

FACULTY COUNCIL
Tuesday, November 13, 2012
3:30 – 5:15 pm
Seminar Room (2520D), University Capitol Centre

MINUTES

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

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

Officer Excused: N. Nisly.

Councilors Excused: N. Grosland, S. Schultz, E. Wasserman.

Councilors Absent: D. Bonthius, B. Gollnick, J. Solow.

Guests: G. Dodge (Chief Diversity Officer), J. Garfinkel (Finance), B. Ingram (Office of the Provost), R. Lewis (University News Services), M. Lukas (Office of the General Counsel), T. Rice (Office of the Provost), L. Zaper (Faculty Senate).

I. Call to Order – President Snetselaar called the meeting to order at 3:40 pm,
<http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultyCouncil.11.13.12.pdf>.

II. Approvals

- A. Meeting Agenda – Professor Pendergast moved and Professor Clark seconded that the agenda be approved. The motion carried unanimously.
- B. Faculty Council Minutes (October 16, 2012) – Professor Black moved and Professor Tachau seconded that the minutes be approved. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (December 4, 2012) – Professor Pendergast moved and Professor Tachau seconded that the draft agenda be approved. The motion carried unanimously.
- D. Committee Replacements (Erika Lawrence, Chair, Committee on Committees)
 - None at this time
- E. Faculty Senate Elections Vacancy Tally (Linda Snetselaar) – President Snetselaar noted that elections would be held in the colleges of Liberal Arts and Sciences, Medicine, Business, Dentistry, and Education only. Nominations will begin on January 25. Professor Pendergast moved and Professor Tachau seconded that the Faculty Senate Elections Vacancy Tally be approved. The motion carried unanimously.

III. New Business

- *Richard Lewis, University News Services*

Richard Lewis, Senior Writer/Editor at University News Services, explained that he was hired about six months ago into a new position developed by Vice President for Strategic Communication Tysen Kendig and then Vice President for Research Jordan Cohen. The two vice presidents created this position because of a concern that the university's efforts to publicize its research were lagging behind those of its peers in the Big Ten and elsewhere. Mr. Lewis, whose career background includes writing about science and health for news agencies and publications, is tasked with better publicizing the many research activities and discoveries occurring at the university and he urged Councilors to communicate to their colleagues the importance of research communications. He observed that the public currently seeks news and information from a wide variety of sources. The university's stories must compete with innumerable others to reach a wide audience. Mr. Lewis commented that there are about 28,000 peer-reviewed journals in circulation today, double the amount from a decade ago. While even reaching colleagues in one's discipline may be challenging, it may be nearly impossible to reach potential colleagues in other disciplines. Research communications can facilitate that contact by getting stories into the marketplace where they can be more accessible. Mr. Lewis noted that major granting agencies expect and reward collaborative projects across disciplines. Research communications foster those connections. Granting agencies also increasingly expect a public outreach component to research. Research communications additionally serve as a recruiting tool for students and can facilitate the attraction of funding sources from the non-governmental sector. Finally, research can be validated and supported by the public if the results are widely disseminated.

Mr. Lewis noted that at the unit level, valuable communication is being done, but University News Services (UNS) moves beyond the unit level and brings stories to a much wider public. The *Iowa Now* publication is one vehicle for moving these stories out to a university audience that includes alumni, but UNS strives to move beyond even the university community, evaluating potential stories by the same criteria that the media overall do, for the widest possible distribution. Stories should be compelling with advances, results, or findings that most people can readily understand. Mr. Lewis commented that the most successful stories are those that contain a visual, as well as a written, component. Readers now expect exciting visuals to accompany a print story. Mr. Lewis stressed that timeliness is also important and therefore faculty members should contact him at the point when their work is accepted for publication, so that there is time to craft a well-packaged story and to find the appropriate audience for it. He indicated his willingness to meet with departments to further discuss how he can help them tell their research stories.

Professor Tachau observed that it appeared that most of Mr. Lewis' focus was on the sciences and she urged that other disciplines not be neglected. She suggested that he speak with the Executive Committee of the College of Liberal Arts and Sciences for ideas about how to present stories on faculty research in that college. She also recalled a previous publication, *Illumine*, which successfully showcased research and scholarship in the arts and humanities. Professor Pendergast asked if Mr. Lewis was in communication with the collegiate media staffs. Mr. Lewis answered that he was and added that stories written by collegiate media staff can

often be re-packaged and re-purposed for wider distribution. Professor Black commented that many research discoveries do not naturally generate interesting visuals and he asked for examples of such visuals. Mr. Lewis offered the example of a recent basic science discovery in computer science and medicine for which a graduate student was able to create a colorful, animated graphic. This story with the eye-catching graphic was eventually picked up by another, widely-read online publication outside the university. Mr. Lewis stressed that graduate students often have the skills to create such visuals which are of a suitable quality for the web. Professor McMurray asked how contact is made with alternative media. Mr. Lewis said that social media is one avenue to alternative media and he is working to strengthen the university's presence in social media venues. Professor Abboud asked about staffing levels at UNS. Mr. Lewis indicated that UNS currently is thinly staffed. Professor Abboud urged that UNS engage with the experienced collegiate media staffs for greater productivity. Mr. Lewis indicated that he has formed a collaborative group of research writers from across the university for this purpose.

- *The Changing Landscape of Higher Ed: Questions and Possibly Answers (Jon Garfinkel, Finance)*

Jon Garfinkel, Professor in the Tippie College of Business, addressed the Council on the topic of online education. He stated that, in his view, online education is threatening to make obsolete traditional forms of teaching. Entities such as Coursera, which provide lectures online at no cost, are competing for students with brick and mortar institutions. Professor Garfinkel posed the question, if online education can be provided for free, why should students pay an institution such as the University of Iowa for their education here? In Professor Garfinkel's opinion, it will be necessary very soon for traditional institutions such as the UI to adjust to this new phenomenon. Continuing with traditional teaching methods alone, or adopting a wait-and-see approach to online education will both end up leaving the UI at a disadvantage with its competitors. He stressed that the university needs to be aware of these rapid developments in online education and find ways to participate.

Professor Garfinkel indicated that he had some suggestions for how the university can add value to the education it provides. The most basic form of online education is to make recorded lectures available for students to listen to at any time. These recordings could constitute the homework for a course, while class time can be spent on interactive exercises that allow students to work with "real world" data in a safe environment. The course would therefore combine online and in-class activities. While some courses have been taught entirely online, Professor Garfinkel was of the opinion that these types of classes are not successful; at this point, the technology has not yet been developed for sustained, meaningful interaction among the participants. In Professor Garfinkel's finance courses, students do in-class exercises for which they have gathered data. He can then interact with them as they work through the exercises and determine whether they have understood the material. In Professor Garfinkel's view, this is the educational model towards which the university should be moving. In fact, such "learning by doing" is already taking place all across campus, from the arts to languages to management to medicine. Simple checks, such as frequent quizzes, can be put in place to make sure students are listening to the lectures outside of class. Students themselves have indicated to Professor Garfinkel that they enjoy and thrive in this type of hybrid class. Benefits of this teaching model include better comprehension of the material by the students, as well as the opportunity for

students to engage in “real world” activities in the classroom. This student-professor interaction would be the justification for charging students for the education they receive here.

Professor Pendergast asked how assessment is conducted for online education. Professor Garfinkel responded that assessment is one area that has not been fully developed by online education providers. Professor Pendergast commented that assessment is a value provided by traditional institutions. Professor Garfinkel acknowledged this and added that accreditation is another area where online education lags behind, although this may be changing. Professor Tachau commented that there is certainly a place for online education in some circumstances. She observed, however, that there is a tendency in our culture to believe that each new technology replaces those that came before. She added that the costs alone of the technology may be prohibitive and there are some types of educational experiences, such as those carried out in a laboratory or a seminar or a museum, that cannot be replaced by online learning. Professor Garfinkel responded that the infrastructure costs can be borne by an online provider such as Coursera. Also, the technology may advance to such an extent that some of the interactive experiences mentioned by Professor Tachau could be replicated in an online course.

- *Faculty Dispute Procedures Policy Revision (Maria Lukas, Office of the General Counsel; Georgina Dodge, Chief Diversity Officer and Tom Rice, Associate Provost for Faculty)*
President Snetselaar explained that central administrators have been working on revisions to the Faculty Dispute Procedures for over a year. Faculty Senate officers have been fully involved in the discussions regarding these policy revisions. Recently the Faculty Policies and Compensation Committee also discussed the revised policy; among the Council’s meeting materials was a handout with responses to the questions and concerns raised by that committee. Maria Lukas, Office of the General Counsel, indicated that she had served as the investigating officer for faculty dispute procedures before joining the Office of the General Counsel, and therefore had extensive knowledge of the procedures involved. She explained that the procedures were developed to allow for faculty control over the disciplinary process. She commented that in her experience, faculty members chosen to serve on panels take their responsibilities very seriously. Ms. Lukas then gave some background about the policy revision. She explained that in April, 2011, the U.S. Department of Education Office of Civil Rights, which has responsibility for enforcing Title IX regulations, had released a letter to higher educational institutions providing guidance on how allegations of sexual harassment should be handled. Title IX is best known for regulating gender equality in athletics facilities and programs; however, this “Dear Colleague...” letter stated that Title IX also applies to sexual harassment in the context of sexual discrimination, thereby widening the focus of Title IX beyond athletics. Ms. Lukas added that the university has already updated its sexual harassment policy involving students to bring it into compliance with the new federal regulations. She then drew the Councilors’ attention to a list of new Title IX requirements that must be incorporated into the university’s existing policies. These requirements consist of training decision-makers (this would include faculty panelists) in Title IX issues, resolving cases within 60 days (currently the university averages 240 days for case resolution), prohibiting mediation of sexual assault cases with the alleged victim and discouraging mediation in other Title IX cases, establishing “by the preponderance” as the standard of proof (currently the standard is “clear and convincing”), imposing deadlines for different phases of the process, and making the rights of an alleged

victim equivalent to those of the accused. This last requirement would add a third party to the process, in addition to the accused and the university.

Professor Bohannon observed that the Faculty Dispute Procedure policy appears to apply to a wide range of cases (promotion and tenure, grievances, etc.) in addition to the Title IX cases, yet the policy has been revised specifically to fit the Title IX cases. Ms. Lukas responded that the Faculty Dispute Procedures encompass a variety of policies. No changes are proposed for certain sections of the policy: Denial of Tenure, Promotion, or Reappointment (III 29.5); Grievance (III 29.6); Unacceptable Performance of Duty Warranting Termination (III 29.8); and Clinical Faculty Member Termination or Denial of Promotion or Reappointment (III 29.9). Changes have been proposed only for the first four (overview) sections of the policy: General (III 29.1), Definitions (III 29.2), The Faculty Judicial Commission (III 29.3), and General Provisions (III 29.4), along with Ethics (III 29.7). Ms. Lukas noted that all cases must go before the Faculty Judicial Commission and changes made to this section address problems observed over many years and not necessarily related to Title IX cases. For example, there may be so many cases going on at once that the pool of panelists may become depleted, thus causing a delay in a pending case. A suggested change is to continuously replenish the supply of potential panelists as individuals are chosen for cases. The revision also seeks to eliminate the provision for peremptory challenges to panelists (each party is currently allowed up to two). This further serves to reduce the pool of panelists. Under the current conditions, it has occasionally taken weeks, if not months, to assemble a panel.

Professor Tachau echoed Professor Bohannon's concern about altering the entire policy to fit the Title IX cases. She pointed out that the requirement that all Judicial Commission panelists be able to serve during the summer would eliminate from eligibility faculty on nine-month appointments. Many faculty in the College of Liberal Arts and Sciences have such appointments, so a large number of faculty would then be disqualified from service, causing a lack of representation from significant sectors of campus. Ms. Lukas responded that since cases do arise during the summer, it is imperative to have panelists available at that time. Professor Pendergast commented that when a faculty member is called to serve on a panel, it is only necessary to determine whether that person would be available to serve for the next ninety days, given the new time limit for case resolution. Professor McMurray suggested that the policy require that half the Judicial Commission members be available all year, while the other half would not be subject to this requirement. This would preserve the range of disciplines represented on the Judicial Commission as a whole.

Professor Pendergast noted that the policy is silent regarding research-track faculty. Ms. Lukas responded that she had tried to eliminate clinical-track faculty as a distinct group where appropriate throughout the policy, so that the word "faculty" would apply to all faculty groups. Portions of the policy were written prior to the implementation of the clinical and research tracks. Professor Pendergast added that research-track faculty are not eligible to serve on the Judicial Commission because they are not eligible to serve on the Faculty Senate at this time. She suggested that the definition of the word "faculty" be revised to take into account the many different types of faculty on campus. Professor Ernst asked for clarification of the point when

the complaint begins. Ms. Lukas answered that the complaint begins when it is filed with the Office of Equal Opportunity and Diversity.

Returning to her earlier concern about changing the entire policy to fit the Title IX requirements, Professor Bohannon asked what types of cases most frequently come up under the Ethics portion of the policy and whether Title IX cases are a significant proportion of those. Ms. Lukas responded that lately there have been mostly sexual harassment cases. Additionally, a harassment case had come up that did not involve sexual harassment. In response to a question, she indicated that several denial of promotion or tenure cases had come up, although those often get resolved before going to a panel. Professor Tachau questioned requiring all Judicial Commission members to be trained in Title IX issues and suggested that only those selected for a Title IX case undergo this training, unless it were required by law. Ms. Lukas responded that there were concerns that, given the sixty-day resolution deadline, there would not be time for faculty members to be trained on Title IX in addition to their other duties for the case. Georgina Dodge, Chief Diversity Officer, indicated that the training has not yet been developed, but it most likely will be in an online format, since that is the easiest way to reach a large group of people. Professor Tachau voiced skepticism that faculty members would want to go through training that they may not need. She also expressed concern about finding faculty members who would be available to put aside their responsibilities on short notice to take on a time-consuming case. She suggested that the attorneys' written briefs, at least, be made available to the panel members in order to write their decisions. Ms. Lukas responded that the panels will have had a sufficient amount of material, oral and written, to review in order to write their decisions. She noted that briefing would add about three weeks to the process. Professor Tachau urged that briefing nevertheless be allowed for non-Title IX cases. Ms. Lukas found that suggestion acceptable.

Professor McMurray observed that the Council had not yet come to a consensus whether Title IX cases should be addressed in a different fashion from non-Title IX cases in the Faculty Dispute Procedures policy. He spoke in favor of addressing the two types of cases in a similar fashion. Professor Pendergast suggested indicating in the policy that the stated deadlines are mandatory for Title IX cases but are intended deadlines only whenever possible in other cases. Professor Bohannon commented that the other concerns raised also need to be addressed, such as moving from the "clear and convincing" standard of proof to the "preponderance of evidence" standard of proof. She expressed surprise that most of the cases brought forward under the Ethics section of the policy were related to sexual harassment, as Ethics would seem to cover a broad range of infractions. Ms. Lukas explained that the Ethics portion includes the Ethics in Research policy, which the revision moves to another section of the Operations Manual; the ethics procedures for policy violations; and the Professional Ethics and Academic Responsibility (PEAR) policy, which addresses the faculty member's duties to various groups (students, colleagues, etc.) and violations of which are unlikely to fall under Title IX. She commented that violations of the PEAR policy alone are usually not sufficient for a notice of charges. Usually a PEAR policy violation is included in the notice of charges to supplement a violation of other policies. Professor Tachau expressed concern about administrators targeting a faculty member for violation of the PEAR policy or another minor university policy. Ms. Lukas responded that such an accusation would have little likelihood of surviving the entire process.

Professor McMurray moved and Professor Pendergast seconded that the Council request that a revision of the Faculty Dispute Procedures policy, incorporating the suggestions and concerns made today, be sent to them via email for an electronic vote of approval prior to the Faculty Senate meeting on December 4. The motion carried unanimously.

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

V. Announcements

- President Snetselaar announced that the ad hoc lecturers committee and the research track review committee are currently being formed. Membership will be announced at the December Faculty Senate meeting.
- The next Faculty Senate meeting will be Tuesday, December 4, 3:30-5:15 pm in the Senate Chamber of the Old Capitol.
- The next Faculty Council meeting will be Tuesday, January 29, 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 Pendergast moved and Professor Tachau seconded that the meeting be adjourned. The motion carried unanimously. President Snetselaar adjourned the meeting at 5:30 pm.