

FACULTY COUNCIL
Tuesday, October 16, 2012
3:30 – 5:15 pm
Seebom Conference Room (283), Eckstein Medical Research Building

MINUTES

Councilors Present: F. Abboud, D. Black, C. Bohannon, E. Ernst, L. Fielding, S. Gardner, N. Grosland, B. McMurray, J. Murph, J. Pendergast, S. Schultz, K. Tachau, S. Wilson.

Officers Present: R. Fumerton, E. Lawrence, N. Nisly, L. Snetselaar.

Councilors Excused: J. Solow, E. Wasserman.

Councilors Absent: D. Bonthius, S. Clark, B. Gollnick.

Guests: D. Drake (Office of the President), J. Hermsen (University Human Resources), S. Johnson (Office of the Ombudsperson), J. Jorgensen (Office of the General Counsel), R. Kirby (Honors Program), S. Kurtz (College of Law/FRIC), S. Murray (*Daily Iowan*), R. Nessler (Staff Council), T. Rice (Office of the Provost), L. Rubin (Office of the President), R. Saunders (University Human Resources), A. Spisak (Honors Program), L. Zaper (Faculty Senate).

I. Call to Order – President Snetselaar called the meeting to order at 3:35 pm,
<http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultyCouncil.10.16.12.pdf>.

II. Approvals

- A. Meeting Agenda – Professor Black moved and Professor Pendergast seconded that the agenda be approved. The motion carried unanimously.
- B. Faculty Council Minutes (September 4, 2012) – Professor Black moved and Professor Tachau seconded that the minutes be approved. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (October 30, 2012) – Professor Tachau moved and Professor Black seconded that the draft agenda be approved. The motion carried unanimously.
- D. Committee Replacements (Erika Lawrence, Chair, Committee on Committees)
 - None at this time

III. New Business

- *Funded Retirement and Insurance Committee Update (Shelly Kurtz, FRIC Faculty Co-Chair)*

Professor Kurtz reminded the Council that the Funded Retirement and Insurance Committee (FRIC) is a charter committee, the faculty and staff members of which are appointed

by the University President upon recommendation by the Faculty Senate and the Staff Council. Professor Kurtz co-chairs the committee along with staff member Nancy Davin. He stated that although it had been a relatively uneventful year for the committee, there were a number of issues about which faculty and staff should be informed. Regarding health insurance coverage, he explained that the university currently offers to faculty and professional and scientific staff a choice between two plans, the CHIP II plan, which he termed a “worldwide service” plan and the UI Choice plan, by far the more popular of the two. UI Choice is structured on three tiers: care at UIHC, care within Iowa, and care outside of Iowa. Professor Kurtz indicated that for many years, the participation rate in the CHIP II plan has been declining, and has now reached the point (only about 400 contracts) where it is no longer financially feasible to offer it. Therefore, FRIC has recommended to President Mason that the university drop the CHIP II plan after December 31, 2012. FRIC will now be exploring ways to better cover out-of-state care through the UI Choice plan. Professor Kurtz then announced that there would be no premium increases for the coming year. He speculated that the wellness programs sponsored by the university may have had an impact on the improved health of employees. Regarding dental insurance, Professor Kurtz indicated that the Dental I plan is being phased out. The Dental II plan will still be available. He also noted that long-term care insurance options are disappearing from the marketplace, given that such plans are not financially viable.

Professor Tachau asked whether the Affordable Care Act had obviated the need for long-term care insurance. Professor Kurtz voiced the opinion that it had not, and that in fact the current presidential administration had determined that the long-term care insurance component of the Act was not financially viable. Professor Murph asked if FRIC planned to address medication reimbursement. She noted that although generic medications are available at no charge to patients, many non-generic medications are still prescribed. Some of these non-generic medications carry a high copay. Professor Kurtz responded that the cost for a non-generic medication is determined by whether that medication appears on the formulary developed by Blue Cross. Blue Cross can negotiate a discount for those medications that appear on the formulary. Professor Murph questioned allowing Blue Cross to make those determinations. Professor Kurtz responded that it was beyond FRIC’s expertise to make such decisions about individual medications. Richard Saunders, of University Human Resources, explained that Wellmark, the administrator of UI’s health insurance plans, has an advisory committee made up of physicians and pharmacists that makes the determinations. He indicated that he would look into obtaining the names of those who serve on the committee and convey them to Professor Murph.

Professor Abboud observed that patients are often not aware when a generic version of a medication becomes available, and they are then suddenly faced with a much higher co-pay for the non-generic version. He added that improved communication with patients was necessary. Professor Nisly asked whether FRIC was considering adding coverage for proactive types of services, such as consultations with dieticians for obese individuals or smoking cessation programs. Professor Kurtz answered that FRIC could look into coverage for such services. Professor Tachau, also a member of FRIC, urged that suggestions such as these be sent to the committee. Professor Kurtz concurred.

- *Criminal Background Check Policy (Judie Hermsen, University Human Resources and James Jorgensen, Office of the General Counsel)*

President Snetselaar prefaced her introduction of this agenda item by praising the shared governance system in place at the UI. She noted that the revision of this policy had involved the Faculty Senate officers and the Faculty Senate's Faculty Policies and Compensation Committee along with individuals from University Human Resources, the Office of the Provost and the Office of the General Counsel.

James Jorgensen, of the Office of the General Counsel, gave a brief summary of the proposed revisions to the Criminal Background Check at Point of Hire policy, which was first implemented in 2005. He indicated that the major change in the policy was to extend its coverage from new hires in security-sensitive positions only to new hires in all regular (permanent) staff and faculty positions [9.3 b.]. He added that a considerable number of staff and faculty in various colleges and divisions have already been undergoing criminal background checks (CBC's) for several years; these colleges and divisions include Finance and Operations, Student Life, Information Technology Services, the Carver College of Medicine, the College of Dentistry and the College of Public Health. For temporary hires, CBC's will continue to be done only for those positions determined to be security-sensitive. Mr. Jorgensen explained that the university uses a third-party vendor to conduct CBC's. Currently, at the point that the offer is made, the successful applicant is asked to disclose any convictions during the past seven years. The vendor then conducts the CBC.

Mr. Jorgensen then highlighted an additional significant revision to the policy. He explained that currently when a CBC reveals one or more convictions, the Senior Human Resources Representative of the hiring unit consults with personnel from the Office of the General Counsel and University Human Resources (or the Office of the Provost, in the case of faculty) to determine if the conviction is relevant to the position and if so, if hiring the candidate constitutes an unacceptable risk to the university. This consultation takes place no matter what the nature or severity of the conviction is. A proposed revision to the policy seeks to allow the Senior HR Representative to bypass the consultation and make an independent judgment about the conviction, but only in cases when the CBC has revealed a single, minor conviction, thus relieving some of the administrative burden associated with the policy [9.3 g. (1) in the revised version]. If the Senior HR Representative has concerns about this single, minor conviction, s/he is still permitted to initiate the consultation.

Regarding the latter revision, Mr. Jorgensen indicated that two language options were presented to the Council. One option listed three specific types of minor conviction for which the Senior HR Rep could exercise independent judgment (public intoxication/unlawful possession of alcohol, use of identification by an underage person to obtain alcohol, and operation of a vehicle without registration). The other option contained more general language permitting University HR, the Office of the General Counsel, and the Office of the Provost, in consultation with the Senior HR Reps, to establish guidelines authorizing the Senior HR Reps to approve hires when a single, minor conviction is revealed without consulting the other offices.

Professor Tachau moved that the Faculty Council send the revised Criminal Background Check at Point of Hire policy to the Faculty Senate for review with any edits suggested by the Council and with only the first option, listing the specific minor convictions for which the Senior HR Representatives could proceed with a hire without consultation.

Professor Pendergast spoke in favor of the second option, preferring the fluidity it offered to the policy. She commented that alterations could then be made to the list of single, minor convictions without involving a revision of the policy. Professor Tachau indicated that she preferred the precision of the first option, given that it is unknown how future administrators might interpret the policy. Additions to the list would then require review by other members of the university community. Professor Bohannon commented that she was leaning toward the discretion offered by the second option. She also wondered when the three minor convictions listed would ever be relevant to specific job responsibilities. Mr. Jorgensen responded that such convictions might be relevant, for example, in the decision whether to hire someone for the position of summer camp instructor if that person would be working with children. Past President Fumerton expressed concern about the appearance of publicly stating in the policy that the university does not think that these three types of convictions are important. Professor Pendergast commented that the policy indicates *who* makes the judgments about what convictions do not require consultation; *which* convictions fall into this category is a matter of procedure, to be established by the offices involved. Professor McMurray asked for a general idea of the types of convictions most frequently encountered in CBC's for the past five years or so. Mr. Jorgensen answered that, in his estimation, about 75%, if not more, of the total convictions involved these minor offenses. In response to a question, Mr. Jorgensen expressed a preference for the second option, for the flexibility it allows to the offices involved. Professor Tachau then modified her motion as follows:

Professor Tachau moved and Past President Fumerton seconded that the Faculty Council send the revised Criminal Background Check at Point of Hire policy to the Faculty Senate for review with any edits suggested by the Council and with only the second option, allowing the Senior HR Representatives working with administrators to establish guidelines for authorizing the Senior HR Representatives to approve a hire without consultation for single, minor convictions. The motion was approved unanimously.

In response to several questions, Mr. Jorgensen explained that the prospective employee is informed that a CBC will be conducted and that the individual can request a copy of the CBC. While it may appear that asking the prospective employee for a disclosure in addition to conducting the CBC would be extra work, it is necessary to make sure there is no mistake in identity. The prospective employee is also asked to name the states that s/he has lived in for the past seven years so that the court records of all those states can be checked. The typical CBC takes within 48 hours to complete.

Professor Tachau then described some minor edits that she wished to suggest. Regarding CBC's for temporary employees, she asked if the intention of the policy was to conduct a CBC each time that a temporary employee is re-hired. She cited the situation in which lecturers might be frequently and perhaps unexpectedly called back to teach a course. Judie Hermsen, of

University Human Resources, responded that it was the typical practice to refer back to a recent CBC if one existed for a temporary employee. In order to cover this type of situation, Professor McMurray suggested substituting the word *obtained* for the word *conducted* in the first sentence of 9.3 b. of the revised version. Professor Tachau also suggested adding a reference to section 9.3 e.(2) at the end of the first sentence of 9.3 b. This would explain the procedure for initiating the CBC for the selected candidate. At the beginning of the second sentence of 9.3 b., Professor Tachau accepted Professor McMurray's suggestion that the phrase *Candidates for* be inserted to improve the sentence structure. Her next suggestion was to clarify that it is the Senior HR Leadership Representative *in each college or division* that is referred to in 9.3 c.(1), and Ms. Hermsen said that she would add *or Associate Dean* to that sentence, also. In 9.3 f.(2) Professor Tachau urged that *on a bi-weekly basis* be changed to *every two weeks* to minimize confusion. Her last suggestion was to substitute *unacceptable* for *acceptable* in the second sentence of 9.3 g.(3).

Professor Pendergast referred the group to section 9.3 e.(3), where it is stated that the standard CBC shall be completed *no later than 15 days following the candidate's first day of employment*. She questioned whether this was fair to the selected candidate, who may have moved a long distance, sold a home, etc., in preparation for working at the university. Professor Pendergast added that if the selected candidate should then be disqualified as a result of the CBC, the university might no longer have a candidate pool to choose from, as the other candidates may well have taken other positions by that time. Since the CBC is a condition of employment, she voiced the opinion that it should be completed before the offer letter is signed. Past President Fumerton pointed out that sometimes it is necessary to move quickly to make an offer to a candidate if other institutions are also recruiting that person. There may not be time to conduct the CBC prior to the offer. Suggestions were made that the passage be revised to read that the CBC shall be completed *as soon as practicably possible* or *optimally no later than 15 days...* Professor McMurray commented that this policy applies to many different types of hires (faculty, staff, student staff), some with very quick timelines for hire. An earlier deadline may not be appropriate for all positions. Professor Abboud observed that the selected candidate would know about the CBC requirement and should not be taken by surprise if a conviction constituting an unacceptable risk is uncovered. Ms. Hermsen commented that she was not aware of the current deadline ever being a problem in the past. After considerable discussion, the group finally decided upon the wording, *as soon as practicably possible but in any event no later than 15 days following the candidate's first day of employment*.

In response to a question, Ms. Hermsen described the process followed regarding convictions revealed by a CBC. She indicated that when the Senior HR Representative discovers a conviction on the CBC, s/he confers with Ms. Hermsen and Mr. Jorgensen. If the three determine that the conviction might constitute an unacceptable risk, then they are required by law to ask the candidate for clarifying information. If, after receiving the clarifying information, the three still believe that there may be an unacceptable risk, then the Senior HR Rep reports this to the dean or vice president. S/He obtains the dean's or vice president's opinion on whether the hire should go forward and reports back to Ms. Hermsen and Mr. Jorgensen, for the final determination on the hire to be made. Professor Tachau observed that this process serves to limit the number of people who are made aware of the candidate's conviction history. Ms.

Hermesen commented that, at least regarding staff, she did not recall a situation when there was disagreement between the dean or vice president and University Human Resources and the Office of the General Counsel about whether a hire should go forward.

Professor Bohannon expressed concern about language in section 9.3 d., allowing individual departments, in consultation with their Senior HR Rep, to have more comprehensive background check guidelines, especially since the CBC policy may be extended to cover all new permanent hires. Ms. Hermesen responded that the university never does credit checks. Departments would, however, have the discretion to do a federal background check, to catch white collar crime such as embezzlement or tax evasion. While this would not be appropriate for most university positions, it could make sense for financial positions. Departments may also check the sex offender registry, if that seems to be appropriate for the position.

- *Honors Program Update (Arthur Spisak, Director and Robert Kirby, Associate Director)*
Professor Arthur Spisak, Director of the Honors Program, indicated that changes to the Honors Program will take effect in the summer of 2013. He explained that one of the directives he received when he became director last year was to bring the UI Honors Program requirements more in line with national standards. In order to do this, the honors program staff looked at three sets of data: the activities of current and past UI honors students, the practices of honors programs at peer institutions, and the national standards for honors programs. He noted that currently UI honors students are not required to do anything except maintain a certain grade point average. The honors program staff then developed some proposed changes to the program which they discussed with various administrators, staff, and faculty committees.

Professor Spisak then described the four changes to be made to the program. First, students will no longer automatically be put in the Honors Program, to remain there as long as they maintain a certain GPA (3.33). Starting with the 2013-14 academic year, qualified students must opt into the program via acceptance of a formal invitation. Professor Spisak estimated that this would reduce the membership by half. He did not think that this would significantly affect the program because about that many participants are inactive now. Honors students would then be required to take a minimum core of twelve semester hours of credit through honors coursework, to be completed in the first four semesters. They would also be required to take a second level of twelve semester hours of honors credit emphasizing experiential learning. Lastly, honors students would receive formal recognition of graduation with university honors (at graduation ceremonies and on the transcript and diploma).

Professor Bohannon asked what the criteria have been for admission into the honors program. Professor Spisak answered that the student must have at least a score of 27 on the ACT and a high school GPA of 3.8 or higher. If the ACT score is at least 30, then the GPA can be 3.7 or higher. Professor Tachau praised the changes and commented that deans must be persuaded to let faculty offer more honors courses. Professor McMurray observed that honors students have several different routes to participating in research. He asked how this information is tracked. Mr. Robert Kirby, Associate Director, commented that in the future it may be possible through registration, but that the Iowa Center for Research by Undergraduates is still working on this. Past President Fumerton asked if a student could earn departmental honors without

participating in the university Honors Program. Professor Spisak responded that the student could. Mr. Kirby added that the student would, however, need to meet the university Honors Program standard for GPA (3.33).

- *Office of the Ombudsperson Annual Report (Susan Johnson)*

Professor Susan Johnson, faculty ombudsperson, gave a very brief overview of her office's annual report. She indicated that for the past few years, the Office of the Ombudsperson has seen about the same annual number of visitors (around 500). Roughly the same percentage (4%) of faculty members has visited the Office during that same timeframe. She noted that the annual number of women and minority visitors to the Office remains disproportionately high for their numbers on campus. Types and percentages of visitor concerns remain the same as in previous years, as do the types and numbers of visitor complaints about discrimination and harassment. Professor Johnson noted that there was a decrease in the number of complaints about disrespectful behavior, an issue about which the Office has been concerned in recent years. She added that resources have been developed to increase respectful behavior on campus. The Office also provides resources for effective and appropriate email communication.

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

V. Announcements

- President Snetselaar announced that a review of the Office of the Executive Vice President and Provost will soon be carried out. The Office is currently working on a self-study. She requested that Councilors suggest names of faculty to serve on the review committee.
- The next Faculty Senate meeting will be Tuesday, October 30, 3:30-5:15 pm in the Senate Chamber of the Old Capitol.
- The next Faculty Council meeting will be Tuesday, November 13, 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 10, 4:30-6:00 pm in the Old Capitol.

VI. Adjournment – Professor Gardner moved and Professor Pendergast seconded that the meeting be adjourned. The motion carried unanimously. President Snetselaar adjourned the meeting at 5:18 pm.