

**FACULTY COUNCIL**  
**Tuesday, April 13, 2010**  
**3:30 – 5:15 pm**  
**Seminar Room (2520D), University Capitol Centre**

**MINUTES**

Councilors Present: S. Kurtz, T. Mangum, P. Mobily, D. Morris, J. Reist, L. Robertson, R. Valentine, E. Wasserman.

Officers Present: E. Dove, D. Drake, M. O’Hara, K. Tachau.

Councilors Excused: B. Justman, F. Mitros, L. Richman, G. Russell, C. Scott-Conner.

Councilors Absent: D. Hammond, R. Williams, S. Wilson.

Guests: J. Andrews (Emeritus Faculty), J. Andsager (Journalism & Mass Communication), L. Hermiston (*Press-Citizen*), B. Ingram (Office of the Provost), L. Larson (University Relations), J. Pendergast (Biostatistics), T. Rice (Office of the Provost), T. Vaughn (Health Management & Policy), L. Zaper (Faculty Senate).

I. Call to Order – President Drake called the meeting to order at 3:31 pm.

II. Approvals

- A. Meeting Agenda – Past President O’Hara moved and Secretary Tachau seconded that the agenda be approved. The motion was unanimously approved.
- B. Faculty Council Minutes (March 9, 2010) – Professor Kurtz moved and Past President O’Hara seconded that the minutes be approved. The motion was unanimously approved.
- C. Draft Faculty Senate Agenda (April 27, 2010) – Professor Kurtz moved and Past President O’Hara seconded that the agenda be approved. The motion was unanimously approved.
- D. Faculty Senate and Council Election Results – President Drake presented the results of the 2010 elections.
- E. 2010-11 Committee Recommendations (Edwin Dove, Chair, Committee on Committees) – Vice President Dove presented the recommendations of the Committee on Committees for individuals to fill vacant positions on charter, university and Faculty Senate committees beginning with the 2010-11 academic year. Several vacancies still need to be filled. Past President O’Hara moved and Professor Robertson seconded that the recommendations be approved.

### III. New Business

- *Post-Tenure Review Policy (Julie Andsager, Chair, Faculty Policies and Compensation Committee)*

Professor Andsager explained that five years ago the Faculty Policies and Compensation Committee worked on a revision of the university post-tenure review policy, in an effort to standardize policies across colleges, but that revision was never brought forward for approval. This year, the committee undertook another revision of the policy, while also investigating how peer review could be made to enhance the professional vitality of some faculty members. The newly-revised document has two sections following the introduction. Section 10.7.2 describes *Regular Peer Review Procedures*. This section standardizes the regular five-year peer review for all tenured faculty members throughout the university (those faculty holding administrative positions are exempt from review). Colleges would be responsible for developing their own procedures for post-tenure review and individual collegiate guidelines would be followed for evaluating teaching, research and service. Section 10.7.3 describes *Special Peer Review Procedures*. The procedures outlined here would be used in dealing with a faculty member who has been performing unsatisfactorily for some time. Some colleges already have implemented special reviews for such faculty members. Professor Andsager stressed that this proposed special peer review was created to help and protect faculty members. As with the regular reviews, each college must develop its own procedures for the special peer reviews. However, this policy calls for deans to provide written justification for a special review. Additionally, a special peer review committee would be formed to review the dean's written justification along with the faculty member's response and then determine whether a special peer review is warranted. If justification is found and a review is carried out, this committee would then create a remediation plan for that faculty member. The dean could then accept the review results and the remediation plan and work with the faculty member to implement the plan, or the dean could reject the review and the plan. The dean always has the option of pursuing other options to address unsatisfactory professional vitality.

Secretary Tachau thanked Professor Andsager for chairing the committee while it worked on the difficult issue of post-tenure review. She suggested one edit, "...the faculty member *may* [not *can*] seek redress..." on page 3, line 1. She also asked who would be responsible for overseeing the remediation plans. In some colleges, the DEO would be the logical choice; however, not all colleges have DEO's. Professor Kurtz suggested that the "dean's designee" oversee the plan, but Secretary Tachau thought that was too broad of a phrase as it could lead to a dean micro-managing departmental matters.

Professor Wasserman commented that since he was serving on the Council for the spring semester only, he was less familiar with the history of this policy revision than the other Councilors who had been discussing this and related policies all year. He asked why the current policy applies to tenured full professors only while the revision applies to all tenured professors. Professor Andsager responded that the policy could then cover those faculty members who remain at the rank of associate professor for an extended period of time. Professor Wasserman suggested that a preamble be inserted to explain this and other changes to the original policy, as the reasons for the changes would not be apparent to most faculty. He also asked what was wrong with the original policy that necessitated a revision.

Past President O'Hara explained that Professor Jeff Cox, representing the local AAUP chapter, had approached the Faculty Council to undertake a revision of the policy because of reports that post-tenure review was not taking place in a consistent way across colleges. Professor Wasserman responded that this was a reason for revising the regular peer review procedures, but that it did not call for instituting special peer reviews. Past President O'Hara went on to comment that, under the current policy, deans and DEO's are unable to adjust workloads when faculty members exhibit unsatisfactory performance. Deans and DEO's find this situation to be extremely frustrating and are searching for a means to address it. The special peer review is a faculty-led attempt to address this problem before the administration steps in to do so.

Secretary Tachau continued the explanation by adding that last fall Provost Loh had charged a committee of deans with revising the Post-Tenure Effort Allocation Policy (PTEAP), with the goal of allowing for a swift modification of a faculty member's workload. The PTEAP had originally been designed as a helpful remedy for faculty, not a punitive one; therefore, one of the Faculty Council's concerns about this revised PTEAP was that its original purpose be preserved. The Faculty Policies and Compensation Committee (FPCC) then searched for a more appropriate place for a policy that would give faculty members perceived to be performing poorly time and possibly resources to improve their performance. Secretary Tachau stressed that hasty decisions, based on only one year's worth of evidence, must not be made regarding faculty performance. The post-tenure review policy seemed the most likely location for this additional policy statement. However, previous drafts of the post-tenure review policy had stated that such reviews could not be used in departmental decision-making, but were to be developmental only. The post-tenure reviews were therefore inconsequential regarding portfolio adjustment. Professor Wasserman asked how the revised post-tenure review policy remedied this situation. Professor Andsager explained that the revision did not change the regular peer review but only made it consistent across colleges. Regarding the special review (as it exists in some colleges), however, currently faculty who undergo a special review feel that they are excluded from the process; this revised policy seeks to include them fully in the process. Also, the revised post-tenure review may lead to a reallocation of effort, giving deans and DEO's some leverage to improve performance that stops short of termination proceedings. President Drake added that the dean must put his/her concerns in writing. He also commented that this special review is not meant to be a punishment, but a way of rekindling a faculty member's professional vitality.

Professor Wasserman asked how the peer review committee would be formed. President Drake responded that the FPCC, after much debate, had decided to leave this aspect of the policy up to the individual colleges. Professor Wasserman commented that this could again introduce the variability into the process that the FPCC had been seeking to avoid. President Drake replied that the provost would need to approve each collegiate plan for post-tenure review, thus providing oversight of the process. Professor Wasserman expressed concern that the Faculty Council was being asked to vote on this university-level policy before the collegiate plans, which may introduce a great deal of variation again, have been formulated. He preferred that a two-step process be implemented, first with an attempt to fix the problems associated with the

regular review process and then move to the creation of a more rigorous special review process if warranted.

Professor Mangum suggested that the policy state that the special peer review committee be composed of three peers of the faculty member under review, thereby eliminating possible collegiate variability in this aspect of the process. President Drake responded that the FPCC debated this issue and created many different scenarios but was unable to come up with a satisfactory configuration. Professor Andsager added that small departments may not hold three peers of the person under review. She reminded the group that the special peer review would be needed infrequently; each college would determine how often such reviews are likely to be undertaken and design procedures accordingly.

Professor Kurtz commented that it is not unusual for university policies to be implemented with collegiate variation. It is through the oversight of the provost that consistency is maintained. The variety of instruction provided across colleges necessitates this variation in policy, which is not a cause for concern. He further commented that in his college peer review did not carry much weight. The current peer review policy is simply not working as intended across the university. He also noted that deans are not required to use this policy; they have other options for dealing with faculty who are not performing at expected levels. Secretary Tachau commented that some of her colleagues believe that special peer reviews have been carried out in a problematic way in her college. This revised policy would correct that situation by providing for the special peer review committee to reject reviews it deems unwarranted. Professor Andsager pointed out that in her college there are currently no consequences for an extremely negative peer review, unless the dean decides to pursue drastic measures (termination). The revised policy provides for a middle way that allows the faculty member time to improve his/her performance.

Professor Wasserman expressed dismay that any college would not take seriously the review procedures of faculty members' professional activity. In his department these reviews are taken very seriously. He advocated tabling consideration of the special review until the problems with the regular review procedures are resolved across the university. Past President O'Hara commented that he did not consider the regular review process a failure, as it functions well in the great majority of cases. Rather, it is simply not adequate to deal with the most difficult cases, hence the need for the special review process. He referred to a situation in Missouri in which university administrators implemented faculty portfolio changes without faculty agreement. Although our administration is more responsive to faculty, both Past President O'Hara and President Drake stressed that the Faculty Senate must be proactive in addressing this issue so that solutions are not imposed upon us.

Professor Kurtz commented that departments in which the results of peer reviews are widely shared are not the model for peer review across the university. Therefore, there is little peer pressure to improve performance. Professor Valentine expressed concern about the membership of peer review committees and also that the policy might become a vehicle for harassment, as individual deans might interpret "sustained inadequate performance" differently. Professor Andsager reiterated that the special peer review committee can reject reviews it deems unwarranted. Professor Wasserman asked whether it would be the dean who

appoints this special review committee, especially since it would be the dean who initiates the review process. Professor Tachau expressed concern about those deans who, if an action is not prohibited in the *Operations Manual*, become creative in devising new procedures. A clear university-wide post-tenure review policy would override any free-standing collegiate policies governing this area. Professor Kurtz suggested that the following edit be made: “The faculty of (E)ach college must develop and implement a formal plan...” on page 1, line 33 and page 2, line 17. Professor Andsager reminded the group that the dean is not obligated, only encouraged, to use this policy; s/he could resort directly to the termination policy. Past President O’Hara added that a dean might also make use of the ethics policy to claim a lack of professional productivity on the part of the faculty member. Involuntary reassignment of the faculty member could be a consequence. Secretary Tachau suggested an additional edit of “The plan must be approved by the collegiate faculty and the Provost” on page 1, line 37 and page 2, line 21.

Past President O’Hara moved and Professor Robertson seconded that the revised Post-Tenure Review Policy be approved as amended. The motion was approved with one dissenting vote.

- *College of Public Health Research-Track Policy (Edwin Dove)*

Vice President Dove explained that the College of Public Health has submitted a proposal to establish a research track for faculty. This proposal follows very closely both the university policy on the research track, approved by the Faculty Senate two years ago, and the collegiate policy implemented by the Carver College of Medicine. Professor Robertson further explained that the College of Public Health faculty had taken three votes on the proposal. The faculty had voted on the concept of the research track under the previous dean (Jim Merchant), then two votes were carried out under the current dean (Sue Curry), the latter vote of which was supervised by Associate Provost for Faculty Tom Rice. All three votes were overwhelmingly in favor of establishing the research track. Vice President Dove added that the proposed policy had also been reviewed by the Faculty Policies and Compensation Committee, the Faculty Senate Officers, and the Office of the Provost.

Professor Wasserman asked whether research-track faculty participated in shared governance. President Drake responded that they did not do so at the university level, although they may do so at the collegiate level. This is stated in the university policy, even if it is not explicitly stated in the individual collegiate policies. Past President O’Hara further explained that, during the debate over the establishment of the research track several years ago, the decision was made to exclude research-track faculty from university-level governance because they do not participate in teaching, an essential responsibility of the tenured, tenure-track, and clinical faculty members and frequently the subject of Faculty Senate concern. Professor Wasserman asked about the limit on clinical-track faculty serving in the Senate; that limit is 20% of a college’s Senate delegation or one senator (whichever is greater).

Professor Kurtz asked what would happen, in terms of pay, if the grant under which a research-track faculty member was hired were to disappear. Professor Pendergast noted that, according to the university policy, termination prior to conclusion of appointment can only occur as a result of poor performance of duties, not because of a change in economic circumstances. She explained that the initial appointment of a research-track faculty member is made under a specific grant. In addition to this, assistant research-track professors are hired under the sponsorship of a faculty member, who must be able to cover that person’s salary with grant money. If that grant goes away, it is the responsibility of the faculty sponsor to find a place for the research-track faculty member on someone else’s grant. If that cannot be done, it then becomes the dean’s responsibility to find a way to support that person’s salary, but not,

however, with General Education Fund money (the university policy prohibits this). Professor Kurtz noted that the Carver College of Medicine appears to have a number of revenue streams that are not from the General Education Fund and therefore would have no difficulty supporting a research-track faculty member in this situation. He wondered whether the same were true for the College of Public Health. Professor Pendergast responded that all of the Public Health faculty are responsible for bringing in at least 50% of their salaries through grant funding. Therefore, there are many grants in effect all the time and a research-track faculty member could usually be placed on another grant, even if it is not exactly his/her area of expertise. It is understood that research-track faculty are versatile people who can adapt to new projects, at least for the short term. In the long term, research-track faculty are expected to pursue grant funding aggressively and therefore usually support themselves fully on it. In response to a question from Professor Wasserman, Professor Pendergast indicated that research-track faculty are distinguished from tenured/tenure-track faculty in that research-track faculty must support 100% of their salaries from grant funding. Also, certain restrictions are placed on research-track faculty; they cannot lead dissertations, they cannot participate in university-level governance, etc. They will, however, certainly mentor on an informal basis in their labs or research environment. She characterized them as “knowledgeable scientists.”

President Drake reminded the group that the university research-track policy has already been approved by the Board of Regents, State of Iowa. The College of Public Health is not creating new policy, but adapting the policy for use in the college.

Professor Robertson moved and Vice President Dove seconded that the College of Public Health Research-Track Policy be approved. The motion was unanimously approved.

- *Sexual Harassment Policy Draft (Jonathan Carlson, Office of the President)*

Professor Carlson updated the Council on the edits that had been made to the draft policy since his last visit to the Faculty Council, on March 9. On page 5, a definition of the word “instructor” was inserted as item (6). Also, the concept of “informal resolution” has been changed to “early resolution” (throughout the draft beginning in section 4.4), as that seems more accurately to describe the process, which includes a 21-day timeline. Past President O’Hara suggested that “rapid resolution” might be an even better term. Some re-organization of the document has been made and will continue to be made, but the items mentioned above are the main substantive changes.

Professor Kurtz moved and Secretary Tachau seconded that the Sexual Harassment Policy Draft be approved. The motion was unanimously approved.

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

V. Announcements

- The Tenure Workshop, sponsored jointly by the AAUP, Faculty Senate, and the Office of the Provost, will take place tomorrow, Wednesday, April 14, 6:30-9:00 pm, in the Galagan Auditorium of the Dental Science Building. Please encourage junior faculty members to attend.
- The next Faculty Senate meeting will be Tuesday, April 27, 3:30-5:15 pm in the Senate Chamber of the Old Capitol. Election of Faculty Senate Officers for the 2010-11 academic year will take place at this meeting.

VI. Executive Session – Professor Kurtz moved and Past President O’Hara seconded that the Council move to Executive Session. The motion was unanimously approved.

President Drake announced the winners of the Regents Award for Faculty Excellence and the Michael J. Brody Award for Faculty Excellence in Service to the University and the State of Iowa. These names will be publicly announced at the Faculty Senate meeting on April 27.

Past President O’Hara moved and Professor Morris seconded that the Council move out of Executive Session. The motion was unanimously approved.

VII. Adjournment

President Drake commented that this was his last Faculty Council meeting as President of the Faculty Senate. He stated that he was proud to have served as President, and that he looked forward to working as Past President next year with President Dove.

Professor Kurtz moved and Past President O’Hara seconded that the meeting be adjourned. The motion was unanimously approved. President Drake adjourned the meeting at 4:47 pm.