

FACULTY COUNCIL
Tuesday, October 10, 2017
3:30 – 5:15 pm
Executive Boardroom (2390), University Capitol Centre

MINUTES

Councilors Present: A. Deshpande, M. Foley Nicpon, M. Lehan Mackin, T. Marshall, E. Prussing, G. Ryan, J. Szot, K. Tachau, E. Wasserman, D. Wurster, J. Yockey.

Officers Present: R. Ganim, P. Snyder, T. Vaughn, R. Williams.

Councilors Excused: A. Durnev, R. Oral, C. Thomas.

Councilors Absent: P. Brophy, F. Durham, S. Vigmstad.

Guests: J. Bathke (Risk Management), S. Daack-Hirsch (College of Nursing; AAUP Sanction Removal Committee), M. DiCarlo (Sexual Misconduct Response Coordinator), E. Gillan (College of Liberal Arts and Sciences; Faculty Policies and Compensation Committee), J. Keller (Office of the Provost; Graduate College), L. Moeller (Office of the Provost), T. Rice (Office of the Provost), E. Robnett (Risk Management), L. Zaper (Faculty Senate Office).

I. Call to Order – President Snyder called the meeting to order at 3:30 pm.

II. Approvals

- A. Meeting Agenda – Professor Prussing moved that the agenda be approved but suggested that, because of feedback from CLAS faculty, the lack of a CLAS dean search also be included among today’s agenda topics. President Snyder responded that this item could be discussed during the President’s Report. He added that new agenda items can always be brought up during the “From the Floor” portion of the meeting. Professor Wasserman seconded that the agenda be approved. The motion carried unanimously.
- B. Faculty Council Minutes (August 29, 2017) – Professor Szot moved and Professor Yockey seconded that the minutes be approved. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (October 24, 2017) – Professor Wasserman moved that the draft agenda be approved with the addition of the lack of a CLAS dean search as a separate item. Professor Tachau seconded that the draft agenda be approved as amended. President Snyder reminded the group that since the Council only approves a draft Senate agenda, new items can easily be added to it later, if necessary. The motion carried unanimously.
- D. Committee Appointments (Russ Ganim, Chair, Committee on Committees)
 - None at this time.

III. New Business

- *Title IX Update (Monique DiCarlo, Sexual Misconduct Response Coordinator and Title IX Coordinator)*

President Snyder explained that the U.S. Department of Education has recently rescinded Title IX policy guidance related to sexual violence. The Department has issued an interim question-and-answer document to provide ongoing guidance until a formal review is completed.

Ms. DiCarlo indicated that the university's Title IX team has reviewed the question-and-answer document and does not foresee any changes to the university's current policy and procedures with this temporary guidance. However, the team will continue to monitor developments. It may take up to eighteen months for any new final guidance to be issued. Ms. DiCarlo added that there are items in the new question-and-answer document that are referenced as options and that differ from our current policies and procedures. One such example is our appeal process. The university does not anticipate making any policy changes at this time, however.

Professor Tachau commented that our current policies have gone through the Faculty Policies and Compensation Committee, the Council, and the Senate for approval. She asked if that was the process anticipated for any future changes to the policies. Ms. DiCarlo responded that we will wait to see whether new guidance issued is substantial. If so, then any revisions to current policy will move through the shared governance process. It may turn out that only clarification, not revision, is necessary, but shared governance leaders will still likely be informed. Professor Tachau urged that even small changes to our policies be brought to the full Senate, because even small policy changes have been reviewed by the Senate in the past.

President Snyder asked what the ramifications would be if the new guidance suggests that we change aspects of our policies, but that we instead maintain policies that are more stringent than required or that vary from the guidance. Ms. DiCarlo responded that if we choose not to be in compliance with future Department guidance, then we might put at risk some federal financial aid. She added that in this temporary guidance, universities are given a lot of latitude in various areas, such as appeal procedures and standard of proof. Past President Vaughn asked if appeal procedures were a likely target of future guidance revision. Ms. DiCarlo responded that overall the new guidance was not surprising, given the current administration's campaign platform, but that she did find the new guidance specifically about appeal processes to be unexpected. It is unlikely, however, that this specific guidance will become a requirement.

Secretary Williams asked whether, if the university's policies go beyond compliance, this could be used against the university in an appeal process. Ms. DiCarlo observed that guidance documents are often referenced in appeal processes. She expressed the hope that there would be a robust public response to the new Department guidelines. She noted that the "preponderance of evidence" standard has been used in all student judicial procedures, not just those related to sexual misconduct, since the early 1980's. This is not true of other institutions, as the new guidelines point out. Ms. DiCarlo emphasized that we are not rolling back our support. We continue to make progress on our anti-violence plan and another climate survey will be released shortly. The university is committed to this issue.

Vice President Ganim asked what other offices were collaborating on this issue. Ms. DiCarlo responded that the Anti-Violence Coalition, with members from 30 different departments, meets monthly. This group works in a coordinated way regarding prevention efforts, as well as makes recommendations for policy changes. Intervention efforts, such as training for law enforcement officers and various decision-makers, are also an area of focus for this group. Some of the offices members represent are the Dean of Students, the Vice President for Student Life, Equal Opportunity and Diversity, the Chief Diversity Officer, and the Rape Victim Advocacy Program. Another team focuses on Title IX guidance and meets monthly to review cases and to look at compliance and issues related to climate. Regarding concerns about due process reflected in the new Department guidance, Ms. DiCarlo noted that the university had already been making efforts to clarify how the university's policies ensure due process.

President Snyder asked if there was conversation among the Big Ten institutions about the new guidance and any collective effort to provide feedback to the Department. Ms. DiCarlo responded that there was no collective response yet, but that her colleagues nationally have been discussing the issue. Professor Tachau suggested that this topic be included in some way on the Senate agenda. Ms. DiCarlo added that there is a joint statement from President Harreld and herself on her office's website, <https://osmrc.uiowa.edu/new-guidance-title-ix-compliance>.

- *Minors on Campus Policy (Lon Moeller, Associate Provost for Undergraduate Education and Dean of the University College and Ed Gillan, Chair, Faculty Policies and Compensation Committee)*

President Snyder explained that a committee has been working for several years on developing a policy designed to protect minors who participate in a variety of activities on campus. The Faculty Policies and Compensation Committee reviewed the policy and recommended some changes which have been incorporated into the version of the policy distributed to the Council.

Josey Bathke, Chief Risk Officer, and Emily Robnett, Risk Management Administrator, both from the Risk Management Office and both from the Minors on Campus Advisory Committee, accompanied Associate Provost Moeller to the meeting. Ms. Bathke gave a slide presentation on the major provisions of the policy. She explained that the purpose of the policy was *to promote the well-being and security of Minors entrusted to the University's care and to ensure a safe, inviting, and productive environment*. The scope of the policy is broad, covering *colleges, units, or orgs hosting Minors; University Youth Programs; and any students, faculty, staff and Volunteers who are anticipated to have Direct Contact with Minors in the course of their University activities*. Associate Provost Moeller added that the events involving minors at Penn State University several years ago caused administrators here to look into our own policies relative to peer institutions; they discovered that UI was one of the few institutions that did not have a policy regarding minors on campus.

Ms. Bathke went on to indicate that a definition of University Youth Program is included in the policy. The definition is broad and covers *All programs and activities offered by various student organizations, academic, athletic, or administrative units of the University on campus*

for participants under the age of 18, including, but not limited to, the hosting of an individual Minor by an individual faculty or staff member. There are certain exclusions, however. Several examples of University Youth Programs were listed in the slides; these included a staff member mentoring a high school student, a faculty member allowing a middle school student to volunteer in a lab, a student organization hosting a tutoring event for kids, and a department hosting a summer program for economically-disadvantaged youth. Ms. Bathke commented that the university does not yet have a clear picture of exactly how many minors are in programs, individually or in groups, on campus. Past President Vaughn asked for clarification regarding whether the policy applied to faculty and staff only when they were interacting with minors as part of their job description. Ms. Bathke responded that the policy covered faculty and staff anticipated to have contact with minors in the course of their university responsibilities, which would include volunteer activities, as well.

Moving on to exclusions within the policy, Ms. Bathke emphasized, in response to a question, that minors enrolled at the university are not covered by this policy; other university policies would apply to enrolled students who are minors, however. Visitors and employees who are minors are also covered under other policies. Other exclusions include admitted students and minors attending the following types of events: events open to the general public, chaperoned events (i.e., field trips), admission events, and recruiting events. Visits for health care are also excluded from the policy. Ms. Bathke acknowledged that it may be difficult in some cases to determine if an activity involving minors meets the definition of a University Youth Program, particularly if the activity involves only one minor or if the activity is short-term. In these cases, a member of the Minors on Campus Advisory Committee should be contacted for a discussion of the activity.

The policy will require registration and approval of University Youth Programs prior to the programs' implementation. Approval requirements include proposal by a 50% or greater faculty or staff member, approval by the appropriate authority, and registration on the Youth Programs website. There is an alternate approval process for research studies involving minors participating as research subjects (following Institutional Review Board policies) and minors volunteering in research laboratories (following collegiate guidelines).

For individuals who are anticipated to have direct contact with minors, as determined by the college/org, unit, or program, criminal background checks will be required every year. This is a national standard and expectation. These checks will follow the standard process for background checks that the university uses at the time of hire. Professor Tachau commented that yearly background checks could require a substantial use of collegiate resources. She added that not all perpetrators have criminal records. Ms. Bathke acknowledged that it may be difficult to estimate a cost for yearly background checks at this time because we are not sure yet how many University Youth Programs exist on campus. Professor Daack-Hirsch, in the audience, asked if results from criminal background checks performed by other vendors for outside organizations could be accepted by the university. Ms. Bathke responded that the Advisory Committee could look into this as a way to conserve resources, but the university's rigorous standards for background checks must be maintained. There may also be confidentiality issues involved.

Vice President Ganim asked whether a communication effort was planned, since it is unlikely that many on campus will be aware of this new policy. Ms. Bathke responded that such an effort was indeed planned and that a website will be established that will include the policy, frequency asked questions, and the list of Advisory Committee members. A training program for those anticipated to have direct contact with minors is also under development. Training will be required every three years. Secretary Williams asked if any exceptions to the training requirement were contemplated; for example, faculty in the College of Education have already had extensive contact with minors, along with vast knowledge about how to work with minors. Ms. Bathke commented that exceptions had not been considered yet. A certain baseline must be met, even though this baseline may seem very elementary to some. Secretary Williams strongly encouraged the Advisory Committee to develop a meaningful training module. In response to an additional question from Secretary Williams, Ms. Bathke commented, regarding the criminal background checks, that if a “hit” is revealed, representatives from the unit, from the General Counsel’s Office and from Human Resources will jointly determine if the incident has relevance to the employee’s role with minors. Secretary Williams expressed concerns about privacy issues.

In concluding her presentation, Ms. Bathke noted that university policy already exists mandating that all university employees who *receive information related to physical or sexual abuse of Minors must immediately report such information to the UI Department of Public Safety*. She then displayed a slide listing the members of the Minors on Campus Advisory Committee and a slide listing individuals to contact regarding questions about the policy. Professor Tachau suggested that a female contact, in addition to the male contact listed, also be identified for youth/sport programs in athletics, given concerns about gender equity in that department.

Professor Tachau drew the group’s attention to section 7. Background Screening d .ii. *In accordance with the Fair Credit Reporting Act...* and questioned the need for a credit report for individuals working with minors. Ms. Bathke clarified that the Fair Credit Reporting Act applies to any type of background check required by employers and obtained from a third party. In this context, it is only the criminal background check that is implied. She agreed that this could be made more explicit, however. Professor Gillan, chair of the Faculty Policies and Compensation Committee, noted that several years ago, when he chaired the Research Council, that group reviewed an early draft of this policy. The Research Council provided some helpful suggestions, including suggestions related to the policy’s exclusions. The Faculty Policies and Compensation Committee recently had some feedback, which has been incorporated into this draft of the policy. Professor Gillan added that successful implementation, especially in terms of specific procedures, will be crucial.

Professor Yockey pointed out some redundancy in the scope of the policy, since *University Youth Programs* already seems to refer to faculty and staff who have direct contact with minors in the course of university activities; Ms. Bathke indicated that this would be fixed. Professor Yockey asked about privacy issues within small units related to the criminal background check. Ms. Bathke responded that any “hit” in the background check will be analyzed for a relevance to the activity with the minors before any decisions are made.

Professor Foley Nicpon asked why the training was required at intervals of three years. Ms. Bathke responded that this was a decision by the Advisory Committee. Regarding the criminal background check, President Snyder observed that it would be helpful to know what the national standard is. Professor Tachau again expressed concern about the cost to departments for yearly criminal background checks, considering that departments are repeatedly required to spend resources on an ever-increasing number of items unrelated to the educational mission. Associate Provost Moeller reminded the group of potential costs of the university's liability for an incident. President Snyder commented that related program costs could be a barrier to offering youth programs in the first place. Ms. Bathke observed that the national expectation, when children participate in any type of activity, is that efforts are being made to protect them. We must carefully consider what constitutes a financial burden.

Professor Wurster commented that, based on today's discussion, there are several points in the policy that could undergo revision at some point in the future. For example, perhaps the College of Education could eventually be excluded from the training requirement. Ms. Bathke responded that the policy would remain as is, but that it would be up to a college to present a case for an exclusion from some aspect of the policy. She acknowledged that policy amendment could take place in the future, but amendment would go through the proper channels for approval. President Snyder commented that a response about national standards for frequency of criminal background checks could be obtained before the Senate meeting. He added that it may take a period of time in which the policy has been put into practice for any shortcomings to come to light. This would be a similar process to that of other policies. Professor Wurster suggested that a pathway for revisions be incorporated into the policy. Professor Tachau commented that she did not think that the policy was ready for approval in its current state. President Snyder expressed the opinion that the policy should not be delayed because of the clarification about the Fair Credit Reporting Act and reconsideration of the frequency of criminal background checks.

Professor Marshall moved and Professor Deshpande seconded that the policy be approved for review by the Faculty Senate, contingent upon clarification about the Fair Credit Reporting Act and reconsideration of the frequency of criminal background checks. In a voice vote, the motion carried.

Past President Vaughn and President Snyder commented that language indicating a process for revision could also be added to the policy. Ms. Bathke drew the group's attention to the last provision of the policy, regarding the Minors on Campus Advisory Committee. She noted that one of this group's tasks is *to provide timely reviews of this policy*. Similar to other university policies, this clause allows the advisory committee, rather than the policy, to define the exception procedure. Perhaps a faculty member from the Faculty Policies and Compensation Committee, or a faculty member involved in youth programs, could be added to the advisory committee, to ensure greater faculty input. The Senate officers expressed support for this suggestion.

- *Academic Organization 2020 Update (Tom Rice, Office of the Provost and John Keller, Interim Vice President for Research and Economic Development, and Associate Provost for Graduate and Professional Education and Dean of the Graduate College)*

President Snyder explained that Phase I of the Academic Organization 2020 effort has now ended with the publication of a report, while Phase II is just beginning. Professor Rice will lead Phase II, while Interim Vice President Keller was one of four deans who conducted Phase I.

Interim Vice President Keller noted that the recently-released report from the Phase I Task Force describes the process the task force undertook to gather information and then describes a series of principles, themes, and challenging issues. He added that the task force was specifically asked not to include any recommendations for actions in the report. Such recommendations will come about following extensive discussions with the university community planned for Phase II. The purpose of the report was to determine who we are as an institution, what we would like to be, and how we can put together synergies and efficiencies on our campus that can help us advance our research, teaching, and engagement missions, while looking to the strategic plan as a guide. Although the report was assembled by four deans, it has the approval of the entire Council of Deans.

President Snyder commented that the Phase I report sets the stage for Phase II; therefore, how beholden is the Phase II steering committee to the Phase I report? Professor Rice responded that the Phase II steering committee would study the report carefully, but can explore different directions. He added that the members of the steering committee have been named, <https://uiowa.edu/acad-org-2020/phase-ii/phase-ii-committee>. President Snyder asked how faculty members can provide input during this process. Professor Rice responded that some open forums will be planned. The steering committee will also be meeting with a long list of stakeholder groups (the list is provided on the Phase II website, <https://uiowa.edu/acad-org-2020/phase-ii>). Opportunities for individual appointments with members of the steering committee will also be available. Professor Rice added that he plans to post frequent updates on committee progress on the website. Past President Vaughn asked about the timeline for the project. Professor Rice projected that the steering committee will complete its work by spring break. The steering committee's first meeting should take place within the next week or two. President Snyder added that Professor Rice will also be providing updates at the Faculty Senate meetings, and that the Faculty Senate officers plan to meet with him every two weeks to learn about the steering committee's progress.

Professor Tachau commented that many faculty members view the 2020 effort as a prelude to breaking up the College of Liberal Arts and Sciences. With few exceptions, CLAS faculty are opposed to this idea, she stated. She drew the group's attention to a paragraph in the Phase I report that states, *Unit size needs to be optimized to promote faculty productivity and student success* and pointed out that the phrase, *Especially where colleges were over-large and disparate in the assortment of academic units, several disadvantages were noted*, clearly is meant to refer to CLAS. She thought that there were advantages to the current structure and that expecting a unified theme for CLAS represented a fundamental misunderstanding of what liberal arts and sciences are. She urged the steering committee to carefully reconsider this portion of the report. Professor Tachau also drew attention to the paragraph stating *Re-envision*

the General Education (GE) curriculum to take advantage of a broader university perspective overseen by a central university office. She noted that curriculum has been in the hands of the faculty since the thirteenth century. Why should it now be the responsibility of a single office?

Professor Wasserman commented that, in his view, there appeared to be a connection between the 2020 effort and the delay of a search for a new CLAS dean. He noted that at the last Faculty Council meeting he had asked Interim Provost Curry whether any research had been done as part of the 2020 effort regarding the structures of other liberal arts and sciences colleges. At that time, it seemed that no such research had yet been done. He asked if the Phase I committee had assessed the relative strengths and merits of various structural models at other institutions. Interim Vice President Keller responded that an exhaustive study of this topic was not undertaken. He added that the report reflects an assemblage of the common themes of those with whom the Phase I committee spoke. This includes comments from those outside of CLAS who would like to participate in the GE curriculum. Interim Vice President Keller also commented that the paragraph referring to “over-large” colleges did not necessarily refer only to CLAS. The Phase I committee reviewed the CLAS 20/20 report and spoke at length with the committee members who wrote it. Some themes from that report are also reflected in the Phase I report. An examination of liberal arts and sciences colleges at other institutions will likely occur in Phase II. Secretary Williams, a member of the CLAS 20/20 committee, commented that her committee did look at other institutions and that data will be provided to the Phase II committee. The CLAS 20/20 report has not yet been widely released. Professor Rice indicated that the Phase II committee plans to reach out to individuals outside the UI for feedback.

Professor Tachau commented that it is important not to confuse structural issues with personnel issues. Professor Prussing observed that many of her CLAS colleagues hold the view that the 2020 effort is not entirely transparent. The college does not currently have strong leadership and there is a delay in seeking new leadership, while the college faces a critical moment in its history. The argument that an interim provost cannot appoint an interim dean seems problematic when other deans have been or will be appointed by the interim provost. Professor Rice commented that he does not have a hidden agenda for the process. Professor Wasserman asked for an explanation for why CLAS cannot search for a dean at a time when the college needs strong and effective leadership. Professor Tachau commented that morale seems very low in CLAS. Noting that President Harreld has proposed tuition increases for the next five years, she found it troubling that the college will not have a dean to decide how to allocate these extra funds.

Secretary Williams commented that she has spoken to Interim Provost Curry about the 2020 effort. In Secretary Williams’ view, Interim Provost Curry has re-thought the 2020 process; she wants it to be more transparent and she does not appear to have a hidden agenda to break up CLAS. She has also had open discussions with the CLAS DEO’s. Secretary Williams added that she believed it to be very unfortunate that a CLAS dean search is not already underway. Vice President Ganim commented that he concurred with Secretary Williams, but added that it would be useful if senior administration issued a statement outlining the rationale behind the 2020 process, reaffirming the reasons behind the process, and reassuring the campus that the current leadership voids would be filled. Much faculty anxiety comes from the fact that there is

so much transition among leadership positions at this time and so much uncertainty at many different levels. It is up to senior administration to address these issues on a political level and an intellectual level, so that faculty can feel that their questions are being answered. Professor Wasserman asked who would make this request of senior administration. He added that CLAS cannot thrive in this uncertain situation. The college cannot retain and recruit faculty if there is a perception that the college is rudderless and may even be broken up. President Snyder responded that the officers can ask the interim provost for a public clarification.

- *AAUP Sanction Removal Committee Update (Sandy Daack-Hirsch, Chair)*

Professor Daack-Hirsch indicated that the committee is ready to share its best practices and related documents with the local chapter of the American Association of University Professors and the Board of Regents, State of Iowa. Feedback will be reviewed and incorporated into the next draft of the documents. Early in the spring these documents will be brought to the Faculty Council and Faculty Senate for approval. Clarification will be sought from the national AAUP regarding what type of formalization of approval will be needed from the Board of Regents.

Professor Wasserman asked what form the feedback from the campus community would take at Iowa State University following the campus visits of their presidential candidates. Professor Daack-Hirsch did not have information about this, but commented that those familiar with the recent successful search at the University of Northern Iowa find that the ISU search is being run in a very similar manner. Professor Wasserman urged that clarification of plans for obtaining feedback on the candidates be obtained, because this is where we encountered problems in our own search. President Snyder commented that the candidates will be on the ISU campus this week (October 9-13). The Board of Regents plans to meet on October 23 to interview the candidates. The search committee has been invited to meet with the Regents on that date also to provide feedback. So, there is a significant time period between the last on-campus interview and the Regents' interviews. Professor Daack-Hirsch commented that this is similar to the procedures identified in previous successful searches. Professor Wasserman commented that he is particularly concerned that the campus community feedback come to the search committee in time for that group to review it and then summarize it for the Board of Regents.

- *President's Report (Pete Snyder)*

President Snyder commented that two outstanding candidates for Vice President for Medical Affairs had come to campus for interviews. A group of faculty assembled by the Faculty Senate officers met with each candidate. A decision is expected soon. Dan Reed, Vice President for Research and Economic Development, has stepped down and John Keller, Associate Provost for Graduate and Professional Education and Dean of the Graduate College, has been chosen to fill the position on an interim basis. The formation of a search committee has been announced; David Gier, Professor of Music and Aliasger Salem, Professor of Pharmacy, will serve as faculty co-chairs.

A new Executive Director of the Board of Regents will be named at next week's Regents meeting. Anticipated announcements regarding tuition rates will be delayed, however, in order to give more consideration to the issue.

The Faculty Senate's Committee on Academic Values continues to work on the controversial speakers issue. It was noted that various state legislatures around the country are proposing bills sanctioning students for disrupting campus speaker events.

Professor Tachau expressed concern about having enough time to discuss the Academic Organization 2020 Update at the October 24 Faculty Senate meeting. President Snyder noted that agenda items can be rearranged if necessary. Professor Wasserman commented that he would continue to send the Councilors articles on timely topics. President Snyder observed that such topics are best discussed in person. Professor Tachau reiterated her concern about the College of Liberal Arts and Sciences. Professor Wasserman expressed the opinion that CLAS faculty would likely welcome the involvement of other colleges in the general education curriculum. Restructuring the college is not necessary for achieving this goal. Professor Tachau noted that some faculty senates have curriculum committees. President Snyder commented that he did not believe that there is any predetermined outcome to the 2020 process. He urged that faculty submit ideas to the steering committee.

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

V. Announcements

- The next Faculty Senate meeting will be Tuesday, October 24, 3:30-5:15 pm, Senate Chamber, Old Capitol.
- The next Faculty Council meeting will be Tuesday, November 7, 3:30-5:15 pm, University Capitol Centre 2520D.

VI. Adjournment – Professor Foley Nicpon moved and Professor Yockey seconded that the meeting be adjourned. The motion carried unanimously. President Snyder adjourned the meeting at 5:25 pm.