

FACULTY COUNCIL
Tuesday, March 12, 2019
3:30 – 5:15 pm
2390 University Capitol Centre

MINUTES

Councilors Present: F. Durham, M. Lehan Mackin, T. Marshall, J. Szot, K. Tachau, E. Wasserman.

Officers Present: S. Daack-Hirsch, P. Snyder, J. Yockey.

Officer Excused: R. Ganim.

Councilors Excused: A. Deshpande, A. Durnev, M. Foley Nicpon, E. Prussing, C. Sheerin, D. Wurster.

Councilors Absent: A. Gerke, K. Glenn, R. Oral, C. Thomas.

Guests: S. Campo (Graduate College; Alcohol Harm Reduction Committee), J. Garfinkel (Finance; Funded Retirement and Insurance Committee), K. Kregel (Office of the Provost), M. Lukas (Office of the General Counsel), C. McKinney (Office of Strategic Communication), C. Reardon (University Human Resources), J. Troester (University Human Resources), B. Teague (Iowa City City Council), T. Villhauer (Office of Student Life; Alcohol Harm Reduction Committee), L. Zaper (Faculty Senate Office).

I. Call to Order – In the absence of President Ganim, Vice President Daack-Hirsch called the meeting to order at 3:30 pm.

II. Approvals

- A. Meeting Agenda – Professor Lehan Mackin moved and Professor Tachau seconded that the agenda be approved. The motion carried unanimously.
- B. Faculty Council Minutes (January 29, 2019 and February 19, 2019) – Professor Tachau moved and Professor Szot seconded that the minutes be approved. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (March 26, 2019) – Professor Marshall moved and Professor Szot seconded that the draft agenda be approved. Professor Tachau asked why it was necessary to have item C. *Self-Service Portal Design* on the Senate agenda. Vice President Daack-Hirsch responded that faculty members in administrative positions, especially departmental executive officers, would find this information relevant to their work. The motion carried unanimously.
- D. Committee Appointments (Sandy Daack-Hirsch, Chair, Committee on Committees)
 - *None at this time.*

III. New Business

- *Affordable Student Housing (Councilman Bruce Teague, Iowa City City Council)*

Vice President Daack-Hirsch explained that in December, the Faculty Senate's Governmental Relations Committee had met with Iowa City Mayor Jim Throgmorton and Councilman Bruce Teague to discuss affordable housing as it relates to UI students. As an alumni of UI, Councilman Teague thanked Councilors for their work as faculty members. Turning to the topic of affordable housing in the community at large, Councilman Teague noted that 65% of renters and 43% of all households are cost-burdened. In his view, Iowa City has made a good effort to create systemic change in order to ease housing costs on its citizens. Several years ago, the City developed an action plan, one component of which was a substantial financial commitment (\$3.65 million to date) to affordable housing. Councilman Teague commented that the Housing Trust Fund of Johnson County provides loans and grants, including matching funds, for affordable housing projects. Iowa City also has programs to assist homeowners financially in university-impacted neighborhoods in making exterior improvements to their properties. Through the City's UniverCity Program, rental houses in neighborhoods near downtown are renovated and then sold as single-family, owner-occupied homes.

The City has recently changed some of its policies regarding new developments, Councilman Teague indicated. For example, any mixed-use residential projects receiving economic development incentives are now required to reserve at least 15% of the units for affordable housing. However, it is possible for a developer to pay a fee in order to avoid this requirement. Councilman Teague then explained that a tax increment financing (TIF) agreement provides for city funds to be used by private developers for building construction. The agreement allows for a developed property to be taxed at its pre-development rate for a certain number of years. The city benefits from its investment through the higher tax rate that the developed property will eventually have. Regarding student housing available in the city, Councilman Teague noted that a proposal has been made by a private developer to construct four fifteen-story apartment buildings between Court St. and Burlington St. While this has the benefit of providing student housing in a central location, the City Council wants to make sure that, if this project goes forward, this complex will be a safe and supportive environment where students will thrive. UI student liaisons to the City Council have expressed concerns about safety in off-campus housing generally, so the City now requires that all rental accommodations have locks.

Professor Tachau commented that, in her view, the City and the university have some difficulty balancing competing goals. She acknowledged that the construction of the four new fifteen-story buildings would benefit the City through increased tax revenue, but there are concerns about design and sustainability to consider. Iowa City could also run the risk of losing its individual character with an increase in generic high-rise buildings. While density of population downtown is good, this does place a heavy burden on infrastructure. There is also the impact on university dormitories to take into account. Councilman Teague observed that, as a new City Council member, he has been surprised by a seeming lack of formal communication between the City and the university on matters of importance to both. He believed that there are many issues on which the two could collaborate, to the benefit of both entities. He encouraged Councilors to reach out to the City Council as individuals on any matter of concern to them.

Vice President Daack-Hirsch commented that, in the December meeting that the Governmental Relations Committee had with the City Councilors, committee members raised concerns about affordable housing for students and food insecurity, noting that these issues impact students' performance in the classroom. The proposed new development, for example, does not have easy access to affordable groceries. Commenting on this and other new apartment developments downtown, Professor Durham wondered if an overcapacity of housing is currently being built. Councilman Teague responded that the Iowa City area has grown tremendously in recent years. The new development has occurred in response to a limited supply of rental housing, which has also served to drive up rental prices. He theorized that a rising vacancy rate would help drive down rental prices somewhat.

- *Employment Practices Review (Maria Lukas, Deputy General Counsel and Cheryl Reardon, Chief Human Resources Officer & Associate Vice President)*

Past President Snyder indicated that several years ago a committee was formed to select a firm to review the employment policies and practices on campus in the wake of a lawsuit that occurred in the Athletics Department. The law firm Fredrikson & Byron was eventually chosen. This review is now being conducted in several phases, with the first phase focused on university employment policies. A report on this phase has been completed. The second phase involved a review of the employment practices in the Athletics Department. That report has also been released.

Ms. Reardon explained that the recommendations from the first phase of the review have been carried out except for those regarding our human rights policies, which will be addressed once the Athletics lawsuit is resolved. The recommendations from the second phase of the review are in the process of being implemented. Turning to the third phase of the review, Ms. Reardon reminded the group that President Harreld had decided to scale that phase of the review to the Healthcare enterprise and the main campus. Specific scope and scale are now being determined, in order to encompass 30,000 employees. Ms. Reardon commented that we must now consider whether we should look at faculty policies to inform the employment practices review. She emphasized that faculty input on these considerations was crucial.

Professor Tachau asked if the real focus of the employment practices review was gender equity, because that had been her initial understanding. Ms. Reardon responded that the first phase of the review examined policies associated with the Civil Rights Act, such as retaliation, harassment, sexual harassment, violence and human rights, which cover the entire campus. The second phase, which examined the Athletics Department, looked at the life cycle of the employee, such as hiring practices, onboarding, and feedback, to determine if any concerns arose in relation to the Civil Rights Act.

Following up on Ms. Reardon's earlier remarks regarding faculty policies, Ms. Lukas indicated that faculty policies potentially to be reviewed appear in the Operations Manual III. Human Resources. They include Chapter 10 (describing faculty tracks), Chapter 15 (covering professional ethics and academic responsibility), and Chapter 29 (detailing faculty dispute procedures). The procedures in Chapter 29 are applicable to ethical violations related to Chapter

15, but also to the conduct policies listed earlier by Ms. Reardon. Chapter 29 also has provisions for denial of tenure, promotion, or reappointment for tenure-track faculty. A separate section of Chapter 29 applies to clinical faculty members for termination or denial of promotion or reappointment. There is also a provision for a faculty member to file a grievance on the basis of an administrative action or non-action. And, there is a provision for faculty unacceptable performance of duty warranting termination. It remains to be determined whether any or all of these faculty policies should be reviewed by Fredrikson & Byron.

Past President Snyder commented that in early discussions about the employment practices review, there were concerns that the scope of the review not get too large. The review was originally envisioned to be centered on the Civil Rights Act and protected classes. This focus was covered in the first phase of the review. Ms. Reardon noted that this is an opportunity to conduct a thorough review of our policies and practices to determine if they are inclusive and not discriminatory. Professor Tachau observed that, historically, policies related to faculty hiring, promotion, etc. fall within the purview of faculty through the shared governance process. She cautioned against heeding the advice of external groups regarding such policies. External groups could be helpful, however, in the review of other policies, such as sick leave. Professor Tachau emphasized the need for a gender equity study. She added that discriminatory pay practices across disciplines should be a focus of review. Ms. Reardon reiterated that faculty feedback will be essential as the scope of the third phase of the review is determined. She suggested that several faculty members be invited to join the governance council overseeing the review project. Vice President Daack-Hirsch indicated that faculty would need more information on the background and purpose of the review.

- *Health Benefits Task Force Update (Jon Garfinkel, Faculty Co-chair, Funded Retirement & Insurance Committee and Joni Troester, Assistant Vice President, Total Rewards)*

Ms. Troester explained that in November 2017, an advisory group was convened to review university employees' health benefits. The review was precipitated by a number of factors, including the changes to Iowa Code Chapter 20, regarding collective bargaining, and the subsequent transfer of merit employees into the university health plan. Another factor was federal legislation related to the Affordable Care Act, specifically the creation of an excise tax on robust, so-called "Cadillac," health benefit plans. A final factor was the need to conduct a periodic review of health benefits, because such a review had not been done for about a decade.

Turning to an overview of the health benefit review process, Professor Garfinkel commented that the purpose of the review was to support recruitment and retention of quality faculty and staff while maintaining financial sustainability for the university. There was also emphasis placed on having additional choice for employees, specifically a second health benefit plan with a lower-cost premium. The advisory group drafted several guiding principles. Professor Garfinkel indicated that among these principles were the ideas that quality matters and choice matters. We also need to have competitive benefits compared to peers, both academic and regional. And, we want to promote positive behaviors among employees. The advisory group was comprised of individuals from across campus categories, including UI Health Care, central administration, the Funded Retirement and Insurance Committee (FRIC), merit staff, Service Employees International Union (SEIU) staff, and university human resources. FRIC was

continually updated on the advisory group's work and had the opportunity to offer frequent feedback. The sole faculty representation on the advisory group consists of four faculty members from FRIC.

There was a response rate of about 37% to the survey that the advisory group sent out to university employees, Professor Garfinkel indicated. In general, respondents rated our health benefits positively. Satisfaction was high with both quality of care and access to providers. The free generic drug aspect of our health plan was particularly appreciated, as was the \$90 general credit. Other credits for life insurance shared savings and dental shared savings were less important to respondents. There was a positive preference for our current one-plan (UI Choice) structure. There was also interest in the possibility of having more health plan options from which to choose.

Ms. Troester then discussed the advisory group's recommendations, which could be divided into several topics. Under plan efficiency, the advisory group suggested subcontracting directly with a pharmacy benefit manager. This would give the university direct negotiating ability and more influence over formularies. This recommendation, if implemented, would be cost neutral at worst and would generate savings at best. The advisory group also suggested the continual review of plan administration for efficiencies. Regarding access to care, the advisory group recommended that reasonable and timely access to care be ensured across all plans.

Under plan options and design, the advisory group recommended offering distinct plan options among which employees could choose. It is from this recommendation that a lower-cost premium—with higher out-of-pocket expenses—plan proposal emerged. The university contracted with Aon to benchmark against higher education and geographical peers in order eventually to structure deductible, out-of-pocket maximum, and other features for the new plan. The advisory group also recommended continuing to use specific provider networks where possible.

Another set of recommendations concerned premium cost share, Ms. Troester explained. She noted that currently for UI Choice, the employee-only plan has a 0% premium cost share, while the employee/spouse, employee/children, and employee/family plans have a 20% premium cost share. Dual UI employee spouses have a 0% premium cost share for the family plan. The recommendation is to maintain the employee-only 0% premium cost share and the dual spouse 0% premium cost share for the family plan in the lower-premium/higher out-of-pocket plan only. The UI Choice plan would change to a discounted cost share for both of those groups of employees. The employee cost share would be 5% in 2020 and rise to 10% in 2021 and beyond.

The final recommendation concerned how to use potential cost savings. Ideas included various types of support for employees covered by the plans, including well-being programs and preventive health services, financial assistance with catastrophic illness for employees who demonstrate need, and cost control of fringe rate expenses. In concluding the presentation, Ms. Troester indicated that the preliminary recommendations were presented to the President's Cabinet on February 18. Shared governance presentations are taking place this month to gather

feedback. Approval of the new health plan option is slated for the June Board of Regents meeting. Campus communication regarding the recommendations will commence in June, with implementation of the recommendations in January 2020.

Past President Snyder observed that there appeared to be no opportunity to gather feedback from the larger faculty and staff community prior to June. He asked if it was possible to impact the recommendations, in the event of widespread negative feedback from the campus, or if this was a “done deal.” Ms. Troester noted that there have been multiple communications to the campus thus far through *Iowa Now* and that the advisory committee maintains a website, <https://hr.uiowa.edu/health-benefits-review>. Feedback received from shared governance will be taken into account. Professor Garfinkel added that the advisory committee’s work represents the best effort to balance the need for an additional health plan with financial sustainability. Vice President Daack-Hirsch commented that perhaps targeted feedback from faculty in the health sciences would be helpful, as they would have a better understanding of the impact of these recommendations than the faculty at large would. Ms. Troester responded that such feedback would need to be gathered quickly, because the advisory group plans to meet in April to review feedback.

Past President Snyder commented that the increased premium cost sharing for a significant portion of our campus population would be a main concern, along with a perception that employees will be driven to the lower-cost premium plan with higher out-of-pocket expenses. Ms. Troester noted that there are about 7200 contracts that are employee-only and 1100 contracts that are dual spouse. There are 18,000 contracts in total, and about 9,000 contracts are already paying a 20% cost share premium. An extensive campus effort will be made to educate employees about their health care plan choices. Professor Garfinkel stressed that the employee/spouse, employee/children, and employee/family plans will not be affected. Professor Marshall asked if any barriers to preventive care might occur in the lower-premium plan. Ms. Troester responded that any preventive care mandated by the Affordable Care Act to be free would continue to be free under both plans.

Professor Garfinkel commented that the majority of the 9,000 contracts to be affected by the new premium cost share are employee-only contracts. He acknowledged that those with dual spouse contracts may feel that this is not the first time that they have experienced what seems like a reduction of benefits. However, we must maintain sustainability for our health plans. Those with employee-only contracts tend to be younger people, who generally have lower health care costs. Therefore, their migration into a lower-premium plan is less of a concern than it would be for other groups, on average. He expressed the opinion that the recommendations being considered today are probably as good as they can be. Professor Tachau asked about the impact of the new plan on chronic care treatment. Ms. Troester responded that the new plan would be within benchmark of our peers; we are not offering a “skinny plan” alternative to UI Choice. She added that Aon is assisting the university in modelling various risk migration strategies. Vice President Daack-Hirsch asked for clarification of the recommendation for access to care. Ms. Troester commented that this recommendation relates to separate discussions about UI Health Care’s participation in various provider networks. These details are still being worked out.

- *Alcohol Harm Reduction Plan Input (Shelly Campo, Associate Dean, Graduate College and Tanya Villhauer, Director of Student Well-Being & Harm Reduction Initiatives)*

Professor Campo reminded the group that the university has had several successive three-year strategic plans for alcohol harm reduction on campus. The current one is expiring in August, so a new plan is being created by the Alcohol Harm Reduction Committee, comprised of faculty, staff, and student representatives of over 30 campus offices and entities. The Committee has been reviewing the latest national and university data as well as successful strategies to determine if any shifts in effort are required for the new plan. Ms. Villhauer indicated that extensive literature on data-based practices now exists and the committee is able to incorporate this information into its work and take a comprehensive approach with a wide range of strategies. The Committee has been tracking the same trends since 2010. This data is collected through the National College Health Assessment, which is administered every year.

Turning to specific data, Ms. Villhauer noted that the high risk drinking rate among undergraduate students has dropped 21% in nine years and fell below 50% for the first time this year. However, there has been a levelling out of the downward trend lately. The average number of drinks has declined from 7.4 to 5.3 over nine years. The percentage of students who have used alcohol on ten or more days of the past 30 days has declined from 36.4% to 22.7% over the last nine years. Progress has therefore been made on all three metrics. The Committee also looks at subgroups of students to determine if some subgroups have higher risk than others. The data show that fraternity and sorority members are one of the demographics with high risk.

Ms. Villhauer indicated that the Committee has made some changes to its goals in the new alcohol harm reduction plan. For example, instead of striving to attract more low-risk drinkers to UI, the Committee wants to focus on increasing the *perception of the UI as dedicated to promoting well-being and safety*. Another goal has been edited from *expect greater accountability for upholding community expectations* to *fostering a culture of care, integrity and compliance*. Professor Campo pointed out several new plan initiatives, such as to collect data on graduate and professional students and to identify any programming needs specific to that group. Another new initiative involves encouraging more student interactions with faculty and staff, such as through mentoring. Although this initiative is still being thought out, Professor Campo noted that students pick up messages from faculty and staff about alcohol through a variety of common interactions. She indicated that the Committee plans to expand interventions with students in fraternities and sororities throughout their educational experience at UI, not just in their first year. Professor Durham noted that some students arrive at UI as high risk drinkers already. Professor Campo responded that there are initiatives in the plan to address the needs of these students, as well as the needs of students who arrive as low risk drinkers. There are efforts to involve parents in this effort, as well. Other initiatives involve hazing prevention practices and polydrug use interventions. In conclusion, Professor Campo indicated that the new alcohol harm reduction plan will be released in the fall.

Vice President Daack-Hirsch asked what factors have contributed to the decline in high risk drinking. Professor Campo responded that environmental changes seem to have made the most difference, but the university has limited control over some of these factors. The Partnership for

Alcohol Safety, a campus-community coalition, is looking at ID enforcement and drink specials as possible areas for effort. Ms. Villhauer noted that more and more students are coming to campus choosing not to drink alcohol and that we need to find ways to encourage this behavior. Professor Campo added that the university has begun providing more gathering spaces for students on campus that do not provide alcohol. Professor Tachau noted the nexus of alcohol and sports in commercial culture and suggested that athletics receive less attention in recruitment and orientation efforts. We need to stress to students that they are here for an academic experience, she added. Professor Marshall asked about the demographics of students who choose not to drink. Professor Campo commented that, looking at national data, students who choose not to drink are more likely to be students of color, religious students, and international students. Data on major affiliation of students who choose not to drink is not available. In conclusion, Professor Campo and Ms. Villhauer welcomed feedback on the draft plan at any time before it becomes final.

- *Committee on Academic Values Free Speech Document First Reading and Input (Pete Snyder)*

Past President Snyder indicated that the Council's first discussion of this document would take place today, with a final discussion and vote at the April 9 Council meeting. The Senate will follow a similar pattern. He reminded the group of an earlier Council meeting during which Committee on Academic Values Chair Professor Steve McGuire gave an update on the Committee's work around the issue of free speech. This work was precipitated by a series of incidents at other campuses involving protests against controversial speakers and a sense that UI needed to be prepared in case such an incident happened here. The Committee decided that it was necessary to formulate a statement setting forth the university's principles on freedom of expression that would serve as a guide if and when an incident occurred on campus. The resulting document, which the Council was reviewing today, was drafted by Committee members Professor Lois Cox and Professor Richard Fumerton, with extensive feedback from the entire Committee. Two events then contributed to the need for the university to adopt a statement on free speech. First, the firm that is conducting the employment practices review, Fredrikson & Byron, noted the lack of such a policy in the UI Operations Manual during its review of university policies. Also, there have been efforts in the state legislature to pass a free speech bill, so it might be useful for the university to take the initiative to create its own policy before legislation is passed.

Turning to some specifics of the statement, Past President Snyder noted that the statement would apply to *all members of the academic community and visitors to the campus*. The statement points out that not only is free expression enshrined in the Constitution, but also *treasured as essential to the educational mission*. Even though some speech may cause offense, protection of speech must be content-neutral. There are limits to free expression, however, such as harassment and threats of violence, and the university may take disciplinary action against those who use those types of speech. The university may also impose restrictions on *time, place, and manner* of speech. The document further states that all faculty members, research professionals, and students must have academic freedom to pursue their research. Echoing language in the Board of Regents' operations manual, however, the statement indicates that *all those who teach must avoid importing into the classroom controversial material that has no*

relation to course content. The document recognizes that while the university must protect freedom of expression and academic freedom, it also has a duty to ensure a secure environment.

Professor Tachau commented that the document was generally praiseworthy. She then suggested several edits. The first was in the last line of the third paragraph, *Yet, to achieve its goals, **protection of freedom of expression must be content-neutral**...* The second was in the last line of the fourth paragraph, *~~Even~~ in university-connected events outside the classroom or laboratory...*, because, she noted, teaching goes on in other places besides classrooms and laboratories. Past President Snyder indicated that he would revise those two passages, keeping to the spirit of the suggested edits. Professor Tachau took issue with the word *must* in the sentence, *all those who teach must avoid importing...controversial material that has no relation to course content*. She noted that the American Association of University Professors makes a similar declaration, but uses *should* instead of *must*, in order to prevent possible persecution of those who teach. She pointed out that there is similar but more specific wording already in the Operations Manual (III, 15) on this very issue and wondered why it could not just be directly imported into this statement. Professor Durham, a member of the Committee, commented that the statement was written as a declaration and was not meant to supersede other policies. Past President Snyder indicated that since the statement will eventually be incorporated into the Operations Manual, it should be consistent with the Board of Regents operations manual. Professor Wasserman praised the document as strong work, but expressed skepticism that the statement would be heeded in the case of a highly-controversial speaker and the commotion that accompanies such an event. Secretary Yockey commented that the statement can be used to educate students about freedom of expression.

- *Vice President's Report (Sandy Daack-Hirsch)*

Vice President Daack-Hirsch gave a brief update on the recent administrative searches. She noted that Montserrat (Montse) Fuentes, dean of the College of Humanities and Sciences at Virginia Commonwealth University, has been selected as the new executive vice president and provost and will begin work on June 28. Interviews for the new associate vice president of diversity, equity, and inclusion are underway. The search process for the new vice president for research has concluded and we are waiting to hear who has been selected.

IV. From the Floor – Referencing a recent interview with President Harreld in the *Daily Iowan*, Professor Wasserman expressed consternation over the 2020 task force report, a time-consuming endeavor which ultimately, in his view, appears to have been futile, especially since there has been no clear administrative reaction to the report.

V. Announcements

- The next Faculty Senate meeting will be Tuesday, March 26, 3:30-5:15 pm, Senate Chamber, Old Capitol.
- The next Faculty Council meeting will be Tuesday, April 9, 3:30-5:15 pm, University Capitol Centre 2390.

VI. Adjournment – Professor Marshall moved and Professor Lehan Mackin seconded that the meeting be adjourned. The motion carried unanimously. Vice President Daack-Hirsch adjourned the meeting at 5:30 pm.