FACULTY COUNCIL
Tuesday, October 5, 2010
3:30 – 5:15 pm
Seminar Room (2520D), Old Capitol Centre

MINUTES

Councilors Present:	M. Billett, D. Black, S. Clark, J. Cox, S. Kurtz, J. Murph, N. Nisly, G. Penny, J. Reist, L. Robertson, K. Sanders, J. Schoen, R. Valentine, E. Wasserman.
Officers Present:	E. Dove, D. Drake, R. Fumerton, J. Garfinkel.
Councilors Excused:	P. Mobily, S. Wilson.
Councilors Absent:	D. Bonthius.
Guests:	B. Butler (Provost), G. Dodge (Chief Diversity Officer), M. Hale (Office of the Chief Information Officer), R. Friedrich (Faculty Emeritus Council), B. Ingram (Office of the Provost), T. Rice (Office of the Provost), A. Sullivan (*Daily Iowan*), L. Zaper (Faculty Senate).

I. Call to Order – President Dove called the meeting to order at 3:30 pm. He introduced the recently-appointed interim provost, Barry Butler, formerly the dean of the College of Engineering. Interim Provost Butler thanked the Council for the opportunity to attend the meeting. He commented that he has been meeting regularly with the Faculty Senate Officers and may attend future Council and Senate meetings if his schedule permits. He also noted that he had served on the Faculty Senate earlier in his career.

II. Approvals
   A. Meeting Agenda –Professor Kurtz moved and Professor Wasserman seconded that the agenda be approved.   The motion carried unanimously.
   B. Faculty Council Minutes (August 31, 2010) –Professor Robertson moved and Secretary Garfinkel seconded that the minutes be approved.   The motion carried unanimously.
   C. Draft Faculty Senate Agenda (October 19, 2010) – Past President Drake moved and Professor Clark seconded that the agenda be approved.   The motion carried unanimously.
   D. Committee Replacements (Richard Fumerton, Chair, Committee on Committees)
   - Donald Black (Psychiatry) to fill the unexpired term of Donna Hammond (Pharmacology) on the Faculty Council, 2010-11
   - Veeratrishul Allareddy (Oral Pathology, Radiology and Medicine) to fill the unexpired term of Khalid Kader (Biomedical Engineering) on the Faculty Senate, 2010-11

- John Canady (Otolaryngology) to fill the unexpired term of Siroos Shirazi (Surgery) on the Presidential Committee on Athletics, 2010-12
- Linda Louko (Communication Sciences & Disorders) to fill the unexpired term of Thomas Aprile (Art & Art History) on the Lecture Committee, 2010-13

Professor Kurtz moved and Professor Schoen seconded that the replacements be approved.   The motion carried unanimously.

III.   New Business

- *Funded Retirement and Insurance Charter Committee Update (Shelly Kurtz, Co-chair)*

Professor Kurtz explained that the Funded Retirement and Insurance Charter Committee (FRIC) has been asked to examine during the coming year how to re-structure the UI health benefits package. FRIC will be considering all kinds of possibilities, although has already rejected the notion of requiring subscribers to obtain all of their health care from UI facilities. Otherwise, however, FRIC will be looking at co-pays, deductibles, out-of-pocket maximums, as well as additional services to cover or current services to eliminate. Professor Kurtz requested that Councilors spread the word to their colleagues about this review of the health care package and send any suggestions for modifications to him, other members of FRIC (http://www.uiowa.edu/fric/members.html), or to Sue Buckley or Richard Saunders of Human Resources.

- *Web Accessibility Project (Mark Hale, ITS)*

Dr. Hale stated that he works in the Office of the Chief Information Officer (CIO), which is the central computing organization that governs computing activities across campus. Dr. Hale specifically works with different sectors of the informational technology community, including the webmasters, and this led to his role in leading the web accessibility project. He explained that web accessibility means flexible information delivery and added that the web today is as fundamental to success at the university for students and faculty as the campus buildings are. Clearly this is a change from twenty years ago, when the Americans with Disabilities Act (ADA) regulations, which focus mainly on facilities, were first implemented. Dr. Hale commented that, when thinking of building accessibility, we consider whether a person in a wheelchair can move around the structure. When thinking of web accessibility, we consider how a blind person can obtain information from the web. Web accessibility encompasses four qualities; web content must be perceivable, operable (can the site be navigated without a mouse, for example), understandable, and robust (will a website continue to function in the future or will it quickly become obsolete?). To illustrate perceivability, Dr. Hale displayed the UI homepage and indicated that a software application called a screen reader will describe aloud to a blind person what appears on the page. Heading levels on the page greatly facilitate this process by organizing the content of the page for the screen reader, but web pages need to be intentionally designed with well-placed headings for this to occur. Professor Cox asked for clarification of a statement in Dr. Hale's Powerpoint presentation to the effect that the web can separate meaning from presentation. Dr. Hale explained that the web can identify headers and other structure markers (comparable to a table of contents in a book).

Accessible web pages benefit not only those with vision or mobility impairment, but also those with learning disabilities. Google also more easily locates accessible web pages during searches. Technology advancements have made accessibility more widespread and easier to

implement. Formerly competing standards have now converged into one standard. College presidents recently received a letter from the U.S. Departments of Justice and Education advising them not to adopt technologies for their institutions that are inaccessible. The Department of Justice has recently announced that regulations regarding web accessibility will soon be incorporated into the Americans with Disabilities Act.

Accessibility requirements for buildings are clearly defined and measurable. Accessibility guidelines for the web, however, are not yet codified. The university does not have a policy on it and web-creation functions are dispersed all over campus. Websites are constantly changing, as well, unlike buildings. Dr. Hale continued, stating that the university is taking various steps to address the issue of increasing web accessibility. Policy is currently being written, a person to head these efforts will be hired, web resource and training materials need to be updated and new web publishing platforms will be acquired (a platform is the computer that runs the web along with the necessary software). The university policy will accept the federal standards for accessibility. The university has set a target date of July 1, 2011, to make all official business and academic websites accessible. These campus efforts are a joint project of the Offices of the CIO and Strategic Communications. Collegiate web masters will also be heavily involved as an advisory group. One of the first steps is to determine the scope of the work to be done. One problem that has already been identified is that alternate text must be attached to pictures so that screen readers can read a description of that image to the visually impaired. Other updates to the web will include making interactive forms accessible and creating headings for webpages.

Professor Kurtz questioned the impact on faculty of these anticipated changes to the web environment. He asked what he would need to do if, for example, he wished to show his students a cartoon to illustrate a point he was making in class. For now, the only option for a blind student in the class would be to hear a description of the cartoon. Dr. Hale commented that PDF's can be created in a way that includes text that can be read by a screen reader. President Dove asked what the anticipated effect of the web accessibility project would be on ICON. Dr. Hale responded that the ICON structure is generally accessible, although there are some problems with it that are being worked out. What is posted on ICON, however, is another matter; one of the biggest problems with this posted material is the prevalence of unreadable PDF's. Dr. Hale stressed that it is not difficult to create readable PDF's; information on how to do it just needs to be provided to faculty. Professor Nisly commented on her experience viewing PDF's unreadable to a screen reader and noted that Student Disability Services is sometimes called upon to produce readable documents in such short time periods that the student barely has time to study the document. Professor Cox asked about the technical aspects of creating a readable PDF. Dr. Hale responded that the standard Adobe Pro software program will allow for saving documents as readable PDF's, as will Microsoft Word. The test for readability is to open a PDF document in Acrobat Reader and search for any word in the document. If the word cannot be found, then the PDF cannot be read by a screen reader.

Professor Nisly asked about progress toward making online maps accessible, but Dr. Hale was not aware of the status of that project. She also asked about headings; Dr. Hale explained that although screen readers will read from top to bottom and left to right, they can be programmed to follow a different pattern, therefore reading content first and leaving navigation

to the end. Professor Cox asked what kind of accommodations are made for visually-impaired students in art history courses. Dr. Hale acknowledged that in this case essential course content is not accessible and that is a problem which cannot be overcome at this time. Dr. Hale concluded his presentation by indicating his willingness to speak to collegiate executive committees or other interested groups about the web accessibility project.

- *Post-Tenure Review Policy (Ed Dove)*
President Dove opened the discussion of the post-tenure review policy by showing a Powerpoint presentation that provided the context and background of the policy revision. His opening slides stated that freedom of inquiry is essential to the university's mission to generate and disseminate new knowledge and that tenure and academic freedom play a critical role in fostering innovation, exploration, and discovery. A rigorous post-tenure review policy ensures that faculty members fulfill their professional obligations to the university and the citizens of Iowa. President Dove noted that the current version of the post-tenure review policy calls for a *peer* review of tenured *full* professors, and indicates that such a review *should* be done periodically and *should* address quality of teaching, scholarship, and service.

Reasons for revising the policy at this time include a long-standing recognized need to do so, based on the existence in some colleges of two types of reviews (cursory and detailed) and the unclear purpose of the review (formative or punitive?). In January of 2009, the Faculty Council voted to examine the post-tenure review. Responsibility for this task was eventually delegated to the Faculty Policies and Compensation Committee. An initial draft revision was approved by the Faculty Council in April 0f 2010, but pulled from the agenda of the following Faculty Senate meeting by then President David Drake due to faculty concerns about the revision. President Dove continued, noting another reason to revise the policy is that it is not practiced consistently across colleges. He stressed, however, that no college is out of compliance with the policy since the peer review is not required. Collegiate practices range from peer reviewing every five years to not peer reviewing at all. He added, too, that all faculty are reviewed annually by their unit head.

President Dove stated that a final reason for revising the post-tenure review policy is to protect tenure and academic freedom from further erosion. He showed a chart illustrating the increase in part time faculty members in relation to full-time tenured and tenure-track faculty nationally over the past 32 years. He also mentioned that there is a national debate surrounding the value of tenure; one aspect of this debate claims that tenure does not ensure that professional vitality is maintained throughout the career. The revised post-tenure review policy provides for assessment of post-tenure productivity. President Dove reviewed the results of an investigation into the post-tenure review policies of about 20 UI peer institutions. There are a range of practices, but most have mandatory periodic formative peer review.

Over the summer, the Faculty Senate Officers took up the task of revising the post-tenure review policy. They created an initial draft, following conversations with various faculty members and the executive committee of the AAUP. This initial draft was sent to the Faculty Policies and Compensation Committee (FPCC), which continued to revise the draft until it was approved last month for submission to the Faculty Council for consideration. President Dove reminded the group that he gave a brief report on the current policy to the Board of Regents, State of Iowa at the Regents' September meeting. A more complete report on the revised policy will be expected at the Regents' April meeting.

President Dove then turned to a discussion of the changes made to the policy. The review will be a *post-tenure* review, not just a *peer* review and it will be required of *all tenured* faculty, not just *tenured full* professors. The revised policy is divided into three sections. The first

section indicates that an annual review of all tenured faculty members will be conducted by the unit heads. No changes to the current annual review procedures are contemplated by the post-tenure review policy. The second section describes a formative and developmental required five-year peer review of all tenured faculty. The third section describes procedures to be followed if the five-year peer review reveals performance below expected levels for a significant period of time. In such cases, the dean or DEO and the peer committee may begin discussion with the faculty member regarding creation of a plan to address deficiencies in performance stated in the review. Should the faculty member not agree to the plan, arguments can be submitted to the provost by either party. Administrators would still have recourse to the current unfitness policy if a faculty member does nothing to improve performance. Faculty members, on the other hand, can seek redress of grievance within the Faculty Dispute Procedures. President Dove thus concluded his presentation and opened the floor for discussion.

Professor Wasserman asked for a definition of "peer." President Dove responded that "peers" could vary among colleges and departments. A small department may need to bring in faculty from other departments to serve on peer review committees. In general, peers are other faculty at or above the rank of the faculty member being reviewed. Professor Wasserman then asked for clarification of the DEO's role in the process. President Dove pointed out that it is the DEO who is responsible for the annual review of faculty members in his/her unit, and is therefore heavily involved in review activities. He further explained that it is the peer review committee that makes a judgment whether or not performance has fallen below expectations for a significant period of time. Past President Drake added that the policy provides for either the DEO or the Dean to receive the report, depending on the nature of the role of the DEO in a particular college.

In response to a question from Professor Cox, President Dove clarified that the policy provides for a faculty member to have the option to grieve at any point in the process, including when members are chosen for the peer review committee. Professor Cox then noted the phrase "expected standard of performance" used in the section on *Special Cases Procedures* and commented that this was an unavoidably vague phrase, but that we must trust deans, DEO's, and peers to interpret the phrase appropriately. He recalled the difficulty that the committee which wrote the unfitness policy had in making clear the distinction between faculty who are truly unfit and those who have simply performed below average for a length of time; he stressed that tenure still protects the latter group, but not the former. Vice President Fumerton responded that the policy seeks to distinguish clearly, in regards to research, between those faculty who have no research program in progress and those who are actively researching but not achieving success in publishing. He added that the dean or DEO must make conclusions on the basis of the peer review committee's report.

Professor Nisly questioned the need to wait another five years following the implementation of the plan to improve performance for that performance again to be evaluated. President Dove responded that the officers and the FPCC had long debated this issue, but had decided that five years was a fair time period for a productive research program to be put into place. Vice President Fumerton added that a Dean or DEO is not prohibited from taking action sooner if teaching quality has deteriorated. Professor Cox observed that deans and DEO's can award no pay raise to a faculty member, year after year, if that person is perceived to be performing inadequately. The deans and DEO's have always had this option. Some deans and DEO's might also pressure such faculty to adjust their portfolio to increase their teaching duties via the Post-Tenure Effort Allocation Policy (PTEAP). Professor Kurtz stressed that this was not the purpose of the PTEAP; rather, the PTEAP provides for faculty to negotiate a temporary change in their portfolio to accommodate special teaching or research projects. He also noted that the post-

tenure review is not intended to supplant the annual review and the responsibility it carries for administrators.

Professor Black asked if clinical-track faculty were exempt from the sort of review provided for by the post-tenure review policy and if so, why. He also noted that there are now a number of research-track faculty on campus – perhaps they, too, should have such a review. Professor Kurtz responded that the rigorous review that clinical-track faculty undergo at the time of contract renewal could be considered a somewhat comparable experience. Professor Black questioned whether the contract-renewal review was carried out consistently by all departments. Professor Nisly commented that an extensive review system was in place in her department for all faculty.

Professor Wasserman expressed the opinion that the term "unit head" was vague. President Dove responded that such a vague term was chosen intentionally, as some departments have a DEO or Head, while others do not. Additionally, some colleges, such as Law, do not even have departments. Professor Wasserman further commented on the unclear situation created by the phrase, "...then the peer review committee and the Dean or DEO may initiate discussions with the faculty member..." While this may provide for some flexibility, recognizing the differing structures of colleges, it appears to complicate the university-wide consistency claimed as an important reason for revising the policy. He added that it seemed unlikely that the peer review committee would have a discussion with the faculty member. Vice President Fumerton responded that the written report submitted by the committee was a form of communication with the faculty member and could serve to initiate discussion between the faculty member and dean or DEO in consultation with the peer review committee. Secretary Garfinkel suggested the alternative wording, "...then the *Dean or DEO on behalf of the peer review committee* may initiate discussions with the faculty member..." Professor Wasserman found this new wording acceptable, but questioned the use of the word "may." He reminded the group that President Dove in his Powerpoint presentation had focused on the word *should* in the original policy, noting that this indicated that the peer review was not required. The revision now requires that a five-year peer review be done, but the use of the word *may* here seems to undermine that requirement.

Vice President Fumerton pointed out that while the revised policy does now require five-year peer reviews, it does not mandate how the results of the review are to be used. For example, if the performance of a previously highly-productive, aging faculty member has begun to diminish, there is discretion allowed regarding whether or not to create an improvement plan for that person. Professor Billett commented that no matter what language is used about initiating discussions with the faculty member, the policy still does not require that an improvement plan be implemented. Returning to the topic of discussions with the faculty member, Professor Kurtz commented that in his view the peer review committee, and not just the dean or DEO, should be involved in those discussions. He also expressed reservations regarding the example of the aging faculty member put forth by Vice President Fumerton, observing that the five-year review should take into account overall performance during the past five years, not a longer stretch of time. Professor Cox noted that the policy allows deans a certain amount of discretion and we need to trust deans to use this discretion appropriately. Referring to the aspects of the policy that could be construed as vague, Professor Nisly asked how the policy might be interpreted by constituents outside the university. President Dove responded that it was his understanding that the Board of Regents, State of Iowa wanted to see a policy in place for annual review of all tenured faculty members, as well as a policy for peer review of all tenured faculty members. Both of those requirements have now been satisfied.

<u>Professor Cox moved and Professor Wasserman seconded that the Faculty Council endorse the revised Post-Tenure Review Policy and pass it on to the Faculty Senate for consideration. The motion carried unanimously.</u>

Professor Wasserman commented that in his view this version of the revision is a dramatic improvement over the previous version (which came before the Faculty Council in April). President Dove stated his intention to thank the Faculty Policies and Compensation Committee for the members' work on the policy. In response to a question, he indicated that the deans have not yet seen the revised policy, although the interim provost has. President Dove plans to attend a Council of Deans meeting to present the policy to them. Ideally, feedback from the deans should be received before the Faculty Senate votes on the policy.

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

V.   Announcements
- The next Faculty Senate meeting will be Tuesday, October 19, 3:30-5:15 pm in the Senate Chamber of the Old Capitol.
- The next Faculty Council meeting will be Tuesday, November 16, 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 Tuesday, December 14, 4:30-6:00 pm in the Old Capitol.
- President Dove reminded the group that the United Way of Johnson County's 2010 Campaign for the Common Good is underway.

VI.   Adjournment – Professor Kurtz moved and Past President Drake seconded that the meeting be adjourned.   The motion carried unanimously.   President Dove adjourned the meeting at 4:55 pm.