

FACULTY COUNCIL
Tuesday, April 10, 2012
3:30 – 5:15 pm
Seminar Room (2520D), Old Capitol Centre

MINUTES

- Councilors Present: D. Black, S. Clark, S. Gardner, B. Gollnick, S. Kurtz, B. McMurray, J. Murph, N. Nisly, J. Pendergast, K. Sanders, S. Schultz, J. Solow, E. Wasserman, S. Wilson.
- Officers Present: C. Bohannan, E. Dove, R. Fumerton, L. Snetselaar.
- Councilors Excused: N. Grosland.
- Councilors Absent: D. Bonthius, E. Ernst, K. Tachau.
- Guests: J. Bathke (Human Resources), D. Finnerty (Office of the Provost), S. Fleagle (Chief Information Officer), E. Gillan (Chemistry), M. O'Hara (Psychology), T. Rice (Office of the Provost), E. Schettler (*Press-Citizen*), K. Ward (Human Resources), L. Zaper (Faculty Senate).

I. Call to Order – President Fumerton called the meeting to order at 3:35 pm,
<http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultyCouncil.04.10.12.pdf>.

II. Approvals

- A. Meeting Agenda – Professor Black moved and Professor Clark seconded that the agenda be approved. The motion carried unanimously.
- B. Faculty Council Minutes (March 6, 2012) – Professor Pendergast moved and Professor Kurtz seconded that the minutes be approved. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (April 24, 2012) – Professor Black moved and Professor Solow seconded that the draft agenda be approved. The motion carried unanimously.
- D. Faculty Senate and Council Election Results – President Fumerton presented the results of the Faculty Senate and Council elections. He noted that Professors François Abboud and Christina Bohannan had been elected to the Council for three-year terms. President Fumerton also noted that Professors Nicole Nisly and Shelly Kurtz were completing their terms on the Council and he thanked them for their service. The Council gave them a round of applause.
- E. 2012-13 Committee Recommendations (Linda Snetselaar, Chair, Committee on Committees) – Vice President Snetselaar presented the committee recommendations for the 2012-13 academic year. Professor Pendergast moved and Professor Murph seconded that the committee recommendations be approved. The motion carried unanimously.

III. New Business

- *Report on Annual Meeting of Coalition on Intercollegiate Athletics (Mike O'Hara, UI COIA Representative)*

Professor O'Hara stated that he had attended the annual meeting of the Coalition on Intercollegiate Athletics (COIA), January 20-22, at the University of Tulsa in Oklahoma. The University of Iowa has been a long-time member of COIA, <http://blogs.comm.psu.edu/thecoia/>. Professors Jean Jew and Michael Cohen have served as COIA representatives in the past. Professor O'Hara briefly described some of the presentations at the conference. Britton Banowsky, Conference USA Commissioner and Chair of the NCAA Infractions Committee, discussed the rising number of incidents of unethical conduct by coaches and agents, along with academic fraud by student athletes, sometimes with the complicity of university academic advisors. Reforms are being made to investigatory procedures to better address these infractions. John Walda, President and CEO of the National Association of College and University Business Officers, raised the question of whether it was fair to ask students and their parents to finance collegiate athletics, particularly given the very high salaries of coaches. Professor O'Hara recalled data presented at the conference indicating that the average deficit of collegiate athletic programs was \$9 million. Money to fill the deficit must then be taken from the college's tuition funds or state appropriations.

Professor O'Hara explained that during the annual meeting, members engaged in several work sessions in order to discuss current issues in sports reform. Feedback from these work sessions was used by the COIA Steering Committee to prepare a report and recommendations on these issues for the full membership. COIA would like for the member faculty senates to endorse these recommendations. Before presenting the recommendations, however, Professor O'Hara proposed that the Faculty Senate form a committee of four or five faculty members to serve as an ongoing working group that would interact with COIA. He noted that although faculty already have opportunities for input on athletics issues via the Presidential Committee on Athletics (PCA) and the Faculty Athletics Representatives (FAR's), both PCA and the FAR's primarily focus on UI issues, rather than the national collegiate athletics scene. Through this proposed faculty working group, the Faculty Senate would have the opportunity to weigh in on a wide variety of collegiate athletics issues.

Turning then to the COIA Steering Committee policy recommendations, listed on a handout along with a letter to the COIA Membership from the Steering Committee and dated 22 February 2012, Professor O'Hara directed the group's attention to the list of five recommendations:

- 1) *COIA will strengthen its efforts to advocate for constructive responses to the growing financial and reputational risks that market-driven models of sports entertainment pose to US higher education and its traditional collegiate model of amateur sports.*
- 2) *COIA should hold to its position in favor of the collegiate model, and call for changes to reverse the growth of commercialism in college sports that has prompted pay-for-play proposals.*

- 3) *COIA should endorse focused exploration of Congressional approval for an antitrust exemption concerning college sports.* [Professor O'Hara explained that an antitrust exemption would allow the NCAA to set salary limits for coaches.]
- 4) *COIA should maintain its policy of cooperation with the NCAA and support for the NCAA's regulatory mission, while continuing to analyze and, where appropriate, criticize NCAA policies or implementation that prioritize the interests of sports programs over the academic mission of US higher education.* [Professor O'Hara voiced the opinion that the NCAA values input from COIA.]
- 5) *COIA should advocate for policies that will maintain the membership of all current FBS football conferences within the NCAA, consistent with the collegiate model of college sports.*

Professor Kurtz asked what accomplishments COIA could point to over the years of its existence. Professor O'Hara responded that COIA was a lobbying, not a policy-making, organization and that it appears that COIA's input has been very useful to those within the NCAA who seek to foster academic reform. Referring to language in the second recommendation, Professor McMurray commented that in the view of many observers, the collegiate model was itself exploitative. He asked if this aspect of the issue had been discussed at the annual meeting. Professor O'Hara responded that it had been and that it was COIA's position to simultaneously encourage the collegiate (as opposed to the pay-for-play) model and discourage the growth of commercialism in college sports. Professor Gollnick asked why the larger conversation on these issues could not just be confined to football and men's basketball, the sports which by far bring in the most revenue. Professor O'Hara noted that some of the problems in collegiate sports were not limited to football and men's basketball and observed that some coaches in other sports were known to behave unethically. Professor Clark commented that football and men's basketball often provide the resources to support other sports. Professor O'Hara disagreed, noting that often athletics departments are supported by their universities' general funds.

Professor Solow, a sports economist, expressed the view that the issues discussed here were quite complex. He also commented that it was his understanding that the UI Athletics Department was self-supporting. Professor O'Hara concurred that the UI Athletics Department, unlike many other university athletics departments, was currently self-supporting, although in the past it had received general fund support. He stressed that the purpose of forming an ad hoc Faculty Senate committee on athletics was to give the Senate a voice on the national college athletic scene, not just the local one. Professor Gussin, of the Emeritus Faculty Council, objected to the notion that student athletes were exploited. He noted that they enjoyed a free education, tutoring, and excellent training and playing facilities and coaching.

President Fumerton expressed a preference for learning what the UI Athletics Department staff thought of these recommendations prior to voting on them. He had concerns about several aspects of the recommendations, especially seeking waivers to anti-trust legislation. He asked Professor O'Hara his opinion of waiting for a Council vote until early in the fall semester after the Council has had an opportunity to hear Athletic Director Gary Barta's thoughts on the recommendations. Professor O'Hara responded that he thought Mr. Barta would likely say that

this was a faculty matter, to be dealt with as the Council thought appropriate. He urged the Council to vote now and expressed strong concern that inaction would be interpreted as rejection of the recommendations. Professor Pendergast commented that she shared some of President Fumerton's concerns, but noted that these were only non-binding recommendations. She urged that the Council vote.

Professor Pendergast moved and Past President Dove seconded that the Faculty Council approve the COIA Steering Committee Policy Recommendations. In a hand vote, nine approved the motion, three opposed the motion and four abstained. The motion carried.

- *Video Surveillance Policy (Kevin Ward, Assistant Vice President, HR Administration and Steve Fleagle, Chief Information Officer)*

President Fumerton explained that there are now over 700 video surveillance cameras already installed on campus with pending requests for an additional 400. He stressed that the issue before the Council was not to decide *whether* there should be video surveillance cameras on campus, but rather *how to regulate* the use of such cameras, as no policy currently exists. UI Human Resources has been working on a draft policy which has been brought to the Council today, with the intention to implement a policy in the near future so that pending requests can be acted upon soon.

Mr. Ward, Assistant Vice President, Human Resource Administration, explained that, with the proliferation of new technology combined with security concerns, Information Technology Services has experienced a recent increase in requests to fund and install video surveillance equipment, as well as to connect existing cameras to university systems such as building access systems. Questions have arisen regarding the interaction of video surveillance cameras with university systems, the design of new buildings to accommodate video surveillance technology, etc. Therefore, Human Resources has been working with the Department of Public Safety and Information Technology Services to develop a university policy. Mr. Ward noted that the hospital already has some guidelines in place in compliance with The Joint Commission standards. As part of the process of drafting the policy, a working group studied the policies of peer institutions, including those in the Big Ten. The draft policy was then reviewed by the Vice President for Human Resources, the Chief Information Officer, the Director of the Department of Public Safety, and the Office of the General Counsel.

Mr. Ward then briefly reviewed components of the draft policy. He noted that the policy would apply to all university students, faculty, staff and visitors, on university property or during university-sponsored events. Individual units may create more detailed policies. The policy does not apply to video used for non-surveillance purposes, to video used by the Department of Public Safety, to cameras on university space that is leased to an external party and to audio recordings. Addressing the principles and rationale of the policy, Mr. Ward indicated that the policy seeks to protect the university community and property while limiting video surveillance only to appropriate uses. Personal "webcam" technology for surveillance purposes, as well as "fake" surveillance cameras would be prohibited.

Regarding procedures, Mr. Ward explained that an administrative committee would be formed to monitor and review the policy and to create operational procedures. Written approval for new video surveillance equipment would need to be obtained from the Vice President of the requesting unit, from the Director of Public Safety, or from the Vice President for Human Resources. Those with access to video surveillance footage would be required to sign a confidentiality statement. Footage likely could be subject to open records requests. Notification of video surveillance would be posted if appropriate. The Department of Public Safety would have access to video surveillance equipment and footage upon demand when necessary. The policy calls for an inventory of all existing video surveillance equipment to be completed by the end of calendar year 2012. Violation of the policy may result in removal of the equipment and violators from university facilities; resolution in accordance with university policies and procedures; and notification of the Department of Public Safety. By 2017, video surveillance equipment must be brought into compliance with various technical and financial standards.

Past President Dove asked who would decide whether existing equipment would be reviewed and if it were possible for all existing equipment to go through the review process proposed for new equipment. Mr. Ward clarified that all existing equipment would be subject to review at some level by the administrative committee, which would be composed of representatives of the Department of Public Safety, Information Technology Services, Human Resources, the Office of the General Counsel, and the hospital. Professor Nisly urged that the following additional categories: gender identity, religious affiliation, and country of origin be added to 1.3 b. (the passage stating that video surveillance of individuals based on protected classifications would be prohibited). Mr. Ward indicated that he would reference the UI Human Rights policy here. Professor Nisly also suggested that signage referred to in 1.4 e. be posted in braille and other languages. Mr. Ward said he would look into that.

Professor Kurtz observed that tension might arise between two possibly conflicting portions of the policy, 1.4 c., which addresses confidentiality statements, and 1.4 d.(1), which contemplates an open records request. Steve Fleagle, Chief Information Officer, responded that confidentiality could be required up until the point when the requested information has been released. Professor Kurtz also suggested that the word *video* be inserted before the word *surveillance* in 1.4 d.(2) for consistency. Referring to earlier statements that there are approximately 400 requests pending for additional video surveillance cameras, Professor Pendergast asked who was making these requests. Mr. Fleagle responded that many requests are related to the numerous new buildings arising on campus; requests may have originated in Facilities Management or in an administrator's office. Since the sole purpose of the cameras is campus security, only internal requests are accepted. Professor Pendergast asked if motion detectors are covered by the policy. Mr. Fleagle said they were not, since the motion detectors generally cannot identify individuals. She then asked if video made from cell phones was covered. Mr. Fleagle responded that a statement could be made prohibiting such video. Professor Pendergast also noted that privacy issues were not addressed by the policy.

Professor Gollnick noted that the policy does not mention archiving footage and he suggested that the policy state how long and where footage should be stored. He also asked if the prohibition on webcam technology for surveillance purposes included campus housing. Mr.

Fleagle responded that it did. Regarding storage of footage, Mr. Fleagle commented that a decision had not yet been made, but that the intention was to store footage only for a short time. Secretary Bohannon suggested that the administrative committee contemplated by the policy could formulate guidelines on storage of footage. Following up on one of Professor Pendergast's points, Past President Dove suggested that the policy also consider regulation of the use of radio-frequency identification tags. Several Councilors commented on the possible use of tracking devices in the hospital. Mr. Fleagle stressed that the video surveillance was mainly used in public places; he noted some overlap with the issue of radio-frequency identification tags, but thought that the two issues should be covered in separate policies. Professor Gardner concurred with Mr. Fleagle. Professor McMurray commented on the use of tracking technology in academic buildings and how the data collected might be used; there should be a university policy regulating the use of such data. Professor Gollnick observed that the people carrying tracking devices usually know that they are doing so, whereas those being filmed by video surveillance cameras may not be aware of the cameras; this is an important distinction and may require two different policies.

Professor Pendergast moved and Past President Dove seconded that the draft Video Surveillance Policy be forwarded to the Faculty Senate for further discussion. The motion carried unanimously.

- *Fixed Term Faculty Policy (Richard Fumerton and Ed Gillan, Chair, Faculty Policies and Compensation Committee)*

President Fumerton reminded the group that in April of last year, a proposed policy that had originated in the College of Liberal Arts and Sciences regarding establishment of a senior lecturer position had come before the Council. The Council had decided that there was not enough information included in the proposal for it to recommend forwarding to the Senate and the Senate officers agreed to seek more information from the College. The Office of the Provost had envisioned this policy as eventually applicable throughout the university and had worked with the Senate officers and the Faculty Policies and Compensation Committee, chaired by Professor Ed Gillan, to develop a draft for a university-wide policy, a task made more complicated by the realization that the Operations Manual currently contains no mention of lecturers or any other type of fixed-term faculty positions. Meanwhile, the College of Law and the Tippie College of Business have taken steps to implement their own lecturer policies.

Professor Gillan further explained that it became apparent to the policy drafters that a uniform policy for all colleges was not feasible. Therefore, a two-tier approach was adopted. First, a paragraph would be inserted into the Operations Manual adding the category of Fixed-Term Faculty Appointments to the list of faculty types in section III, chapter 10. This paragraph would link to the Office of the Provost website for details on recruitment, hiring, and promotion. Second, the current information on the lecturer position on the Office of the Provost website would be revised to better define the position while allowing colleges the flexibility to structure the lecturer position to meet their specific needs. Collegiate lecturer policies would need to be approved by the college's faculty and by the Office of the Provost. Professor Gillan also noted that the collegiate deans are still in the process of reviewing the draft policy.

Professor Gardner asked for clarification whether lecturers could participate in collegiate governance. Secretary Bohannon commented that the lecturers in the College of Law participate in collegiate governance in a limited way and that this policy would allow for individual colleges to make that decision. Professor Pendergast asked if the policy was solely directed at teaching or if the term *fixed-term faculty* could apply to those who engage in other activities besides teaching. Professor Gillan acknowledged that the policy should recognize those fixed-term faculty who engage in research and service. Professor McMurray commented that his college distinguishes between adjuncts, who usually teach only one course, and lecturers, who may teach several different courses. He asked if the policy was meant to cover both categories. Professor Gillan responded that it was. Professor McMurray added that his department encourages lecturers' (but not adjuncts') participation in departmental decision-making, but the policy's apparent lumping together of all types of fixed-term faculty might make this practice problematic for the department. Professor Nisly asked if lecturers were currently allowed to participate in Faculty Senate. President Fumerton responded that they were not and added that research-track faculty are also currently excluded from participation in Faculty Senate. He noted that later in the meeting he planned to propose the formation of an ad hoc committee of lecturers to address issues of concern to them, including representation. The ad hoc committee would report to the Faculty Senate.

Professor Gollnick asked if information had been gathered regarding the practices of peer institutions towards lecturers. Professor Gillan responded that there is a variety of practices and that colleges within institutions might have varying practices, as well. President Fumerton added that the Faculty Senate officers have been greatly concerned about the rise in the number of lecturers in relation to the number of tenured/tenure-track faculty at the UI and continually discuss their concern with the administration. Professor Pendergast commented that at her previous institution, lecturers were not considered faculty. In her view, the term *faculty* applies to individuals with terminal degrees and a long-term commitment to the institution. President Fumerton responded that in many cases lecturers have acquired these characteristics and departments now feel pressured to attract and retain high-quality lecturers. Professor Pendergast suggested the phrase *fixed-term academic appointments* to refer to lecturers, adjuncts, etc. She added that perhaps the title *lecturer* could be consistent across campus, but President Fumerton responded that different disciplines prefer different titles for lecturer positions in order to remain competitive with peers outside the university. Professor McMurray spoke in favor of Professor Pendergast's suggestion, adding that this would allow colleges to decide who is and who is not considered faculty in a particular college. Professor Gillan pointed out that the description of fixed-term faculty proposed for insertion into the Operations Manual would be placed in the section describing types of faculty. Ms. Finnerty, Director of Faculty Human Resources and Development in the Office of the Provost, added that university infrastructure was set up to identify lecturers, adjuncts, etc., as faculty, not staff.

Professor Nisly observed that there are many physicians statewide who teach Carver College of Medicine residents. These physicians provide a crucial service but are uncompensated. They are, however, given the title of adjunct faculty, which they value highly. She added that one policy could not possibly encompass every situation; therefore, she advocated for a university-wide policy recognizing those who teach as faculty, but then allowing the colleges to further

define the rights and privileges of their various fixed-term faculty. Professor Pendergast suggested that a passage be added to the proposed Operations Manual paragraph indicating that rights and privileges would be defined at the collegiate level. President Fumerton responded that a similar statement appeared in the bullet points of the proposed revision of the Office of the Provost website information on lecturers. Ms. Finnerty noted that not all rights and privileges for adjuncts, at least, were defined at the collegiate level. Secretary Bohannon expanded on the role of lecturers in the College of Law. Although they are classified as lecturers for university purposes, their title in the College is Legal Analysis, Writing and Research faculty. She commented that the College does not wish to create the perception of hierarchy among the faculty and that the students address the lecturers as “Professor.” Noting the sensitivity that many feel regarding titles, Professor Gollnick urged that the policy allow for maximum flexibility at the collegiate level on this issue.

Professor Kurtz moved and Professor Nisly seconded that the draft Fixed-Term Faculty Appointment Policy be approved and forwarded to the Faculty Senate for consideration. The motion carried with one opposing vote.

Professor Kurtz moved and Professor Nisly seconded that the proposed Ad Hoc Lecturers Committee be approved and forwarded to the Faculty Senate for consideration. The motion carried unanimously.

Professor McMurray suggested that the members of the ad hoc committee be invited to attend Faculty Council and Senate meetings. President Fumerton responded that the Faculty Senate officers would extend this invitation at the first meeting of the ad hoc committee.

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

V. Announcements

- The next Faculty Senate meeting will be Tuesday, April 24, 3:30-5:15 pm in the Senate Chamber of the Old Capitol. Election of officers will take place.

VI. Executive Session – Professor Wilson moved and Professor Pendergast seconded that the Faculty Council move to Executive Session. The motion carried unanimously.

President Fumerton announced the winners of the Regents Award for Faculty Excellence and the Michael J. Brody Award for Excellence in Service to the University and the State of Iowa.

Past President Dove moved and Secretary Bohannon seconded that the Faculty Council move to open session. The motion carried unanimously.

VII. Adjournment – Professor Kurtz moved and Professor Nisly seconded that the meeting be adjourned. The motion carried unanimously. President Fumerton adjourned the meeting at 5:14 pm.