

FACULTY COUNCIL
Tuesday, October 4, 2011
3:30 – 5:15 pm
Seminar Room (2520D), Old Capitol Centre

MINUTES

- Councilors Present: D. Black, S. Clark, E. Ernst, N. Grosland, B. McMurray, N. Nisly, J. Pendergast, G. Penny, S. Schultz, J. Solow, K. Tachau, E. Wasserman.
- Officers Present: C. Bohannon, E. Dove, R. Fumerton, L. Snetselaar.
- Councilors Excused: S. Gardner, S. Kurtz, K. Sanders, S. Wilson.
- Councilors Absent: D. Bonthius, J. Murph.
- Guests: D. Drake (Office of the President), D. Finnerty (Office of the Provost), E. Gillan (Chemistry; Faculty Policies and Compensation Committee), B. Ingram (Office of the Provost), C. Joyce (Office of the Ombudsperson), T. Rice (Office of the Provost), L. Zaper (Faculty Senate).

I. Call to Order – President Fumerton called the meeting to order at 3:31 pm,
http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultyCouncil.10.04.11_000.pdf.

II. Approvals

- A. Meeting Agenda – Professor Pendergast moved and Past President Dove seconded that the agenda be approved. The motion carried unanimously.
- B. Faculty Council Minutes (August 30, 2011) – Professor Black moved and Past President Dove seconded that the minutes be approved. The motion carried unanimously.
- C. Committee Replacements (Linda Snetselaar, Chair, Committee on Committees)
 - None at this time

III. New Business

- *Office of the Ombudsperson Annual Report (Cynthia Joyce, Ombudsperson)*

Ms. Joyce began her report by indicating that the UI Office of the Ombudsperson was celebrating its 25th anniversary. The office came into existence because UI President James Freedman, recently arrived from the University of Pennsylvania in 1982, had remarked upon the absence of such an office and suggested that the Faculty Senate look into this issue. An ad hoc committee of the Senate eventually submitted a proposal for the establishment of an ombuds office which opened its doors on October 1, 1985. Originally there was only a faculty member serving as ombudsperson, but a staff ombudsperson was added in 1988 because of the office's increased work load.

Regarding the annual report, Ms. Joyce stated that the office had 89 faculty visitors last year (2010-2011), which is about 4.0% of UI faculty. For comparison, the office was visited by 1.7% of staff and 0.5% of students. The total number of visitors, 501, equates to approximately 1% of the campus population. She indicated that this is consistent with the experiences of other ombudsperson offices around the country. The main reason (41% of cases) that faculty visited the office was a problem in a relationship with a DEO or other administrator. Problems in similar evaluative relationships were also the most common reason for staff and students to visit the office. Other concerns for faculty included peer relationships (18%) and difficulties with services/administration (12%). Ms. Joyce explained that the latter concern involved faculty members being dissatisfied with university decisions (regarding benefits, parking, etc.) not made in their favor. Secretary Bohannon asked if the numbers in the report included visits made to collegiate ombudspersons. Ms. Joyce said that they did not, and added that currently not all colleges have ombudsperson offices.

Looking at a graph charting numbers of visitors to the office over the past 25 years, Past President Dove commented that the number of visitors seems to have risen for faculty, staff, and students over the past few years. He wondered why that was the case. Ms. Joyce responded that one reason for the increase was that the office had changed its method of measuring visitors recently. Before, email messages and phone calls were not considered "visits," but now they are. Ms. Joyce also reminded the group that the campus had suffered through some tumultuous events in recent years (the flood and the recession). Professor Pendergast noted a dip in visitors to the office around years 20 and 21. Ms. Joyce explained that there was turnover with both the faculty and staff ombudspersons at that time and she suggested that the dip in visitors could be attributed to faculty, staff, and students being unfamiliar with the new ombudspersons and hesitant to approach them. Professor Tachau further noted a general uptick in visits for all groups lately following some spikes and dips, especially among staff and students. Ms. Joyce responded that increased marketing may partially explain this phenomenon; for example, there was a sharp rise in student visitors following a series of presentations that the ombudspersons made to numerous student groups. She added that graduate students visit the office much more so for their numbers than undergraduate students.

Vice President Snetselaar asked if certain colleges produce higher numbers of visitors than others; Ms. Joyce responded that some do, but that the office finds it counterproductive to release such statistics. President Fumerton asked if the overall numbers suggest an increase in problems lately. Ms. Joyce said no, but that the ombudspersons were more concerned about the reasons people give for visiting the office. For example, a recent new concern is the phenomenon of graduate students having problems with each other. Another recent concern was a rise in the number of undergraduates with issues surrounding policy violations.

Ms. Joyce continued her report by indicating that the office sees more minority and female visitors than their numbers on campus would seem to warrant. The ombudspersons attribute that to those groups perhaps feeling that they have less power on campus. There was little change in the number of visitors with concerns involving discrimination or harassment; there has been a continuing drop, however, in the number of visitors with concerns regarding sexual

harassment, likely due to the availability of other offices on campus to deal with this issue. The ombudspersons have worried for several years about a rise in incidences of disrespectful behavior; 25% of visitor concerns involved disrespectful behavior. Ms. Joyce clarified that this is a determination that the ombudspersons make following a complaint and that this figure is on top of the other categories of visitor concerns. She added that although this is a societal issue, the ombudspersons feel that it must be addressed on campus. Secretary Bohannan asked what the ombudspersons do when a visitor describes disrespectful behavior that does not, however, rise to the level of violating any university policies. Ms. Joyce responded that they first identify the disrespectful behavior as such to the visitor and then they ask the visitor what s/he would like to do about it. Some visitors, who may fear losing their jobs or not receiving tenure, decide to do nothing about the behavior, even though the ombudspersons emphasize that everyone has the right to protest against disrespectful behavior. The ombudspersons can suggest that the visitor communicate with the person behaving disrespectfully. The visitor might also request that the ombudspersons speak to the individual, a supervisor or the department as a whole. President Fumerton asked if the harassment policy might apply in situations of disrespectful behavior. Ms. Joyce responded that the bar for violations of that policy is extremely high (verbal harassment must be serious enough to potentially incite violence) and many instances of disrespectful behavior may not meet it.

Ms. Joyce indicated that in this year's report the ombudspersons listed several issues that have repeatedly been identified as causes of concern over the 25 years of the office's existence. These issues include disrespectful behavior; discomfort with conflict management and consequent avoidance of conflict; problems with accurate performance evaluations; mental health issues on campus; and vulnerable populations (junior faculty, post-docs, graduate students, probationary staff, etc.). Professor McMurray noted these were important but difficult issues to address. He asked if there were concrete steps the university could take to address these issues. Ms. Joyce responded that there were many examples of concrete action taken by the university to address problems. She specifically cited the great strides taken to address sexual harassment on campus. She also noted the administration's postponement of changes in the flex credit system following protest from many quarters. Ms. Joyce concluded her report by indicating that the office had conducted 52 workshops on conflict management this past year, including 10 workshops led by Faculty Ombudsperson Susan Johnson on effective and appropriate email communication. She added that this year's results from the visitor survey were similar to those from previous years.

President Fumerton asked Ms. Joyce's opinion of the best approach to deal with disrespectful behavior. He wondered if training, similar to that on sexual harassment, would be the best solution. He and Ms. Joyce both noted that people may sometimes not realize that they are engaging in disrespectful behavior, so training would bring a greater awareness of this issue. Ms. Joyce stated that she would like to see the university develop an aspirational statement on respectful behavior that would be broadly applicable across the campus. Secretary Bohannan commented that the high bar mentioned earlier for verbal harassment in the university harassment policy may be related to First Amendment protection of freedom of speech. The state can regulate speech that incites violence but is limited in regulating other types of speech. While an aspirational statement may be acceptable, she cautioned against going further than

that to regulate speech on campus. Ms. Joyce noted that there is already a much stronger policy on disrespectful behavior for staff than for faculty and that there is no policy on it for students. She found these discrepancies disturbing. Professor Pendergast asked if tolerance for different styles of expression was also being advocated. Ms. Joyce commented that there is no right or wrong way to express oneself; rather, if someone considers another person's manner of expression disrespectful, the two should discuss the issue and find a resolution.

- *Tenure-Clock Extension Policy Revision (Richard Fumerton)*

President Fumerton reminded the group that the Council had approved the revised Tenure-Clock Extension Policy at its August 30 meeting. The Senate had then approved the revision except for the second paragraph, which the Faculty Senate officers working with Associate Provost Tom Rice's office agreed to revise. He explained that the goal of the original revision of the policy was to clarify deadlines and to emphasize the automatic nature of the extension. The revision to the second paragraph makes it clear that it is the faculty member's responsibility to notify her/his DEO, dean or the Provost of the qualifying event (addition of a child to the family), but that the extension occurs automatically after that unless the faculty member declares an intention to decline the extension. This revised paragraph also states that the Provost's Office will remind all probationary faculty annually of the existence of this policy.

Professor Tachau spoke in favor of the revised language of the second paragraph. Professor McMurray thought that the language in the revision was clear, but that he preferred the tone of the earlier version, which stated that DEO's and deans who become aware of a faculty member's qualifying event should notify the faculty member of her/his right to the extension. Professor McMurray felt that the previous language conveyed the sense of a supportive environment for junior faculty generally and for the use of this policy specifically. In his opinion the new language was more focused on protecting the DEO. President Fumerton commented that in larger departments a DEO may overlook a faculty member's qualifying event, especially with male faculty members. Secretary Bohannon stated that with the earlier version she had had concerns about fairness. For example if a DEO happens to be aware of the qualifying event of one of her/his junior faculty members but not of the qualifying event of another, this situation could lead to a claim of unfairness. Also, DEO's might wonder about the extent of their obligation to make themselves aware of events in the personal lives of junior faculty members. She felt that the revised paragraph addressed these concerns. She also approved of the practice of informing probationary faculty members annually about their right to an extension and she did not think it was burdensome to the faculty member to provide notification of the qualifying event. Professor Black approved of putting the onus on the faculty member to provide notification, reiterating that a DEO cannot be expected always to become aware of qualifying events of probationary faculty, especially in large departments. Professor Pendergast approved of measures to spread the word about the policy and commented that, the more people who are aware of the policy, the better. Even if a DEO might not know about a qualifying event, another faculty member might and could remind her/his colleague of the right to an extension.

Professor Solow moved and Professor Tachau seconded that the revised language in the Tenure-Clock Extension policy be approved and forwarded to the Faculty Senate for consideration. The motion carried unanimously.

President Fumerton then directed the group's attention to the preceding paragraph (the first paragraph of the policy) and suggested that the highlighted phrase *and upon relevant notification* be inserted into the first sentence, which states that for each child added to the family, the faculty member's probationary period shall be automatically extended by twelve months. Professor Tachau wondered if this phrase might be used by administrators to discourage probationary faculty members from providing notification and therefore to limit use of the extension. President Fumerton stressed that the sentence concerned is simply not true without the suggested phrase. Professor Pendergast commented that discovery of a qualifying event during the hiring process might be difficult since interviewers are not supposed to ask candidates about their family situations and plans. She also asked for clarification of the two different deadlines that appear in the policy: September 1 and the collegiate or departmental deadline for submitting tenure dossiers for review. Several other councilors expressed confusion about the two deadlines. President Fumerton, Secretary Bohannon, and Diane Finnerty (Director of Faculty Human Resources and Development in the Provost's Office) explained that the September 1 deadline applies to the addition of the child to the family, while the collegiate/departmental deadline for dossier submission applies to the notification of the qualifying event if the extension is desired in the tenure decision year. Some uncertainty may unavoidably arise if the qualifying event is expected around September 1 of the tenure decision year. A suggestion was offered to make the deadline for addition of the child to the family the same as the deadline for dossier submission and notification of the qualifying event. There was discussion of possible unequal treatment arising from differing departmental deadlines for the notification. Eventually, however, the group decided to keep the policy as is.

Professor Schultz moved and Professor Tachau seconded that the revised language in the first paragraph of the Tenure-Clock Extension policy be approved and forwarded to the Faculty Senate for consideration. The motion carried unanimously.

- *Discussion of Lecturer/Senior Lecturer Position (Richard Fumerton)*

President Fumerton introduced the chair of the Faculty Policies and Compensation Committee (FPCC), Professor Ed Gillan. He noted that Faculty Council considers policies that FPCC has often previously reviewed and revised and he commended Professor Gillan on his leadership of the committee over the past year. President Fumerton then initiated discussion on the topic of lecturers by commenting that the Council is usually asked to consider a policy once it has been drafted, but it may be helpful to have the Council weigh in on an issue before a policy draft has been created. He reminded the group that last year the Council had reviewed a policy on senior lecturers, but had decided that the policy was not fleshed out enough to vote on or to bring to the Senate. President Fumerton noted that currently there is no language about lecturers in the Operations Manual, but such language (perhaps taken from information on lecturer appointments on the Provost Office website) probably should be inserted prior to the inclusion of a policy on senior lecturers. Past President Dove added that Board of Regents, State of Iowa approval would also likely be needed for a policy on lecturers.

Professor Wasserman suggested that, prior to the development of a policy, the Provost Office explain to the campus the need for lecturers. He expressed concern about changing the nature of

the university because of temporary financial stress. President Fumerton responded that the College of Liberal Arts and Sciences administration is proceeding as if lecturers will be a long-term solution to ongoing financial constraint. The CLAS Faculty Assembly has already approved a policy for senior lecturers. However, such a policy cannot come into existence in one college without having implications for other colleges. Professor Pendergast observed that, judging from the information on the Provost Office website that was distributed to the Council, the category of lecturer is a stopgap phenomenon and not a career path. President Fumerton commented that regardless of how the category of lecturer originated, it has now become a career path. Some departments, even some colleges, are pleased with the role their lecturers have played. He added that at this time no lecturer appointment can be made for more than a year, even though there might be verbal assurances that the appointment would last longer than that. Legal implications of language to be used in contracts or offer letters would need to be investigated thoroughly before a policy is written. Professor Pendergast suggested looking at the practices of other universities which have already developed policies on lecturers.

Diane Finnerty commented that colleges have been contacting the Provost's Office seeking to tailor lecturer positions to their particular needs, whether through a title change of the position, length of term, involvement in governance, etc. She added that the Provost's Office would be supportive of the development of a university-wide guide on lecturers and would be happy to share information on nationwide trends with the FPCC. President Fumerton noted that the issue of representation would be an important component of an overarching policy on lecturers. He reminded the group that President Mason had recently reviewed the research track and in her report called for consideration of representation for research-track faculty. President Fumerton commented that he had come to view this as a matter of fairness that both research-track faculty and lecturers be given some sort of voice at the university. He asked whether the Council thought that representation should be addressed in an initial discussion on lecturers, or if the basic principles should be developed first and representation be decided upon later. Professor Nisly advocated for proposing both components together. Professor Tachau suggested that a separate governance body be developed for lecturers, but that a few serve in the Faculty Senate, thus keeping their peers informed of Senate activities but not detracting from the numbers of tenured/tenure-track faculty in the Senate. She also questioned the statement on the Provost Office website indicating that lecturer appointments that extend for more than one year require an Equal Opportunity and Diversity search. In her experience, lecturer appointments are sometimes made for the spouses/partners of newly-hired faculty and no EOD search is done. If this statement is to be included in a policy, then it should be adhered to.

Regarding the issue of representation in the Faculty Senate, Professor Wasserman noted that the inclusion of clinical faculty in the Senate had impacted the proportion of tenured/tenure-track faculty in the Senate. He then asked if the concept of "teaching professors" (faculty who are not expected to conduct research) was still being considered. President Fumerton responded that, although there are no such "teaching professors" at the university, the policy of individualized portfolios could lead to some faculty engaging exclusively in teaching. Professor Wasserman objected to this characterization of the policy, stating that it only allowed for modest, temporary adjustments to the portfolio. Professor McMurray suggested that the Faculty Senate allow for the election of lecturers and research-track faculty as voting

members, commenting that such individuals may find that their interests align more with their departments than with their positions. President Fumerton added that a limit could be set on the number of lecturers or research-track faculty elected. Professor McMurray also expressed a preference for lecturers over adjunct faculty, as the former can more easily be incorporated into a department. Secretary Bohannon advised holding off on a discussion of representation until the basics of the lecturer position are resolved, as the latter may influence the former. She also pointed out that if a lecturer can only be appointed for a year at a time, consistent representation might be difficult to achieve.

The Council expressed the opinion that it was too early to bring this topic to the Faculty Senate for discussion. Instead, the Faculty Senate officers and the FPCC will begin work on a lecturer policy to be brought eventually to the Council and Senate.

IV. Approval

- A. Draft Faculty Senate Agenda (October 18, 2011) –Professor Pendergast moved and Past President Dove seconded that the agenda be approved with the removal of the agenda item, *Discussion of Lecturer/Senior Lecturer Position*. The motion carried unanimously. President Fumerton indicated that he would instead give a brief update on issues expected to come before the Faculty Senate in the next six months.

V. From the Floor – Professor Wasserman asked about the status of the report made to President Mason on the Presidential Committee on Athletics (PCA). Past President Dove, who served on the review committee, responded that the report has been shared with the members of the PCA. As this was a report to the president, it is her decision when and how to make the report public. President Fumerton added that Athletic Director Gary Barta has offered to speak with the Faculty Senate. Professor McMurray suggested that he be invited to speak with the Faculty Council, as well.

President Fumerton informed the group that both the charter committees and the Faculty Senate committees are undergoing review this semester.

VI. Announcements

- The next Faculty Senate meeting will be Tuesday, October 18, 3:30-5:15 pm in the Senate Chamber of the Old Capitol.
- The next Faculty Council meeting will be Tuesday, November 15, 3:30-5:15 pm in the Seminar Room (2520D) of the University Capitol Centre.
- The annual Faculty Senate/Iowa City Area Chamber of Commerce reception for local legislators will be held on Monday, December 12, 4:30-6:00 pm in the Old Capitol.

VII. Adjournment – Professor Solow moved and Past President Dove seconded that the meeting be adjourned. The motion carried unanimously. President Fumerton adjourned the meeting at 5:05 pm.