

The University of Iowa
FACULTY COUNCIL MINUTES 2000-01
Tuesday, November 7, 2000
Penn State Room, Iowa Memorial Union 337

Members Present: Jeff Cox, Jean Jew, Debora Liddell, Chuck Lynch, David Manderscheid, Ann Marie McCarthy, Paul Muhly, Morton Pincus, Craig Porter, Margaret Raymond

Members Absent: Steven Aquilino, Vicki Grassian, John Moyers

Members Excused: Caroline Carney Doebbeling, Lois Geist, Gary Milavitz, Gene Parkin

Faculty Senate Officers in Attendance: Carolyn Colvin, President; Amitava Bhattacharjee, Vice President; Teresa Mangum, Secretary; Jonathan Carlson, Ex-Officio President

Guests: Jim Andrews (Emeritus Faculty Council Temporary Liaison), Lola Lopes (Provost's Office), Peter Rugg (*Daily Iowan*), Mailie Sagen (Ombudsperson's Office), Bernard Sorofman (Ombudsperson's Office), Ruth Wachtel (AAUP), Joyce Crawford (Office of the Provost-Faculty Senate)

I. Call to Order

President Colvin called the meeting to order at 3:35 p.m.

II. Approvals

A. Meeting Agenda

Motion: Prof. Jew moved and Prof. Raymond seconded approval of the Agenda.
The motion carried.

B. Minutes

The Minutes were approved by consensus.

C. Committee Replacements

President Colvin asked for a motion to seek Senate approval of Gary C. Shultz as an outside reviewer for Financial Services. The review committee, chaired by Prof. John Menninger, has delivered a draft of the review to President Coleman. Gary Shultz will visit the University on December 12, subject to the Senate's approval.

Motion: Prof. Muhly moved and Prof. Mandersheid seconded the following motion: The Faculty Council recommends to the Senate that Gary Schultz be approved as external reviewer to the Financial Services Review Committee. *The motion carried.*

III. Announcements

President Colvin announced that the President of the Board of Regents, Owen Newlin, has kindly agreed to meet with members of the Faculty Council and other guests on Tuesday, November 14, in IMU 181 (North Room) from 4:30-5:45. We will receive packets of information about the Board of Regents governance policies as well as a brief biography of President Newlin.

The Board of Regents meets at the University of Iowa Wednesday, November 15.

IV. New Business

- A. Office of the Ombudspersons—14th Annual Report—Presented by Maile Sagen, University Ombudsperson and Bernard Sorofman, University Ombudsperson

Noting that it is a tradition for members of the Ombudsperson’s Office to share the annual report with Faculty Council, President Colvin introduced our present Ombudspersons, Maile Sagen and Bernard Sorofman. The most recent report was published in August and caught national attention due to the emphasis on “incivility.” Administrators from across the country consider incivility on campus a growing problem. Incivility is perceived as a special concern for staff members. Bob Foldesi, Associate Vice President for Human Resources, has appointed a committee to create a statement on ethics in the workplace. The committee will review Professional and Scientific Staff policies and Section III.15 “Professional Ethics and Academic Responsibility” in the *Operations Manual*. While this section characterizes proper relations among various members of the University community, it does not discuss expectations for the behavior of colleagues.

Council members asked a number of questions as they attempted to grasp the extent and nature of complaints about incivility. Do particular pockets of incivility exist? Do parts of the University seem free of miscreants? Ombudsperson Sorofman pointed out that when any person perceives behavior as threatening, the Office takes that person’s view seriously; however, the Office does not make information about complaints, investigations, or locations public without permission. Prof. Lynch asked why the majority of complaints arose from professional and scientific staff. Observing that until five years ago these staff members depended wholly on their supervisors’ recommendations for promotions, Ombudsperson Sorofman explained that many staff members who wished to be put forward for promotion were dissatisfied with their supervisors’

failure to act on their behalf. Five years ago this policy was changed. Now any person can seek to be reclassified. Human Resources has held workshops to explain the process of initiating reclassification to staff members. However, due to large turnover, those workshops need to be offered on an on-going basis to avoid frustration among employees who believe they are assuming extra work without acknowledgement or advancement.

The Council then pondered the difficulty of defining “incivility.” Ombudsperson Sorofman suggested that the *Operations Manual* should include a section to which a person can point in order to say here we have an agreement among faculty that we shall not behave in a particular way. In addition, administrators should be more responsive to faculty members’ complaints. Despite improvements over the past, administrators also need to follow grievance procedures in a more timely fashion. Ombudsperson Sagen noted important steps. For example, Associate Provost Lee Anna Clark has instituted a series of workshops for DEOs, and the first focused on the treatment of faculty, including responsiveness and timeliness. Laura Reed, Director of Work Life, has organized an entire series of workshops on respect in the work place. Council members noted that similar staff concerns also call for attention, especially given that incivility is particularly painful when a person in a structurally subordinate position is being poorly treated.

Council members also expressed concern that charges of incivility could be used to silence a minority viewpoint. In such cases genuine debate or disagreement might be restrained through claims of incivility. Ombudsperson Sagen replied that framing a definition of incivility requires marking differences among disagreement, harassment, and violence. Prof. Porter then asked whether evidence exists that we can actually transform a culture in which incivility has become an entrenched norm. Ombudsperson Sorofman suggested that an institution could establish limits to moderate and calm an environment and then bring individuals into conformity with that environment. Ombudsperson Sagen added that an institution might also clarify expectations and establish behavioral boundaries. Individuals then have the freedom to make choices, but if they choose to violate the stated limits, they act knowing that the choice will result in dismissal. Prof. Bhattacharjee expressed concern that rude behavior often continues over time, acknowledged but unchecked by DEOs or other supervisory personnel. Ombudspersons Sagen and Sorofman agreed and noted one of their chief goals was to encourage faculty and staff to address incidents of incivility promptly and decisively. Finally, Prof. Liddell asked if the Ombudsperson’s Office dealt with both formal and informal complaints. Ombudsperson Sagen replied that all complaints are informal: often people are simply seeking advice or consolation. Those who choose to file formal complaints are then sent to the appropriate office to initiate these proceedings.

- B. “Unfitness” Policy—(The Senate President recommends that the Council discuss this item in executive session)

President Colvin asked for a motion to go into Executive Session to discuss the “unfitness” policy. She invited AAUP representatives Ruth Wachtel and Jim Andrews to remain for the discussion.

Motion: Prof. Muhly so moved; Prof. Liddell seconded. *The motion carried.*

President Colvin began by noting that at a recent CIC meeting of faculty governance leaders, she learned that a number of Big 10 universities are attempting to shape similar policies to address neglect of duties. She then noted that our own Ad Hoc Committee consists of Jeff Cox (Chair), Margaret Raymond, Betsy Altmaier, Ekhard Zeigler, John Paul Long, Jon Carlson, and herself. She proposed that to begin the discussion, we agree to refer to the policy by choosing more accurate nomenclature such as Termination for Cause or Neglect of Duty. (Prof. Cox noted that the second does not take into account incompetence. He added that “Unfitness” has been a category in the *Operations Manual* for 25 years.)

President Colvin then asked Prof. Cox to walk the committee through the two documents, noting their differences. Prof. Cox reminded the Council that his committee was appointed to review consider the issue of termination for cause. Their objects were to reiterate the University’s commitment to academic freedom so that unfitness could not be used to squelch unpopular opinions, to clarify lines of responsibility and procedures for initiating termination for unfitness, and to outline the process by which the accused could challenge this claim. The committee also struggled to define “unfitness,” ultimately establishing the basis of evaluation as failure to meet the “norms of the unit.” Moreover, the committee members agreed as a working rationale that faculty members should not be routinely evaluated for unfitness, a process that would undermine the purpose of tenure. Instead, unfitness proceedings would only be initiated in cases of demonstrated failure that persisted over time.

Prof. Cox congratulated the authors of the AAUP revision of his committee’s report for further clarifying lines of accountability as well as for other improvements. He recommended that the AAUP report now be reviewed by the Faculty Senate Ad Hoc committee. On the other hand, he also posed questions for the AAUP version. Among other things, he argued that there is at times a temptation to conflate or confuse three different categories that should remain distinct from one another and especially from unfitness procedures. These three categories are annual merit pay reviews, post tenure reviews, and post tenure effort allocation portfolio (PTEAP) agreements. Discussions of a faculty member’s contributions to her department or inadequate performance in his unit might fall under any of these categories; however, unfitness discussions would result *following* repeated failures in these areas. Finally, Prof. Cox noted that he

would be attending Liberal Arts Faculty Assembly on November 8 to discuss the work of his committee with the Assembly.

Various Council members expressed agreement that regular evaluations offered an opportunity for faculty members to assess their work and to receive guidance for change when necessary with the understanding that routine evaluations should be kept clearly distinct from unfitness issues. In other words, DEOs and Deans should be free to recommend changes in a faculty member's work or behavior without fear that such recommendations would be construed as direct or implicit accusations of unfitness. President Colvin observed that this separation was so strongly desired at Pennsylvania State University that to assert an unfitness charge against a faculty member, the administration was required to undertake a distinct "discovery" process to provide evidence of the claim.

Other Council members expressed concern that PTEAP was not being used as it was originally intended to be. The policy was instituted as a creative means to acknowledge short-term adjustments in a faculty member's workload. For example, PTEAP would allow a faculty member to be rewarded for an unusually heavy departmental administrative position for two years when her or his scholarly productivity might lessen. On the other hand, Council members suggested, when faculty members were reviewed and their work found unsatisfactory, a short-term policy such as PTEAP was perhaps insufficient and inappropriate to the situation. An unsatisfactory review would call for serious, long-term change. (Conversely, it was noted that, in fact, PTEAP does not have literal, stated time limits. The policy only says that "ordinarily" the shift in workload allocation would last two years.) Others pointed out that annual merit pay reviews should be reliable indicators of faculty performance if departments are applying these raises fairly and appropriately.

Vice President Bhattacharjee invited representatives of the AAUP to share their views. Both agreed that they would like to take Council members' questions back to their committee.

Prof. Cox summarized the discussion by noting that at the present, we have created a situation in which deans may be forced into imposing the unfitness policy in order to address cases in which neglect of duty has been blatant and prolonged. We need a policy that offers a specific discussion of where these efforts should originate and of what other avenues are available for holding unproductive faculty members accountable for neglect of duty.

In conclusion, President Colvin asked that Council members review both the AAUP report and the Ad Hoc Committee's report and that we send follow-up comments for the committee to Professor Cox.

President Colvin closed with thanks to Jim Andrews and Ruth Wachtel and the AAUP for their contributions.

v. Adjournment

Motion: Prof. Jew moved to adjourn; Prof. Muhly seconded. *The motion carried.* The meeting adjourned at 5:12.

Next Council meeting: November 28, 2000 (Northwestern Room #345 IMU)

Respectfully submitted,

Teresa Mangum, Secretary of the Faculty Senate