

THE UNIVERSITY OF IOWA

FACULTY COUNCIL
Tuesday, October 09, 2007
3:30-5:15 pm
Penn State Room, 337 IMU

MINUTES

Councilors Present: L. Boyle, G. Bulechek, C. Catney, J. Cox, D. Drake, B. Justman, T. Mangum, L. Richman, G. Russell, B. Thompson, and J. Tomkovicz

Officers Present: S. Kurtz, S. McGuire, and V. Sharp

Officers Excused: M. O'Hara

Councilors Excused: D. D'Alessandro, Y. Li, J. Sa-Aadu, and J. Woodhead

Councilors Absent: M. Cohen, V. Grassian, L. Snetselaar, and R. Williams

Guests: T. Charlton (*University Libraries Committee*), C. Hogan (*The Daily Iowan*), L. Lopes, (Interim Provost), K. Ostrem (*Student*), M. Porter (*Bloc 21*), R. Saunders (*Benefits*), D. Schoenfelder (*University Libraries Committee*), and L. Zaper (*Faculty Senate*)

I. Call to Order – President Sharp called the meeting to order at 3:35 pm

II. Approvals

- a. Meeting Agenda. Professor Tomkovicz moved and Past President Kurtz seconded that the meeting agenda be approved. The motion was unanimously approved.
- b. Faculty Council Minutes (September 25, 2007). Professor Cox made a correction to the minutes that Past President Kurtz and not Professor Cox made the statement that “he believes if this passes that it will increase the amount of house parties...” on page 2 of the minutes. It was noted that the date that the smoking policy could go into effect was July, 2008, not 2208. Professor Mangum moved and Past President Kurtz seconded that the minutes be approved as amended. The motion was unanimously approved.

President Sharp introduced Laura Zaper, of the Office of the Provost, who is currently taking over Faculty Senate support duties from Evalyn Van Allen-Shalash. Professors were requested to state their names upon speaking.

- c. Draft Faculty Senate agenda (October 23, 2007). President Sharp referred the group to the “21 Bar Entry Initiative” item on the draft agenda for the October 23 Faculty Senate meeting. At the September 25 Faculty Council meeting, Professor Richard Dobyms made a presentation on the ordinance, and he is scheduled to make the same presentation at the October 23 Faculty Senate meeting. President Sharp requested guidance from the Council on how to proceed with this issue. She has been contacted by several community leaders. Should someone who holds an opposing viewpoint be invited to speak to the Senate? Is this an issue on which the Faculty Senate should vote, or should these presentations be for information only? Professor Boyle commented that the Faculty Senate and Council members are representatives from the community. They will be asked about this issue; therefore, it would be good to be educated on both aspects of the topic. Perhaps community member Bob Thompson, who opposes the ordinance, could be asked to appear before the Senate. Secretary McGuire noted that this issue has been in the news since the beginning of the semester. He added that the Senate does not typically seek the presentation of opposing views on proposals that come before it, and that Professor Dobyms’ presentation did not come as a proposal, but rather as information from a campus member. His preference is not to set in motion a university faculty vs. bar owners confrontation. If the opposition is invited to speak, it should be a faculty member, as the Senate is a forum for faculty. This would maintain consistency with previous practice. Professor Richman noted that Professor Dobyms presented a health-related as well as an academic issue, but this is also a business and political issue; we should discuss it but not vote on it. Professor Tomkovicz expressed concern that the Senate was setting a precedent of not taking a position on issues when they affect the community as well as the university. It appears that Professor Dobyms was asking for endorsement, for a vote to be taken. This is an important issue to the university, and the Senate should hear both sides and then take a stand. President Sharp noted that Professor Dobyms did not assume that the issue would come to a vote. Past President Kurtz stated that there is a neutral principle. The Senate is not a political body and does not vote on ballot issues. We can be informed on issues surrounding the 21-Only Ordinance, but it is not appropriate to vote.

Professor Bulechek commented that the issue here is really binge drinking. The 21-Only Ordinance is just one approach to this problem. Could the university do more to address the problem? Perhaps there could be an educational effort. Professor Boyle stated that the Council had allowed Professor Dobyms to give his opinion – we have had faculty, staff, and students speak to us before, therefore, give someone a chance to speak from the opposition. We have heard the “pros,” now let’s hear the “cons.” Professor Mangum noted that the Council is a small body, and should be exposed to a greater variety of input before taking a position. She understood Professor Dobyms to be presenting his information as a student-health issue. It is appropriate to say that there is a crisis on this campus, and that it is important to us to address it. The bar owners’ opinions, which are business-related and a separate issue, are not so relevant to this body. It would be appropriate to hear an opposing health-issue point of view, however. Professor

Drake suggested that we should determine what the faculty think of the entire drinking issue, not just of the 21-Only Ordinance. Professor Cox stressed that we need to hear what faculty colleagues think about this issue. He noted that the arrest rate for alcohol and marijuana is very high in Iowa City. This inflicts harm on students, as these arrests remain on their records and impact their ability to apply for jobs, graduate school, etc. Professor Bulechek suggested that Professor Dobyms be asked to present this issue to the Senate as a student-health issue and try not to tie it to the 21-Only Ordinance. Past President Kurtz said that we shouldn't tell Professor Dobyms to re-structure his presentation. What we could do is appoint a committee to look at various aspects of binge drinking and produce a report, which the Council and Senate can then react to.

President Sharp reminded the Council that she was asking for guidance on whether someone in addition to Professor Dobyms should speak to the Senate, and who that person would be. Professor Tomkovicz stated that the opposition on campus should be heard. Professor Cox noted that Bob Thompson has challenged some of Professor Dobyms' statistics; we should have someone on the opposing side come to speak and answer our questions. We could then decide whether or not to vote. Professor Mangum stressed that our concern as faculty members is student health, and the ordinance has forced us to think about the drinking issue. The Senate does not need a long presentation, perhaps just two documents addressing both sides of the issue and framed in terms of student health. Then the Senate can discuss the issue. Professor Tomkovicz reminded the Council that there are various issues here – financial, etc., not just student health, and those issues shouldn't be excluded from consideration. Professor Russell indicated that no one will say that binge drinking is good, but someone might argue that the ordinance will not be effective in addressing the problem. Secretary McGuire suggested that the discussion be framed as a university forum on the 21-Only Ordinance. He preferred that there be no speakers, but that the Senate members receive handouts and discuss the issue, then the Senate can decide whether or not to vote. President Sharp stated that she will obtain the two opposing handouts which the Senate can discuss. Professor Tomkovicz urged that this item not be placed last on the Senate agenda, so that there is sufficient time for discussion.

Professor Boyle moved and Professor Richman seconded that the Faculty Senate agenda be altered to place reports after new business. The motion was unanimously approved.

III. Reports

Proposed changes to the Ops Manual for charter of the University Libraries Committee (Thomas Charlton, Former Chair, University Libraries Committee)

Thomas Charlton stated that the University Libraries Committee had responded to the request to examine their charge and propose updates if necessary to bring the charge in line with current committee practice. He referred the group to the attached handout, which contained modifications to the charge and the rationale for these modifications. He noted that the changes to the first and third charges were fairly straightforward, and

reflect the Libraries' move to electronically-based resources and services. The change to the fourth charge reflects a view of the branch libraries as an integral part of the main library. After some debate, the University Libraries Committee members had decided to eliminate the fifth charge, given that the branch libraries are well integrated into the Libraries structure and it is difficult to work meetings with branch librarians into an academic year meeting schedule. Past President Kurtz noted his appreciation of the committee's work to revise its charge.

Past President Kurtz moved and Professor Russell seconded that the revised University Libraries Committee charter be approved. The motion was unanimously approved.

IV. New Business

Authors' Rights Issues

(Deborah Schoenfelder, Chair, University Library Charter Committee)

Deb Schoenfelder, current chair of the University Libraries Charter Committee, had been asked to appear before the Faculty Council and Senate to speak on the *CIC Statement on Publishing Agreements* (attached). Professor Schoenfelder noted that the Libraries Committee has frequently discussed scholarly publishing, although not yet this particular document. The committee has discussed such issues as the problems and challenges of open access journals (including their level of prestige) and institutional repositories. University Librarian Nancy Baker has spoken to the committee about the high cost of journals and the tight budgets in today's academic libraries. Journals have been cut or bundled to reduce costs. Professor Schoenfelder noted that a resolution had been adopted by the Faculty Council and Faculty Senate in 2005 and disseminated to academic departments on publishing issues. Professor Schoenfelder asked how the University Libraries Committee could be of assistance to the Council on this issue; the committee does plan to review the *Statement* at its upcoming meeting. The committee had made a recommendation last year to continue to monitor publishing issues. President Sharp noted that publishing issues had come up at last year's annual CIC Faculty Governance Conference. Several CIC provosts had subsequently drafted the *Statement*, and it has been endorsed by six of the CIC institutions. Our approval is now sought. Professor Schoenfelder commented that there was nothing in the *Statement* that ran counter to University Libraries Committee discussions.

Professor Boyle questioned whether this agreement would allow an author to use one set of data to create more than one article. President Sharp explained that the *Statement* allows an author to retain ownership of his/her own work. Past President Kurtz commented that it would be up to individual journals whether or not to accept articles that contained previously-published data. Professor Cox asked why the CIC institutions were concerned about this matter. Past President Kurtz and Professor Thompson responded that authors typically have to pay to use their own previously-published work in future articles, as it is the journals, not the authors, who retain the copyright. Professor Cox asked how such agreements could be made mandatory. Professor Schoenfelder suggested that high-profile, tenured faculty could insist that publishers sign these agreements, or that open-access journal publications be evaluated in tenure decisions, but

noted that implementation could be difficult. Publishing agreements would need to be strengthened. Past President Kurtz doubted whether such agreements could be forced on publishers, but Secretary McGuire stated that performing artists could insist on such amendments to their contracts. Interim Provost Lopes stressed that this and similar statements could raise the visibility of the rights of authors. She will look into whether or not this could be an anti-trust issue, in response to Past President Kurtz' question regarding whether the CIC institutions would approach publishers as a group.

Professor Cox moved and Professor Richman seconded that the Council endorse the *CIC Statement on Publishing Agreements*. The motion was unanimously approved.

Issues from FRIC

(Sheldon Kurtz, FRIC co-chair)

Past President Kurtz reported that the Funded Retirement and Insurance Committee (of which he is the co-chair) is currently looking at the flex credit system structure. Last year approximately 20 million dollars was not used by faculty and staff for the intended purpose, which is to purchase life, health, dental, and disability insurance coverage. Employees are using the money to make purchases such as band-aids or massage therapy, which is permissible under the flex credit system. Past President Kurtz advised the Council that changes will likely come to the flex credit system next spring. There will also be a major change in the university's health insurance program. It is essential that all employees be aware that they MUST choose a health insurance plan for the coming year; there will be no automatic rollover of health plans. Those who do not choose a plan will find themselves without health insurance coverage as of January 1, 2008.

Benefits: Plan Design Changes for January 1

(Richard Saunders, Senior Associate Director of Human Resources)

Director Saunders began his presentation by indicating that there has been an increase in health costs at the university. The university is a self-insured entity when it comes to health insurance. Wellmark only administers the health insurance program. FRIC has looked at the university's health insurance plans in an effort to figure out what to do about increasing costs. Two of the plans, Chip III and UICare, have shrunk because they are not being used by many employees. It was decided to close down Chip III and UICare. Almost 7,000 employees participate in UI Select, but that plan has some weaknesses. UI Select will also be closed down, and a plan called UIChoice has been created to maintain the best elements of UISelect, but also incorporate some improvements. Chip II will not undergo any changes. Director Saunders referred the group to the handout entitled *Health Insurance Options* that he had provided. He explained that under the UIChoice plan, there will be three levels of providers. The first two levels (UI providers and statewide providers) had been offered under UI Select, but Level 3 (essentially, out-of-state providers) has been added. This new level of providers would allow for out-of-state dependents (e.g., college kids) to be covered by the plan, or for employees to seek specialized care outside of Iowa. Director Saunders reviewed the section on Out-of-Pocket Maximum. He also noted several other items on the handout: under UIChoice, there will be three levels of co-pay for office visits; immunizations (including travel shots) will now be free under both plans; the free generic drug program

will continue, as it has saved money; and there is a benefit increase for hearing aids. Also, out-of-state emergency room care, if coded as an emergency, will be reimbursed at levels 1 and 2, but if not coded as an emergency, then will be reimbursed at level 3. These are the primary changes to the health plans.

Director Saunders stressed that all employees currently enrolled in UI Care, UISelect, and Chip III must choose a new health insurance plan during the open enrollment period, November 5-23. There will be constant communications to employees reminding them that they must enroll in a health plan or they will lose their health insurance coverage as of January 1, 2008. About 20% of employees annually do not bother to update their benefits, and were previously able to automatically rollover into similar coverage. There will not be an automatic rollover of health insurance coverage this year. Health insurance costs increased about 16% last year. There has been approximately an 18% increase so far this year. Costs are going up, the UI employee population is aging and using more medical care. Flex credits pay for health insurance coverage for a single person, while coverage for a family usually comes out of pocket. Regarding the flex spending accounts, there will now be a cap of \$9,000. This will only affect a small number of people.

President Sharp noted that there could be a conflict between a doctor and a patient regarding what constitutes an emergency. Director Saunders responded that the institution is responsible for coding the event. If the patient disagrees with the coding, then s/he can appeal to Wellmark, who will discuss it with the institution. Professor Mangum asked where questions regarding the health insurance plans should be directed. Director Saunders stated that questions should be referred to the University Benefits office. Benefits office staff plan to do many presentations around campus on the changes, and can also do presentations on request for departments. Professor Cox asked whether there was a lifetime maximum. Director Saunders responded that there is a lifetime maximum only for fertility treatment. He clarified that employees already enrolled in Chip II do not need to re-enroll. Both health plans allow for employees to continue coverage through the COBRA program when they leave the university. Professor Catney asked what proportion of flex credits are not claimed. Director Saunders said it has varied from a ½ million to 2 ½ million. He indicated that the government regulates what the university can do with this money. It must be used within the university benefit structure; thus far it has been used to pay for wellness programs. The changes also apply to emeritus faculty. Director Saunders will arrange for a presentation to be made to the Emeritus Faculty Council.

V. Announcements

President Sharp announced that the next Faculty Council meeting will be Tuesday, November 13, 2007, 3:30 – 5:15 pm, in the Penn State Room, 337 IMU and the next Faculty Senate meeting will be Tuesday, October 23, 2007, 3:30 – 5:15 pm, in the Senate Chamber, Old Capitol.

Also, the annual CIC Faculty Governance Conference will be hosted by the University of Iowa this year and held on November 2-3, 2007.

VI. Adjournment