dove praised the efforts of the students to engage with legislators during the visit.

- President Dove noted that a temporary cap on the number of Career Development Awards has now been signed into law.
- The next Faculty Senate meeting will be Tuesday, March 29, 3:30-5:15 pm in the Senate Chamber of the Old Capitol.
- The next Faculty Council meeting will be Tuesday, April 12, 3:30-5:15 pm in the Seminar Room (2520D) of the University Capitol Centre.
- The annual Tenure Workshop, sponsored by the UI Chapter of the AAUP, Faculty Senate, and the Office of the Provost, will take place on Thursday, April 7, 6:30-9:00 pm, in room 105E of the Adler Journalism Building. Please encourage your tenure-track colleagues to attend.

VI. Adjournment – Past President Drake moved and Professor Clark seconded that the meeting be adjourned. The motion carried unanimously. President Dove adjourned the meeting at 5:15 pm.