

FACULTY COUNCIL
Tuesday, November 13, 2018
3:30 – 5:15 pm
Executive Boardroom (2390), University Capitol Centre

MINUTES

- Councilors Present: A. Deshpande, F. Durham, M. Foley Nicpon, M. Lehan Mackin, T. Marshall, R. Oral, E. Prussing, C. Sheerin, J. Szot, K. Tachau, E. Wasserman.
- Officers Present: S. Daack-Hirsch, R. Ganim, P. Snyder, J. Yockey.
- Councilors Excused: A. Durnev, S. Vigmostad, D. Wurster.
- Councilors Absent: A. Gerke, K. Glenn, C. Thomas.
- Guests: D. Finnerty (Office of the Provost), E. Gillan (Faculty Policies and Compensation Committee), M. Kerbeshian (UI Research Foundation), F. Mitros (Emeritus Faculty Council), L. Zaper (Faculty Senate Office).

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

II. Approvals

- A. Meeting Agenda – Professor Wasserman moved and Professor Tachau seconded that the agenda be amended to allow for agenda item E., the President’s Report, to take place in executive session. The motion carried unanimously. Professor Tachau moved and Professor Wasserman seconded that a new agenda item be inserted between items A. and B. This new agenda item would be consideration of a resolution that Professor Tachau distributed to the Council. President Ganim suggested that the resolution be brought forward during the “From the Floor” portion of the meeting, especially because today we have invited presenters who made plans to speak early on in the meeting. He indicated that he would be sure to save time during the meeting for a discussion of the resolution. Professor Tachau agreed to this suggestion and withdrew her motion.
- B. Faculty Council Minutes (October 9, 2018) – Professor Tachau moved and Professor Deshpande seconded that the minutes be approved. Professor Wasserman asked when it would be appropriate to ask about follow-up on several items in the minutes. President Ganim indicated that he would take up these matters in the President’s Report. The motion carried unanimously.
- C. Draft Faculty Senate Agenda (December 4, 2018) – Professor Wasserman moved and Professor Tachau seconded that the draft agenda be approved, noting that the draft agenda may need to be revised depending on the outcome of the discussion of Professor Tachau’s resolution. The motion carried unanimously.
- D. Committee Appointments (Sandy Daack-Hirsch, Chair, Committee on Committees)
- *None at this time.*

- E. Faculty Senate Elections 2019 Vacancy Tally – President Ganim explained that Senate approval of the vacancy tally is necessary before the election process can move ahead in the spring semester. Professor Wasserman, noting that efforts were apparently underway in the College of Liberal Arts and Sciences to reclassify some visiting faculty members as instructional-track faculty, asked if the most recent efforts in this endeavor were reflected in the current tally. (Instructional-track faculty are eligible for Senate participation, while visiting faculty are not.) President Ganim indicated that a substantial change has not yet occurred in CLAS faculty numbers, but that reclassification efforts are indeed underway. It is likely that next year's vacancy tally will show the impact. He reminded the group that CLAS did see an increase of over 150 Senate-eligible faculty members several years ago when the instructional-track faculty policy was implemented. Professor Tachau asked if the vacancy tally could be revised in January, in the event that visiting faculty members are reclassified to instructional-track faculty by then. Faculty Senate Administrative Services Specialist Laura Zaper commented that, because of the extensive work done following approval of the vacancy tally but prior to the elections, revising the vacancy tally in January would pose a significant challenge to conducting the elections in a timely way during the spring semester. Councilors noted that the number of colleges' representatives can fluctuate from year to year. Professor Szot asked how the number of the Carver College of Medicine's non-tenured faculty representatives was determined. Past President Snyder responded that the phrase *non-tenured faculty* on the tally chart was a misnomer. In the vacancy tally, the term actually applies only to pre-tenure, tenure-track faculty and to clinical-track faculty in their first appointment. There are two seats specifically reserved for members of these groups, to ensure their representation. Professor Wasserman observed that apparently CLAS Faculty Council representatives are not allocated among the three CLAS groups, like the CLAS Faculty Senators are. Faculty Senate Administrative Services Specialist Laura Zaper confirmed that this observation was correct. Professor Tachau moved and Professor Lehan Mackin seconded that the vacancy tally be approved. The motion carried unanimously.

III. New Business

- *Faculty Track Discussion (Diane Finnerty, Assistant Provost for Faculty)*

President Ganim explained that Ms. Finnerty had given a presentation on faculty tracks at UI during the Big Ten Academic Alliance Academic Governance Conference last month. The group had found the presentation very helpful in understanding the variety of tracks that exist across the colleges and the presentation had served as a starting point for a session on fixed-term and part time faculty. The Senate officers subsequently invited Ms. Finnerty to give the same presentation to the Council. Ms. Finnerty began her presentation by indicating that she reports to the Associate Provost for Faculty, Kevin Kregel, who is the faculty appointment in the office, while she holds a staff appointment. Ms. Finnerty supervises a staff of people engaged in faculty human resources, which involves processing appointments and other types of transactional work. Ms. Finnerty herself works with Associate Provost Kregel and various campus stakeholders on policy development and implementation.

Turning to an overview of faculty tracks, Ms. Finnerty explained that the data in her slides comes from the annual November 1 data snapshot taken by the Office of the Provost. Faculty data provided to the Board of Regents also comes from this annual snapshot. Ms. Finnerty noted that faculty data can be looked at in terms of headcount and of full time equivalencies (FTE). The Fall 2017 snapshot showed that the total number of paid faculty by headcount was 3,272. Ms. Finnerty further explained that the university currently has four regular tracks: tenured/tenure track, clinical track, research track, and instructional track. The term *regular*, borrowed from Human Resources, implies a presumption of renewability, lengthier contracts and benefit accrual; regular track faculty are often built into collegiate budgets as permanent positions. Regular faculty comprise 80% of UI faculty by headcount and 88% of UI faculty by FTE. In addition to regular faculty, the university also has fixed term faculty. The five types of fixed term faculty are lecturer (not to be confused with the lowest rank of the instructional track, which is also called lecturer), visiting, adjunct (paid/unpaid), associates, and instructors.

Looking more closely at the four types of regular faculty, Ms. Finnerty pointed out that only the tenure track is heavily engaged in all three of the core missions of teaching, research, and service. The tenured/tenure track faculty make up 58% of the regular faculty. The clinical track, implemented in 1995 and currently 32% of regular faculty, is focused on clinical duties, but clinical faculty also engage in teaching, research and service to varying degrees. The research track, implemented in 2008 and currently 2% of regular faculty, has a nearly exclusive focus on externally-funded research. The instructional track, implemented in 2016 and currently 8% of regular faculty, is primarily engaged in teaching.

As for fixed term faculty, Ms. Finnerty noted that lecturers have a maximum appointment of one year, at 0-100%. Lecturers are almost entirely focused on teaching. Visiting faculty can also have appointments of 0-100%; if they are 50% or greater, they receive full UI benefits. The maximum appointment is three years. Visiting faculty members' duties vary across colleges. Professor Tachau noted that there are visiting faculty members who have had multiple three-year contracts. She asked how these individuals will be dealt with going forward. Ms. Finnerty responded that the Office of the Provost is monitoring these multiple visiting appointments, of which there are very few. Colleges have been given a January deadline to resolve these situations. Professor Tachau expressed concern that colleges will resolve the situations by terminating the visiting faculty members. Ms. Finnerty commented that such concerns should be raised within the colleges, but any suspected policy violations could be brought to her attention. She added that the Office of the Provost cannot force colleges to move visiting faculty members onto the instructional track; these are collegiate decisions. President Ganim stressed that any concerns be brought to the attention of departmental executive officers and collegiate administration.

Past President Snyder noted that a benefit of the visiting faculty appointment is that it can be for less than 50%, while the instructional track cannot be. Also, it appears that some faculty members prefer the title of visitor, rather than of instructional track, because of a perceived higher level of prestige. Returning to the list of fixed term faculty types, Ms. Finnerty indicated that adjuncts hold appointments of 0-49%. These appointments do not accrue benefits. Following up on Professor Tachau's comments, Professor Sheerin asked if it would be a policy

violation for a long-time visiting faculty member to be terminated in January, rather than to be moved onto the instructional track. Ms. Finnerty indicated that it likely would not be a policy violation. She added that generally two semesters would need to elapse before a visiting faculty member could be reappointed and that colleges will be monitored so that this rule is not abused.

Ms. Finnerty explained that different colleges use different tracks and displayed a slide describing the tracks within each college. The Carver College of Medicine, for example, does not use the instructional track, while the College of Liberal Arts and Sciences does not use the research track. A ten-year comparison of numbers of regular faculty shows a net loss of tenure track faculty and net gains of clinical, research, and instructional track faculty. As a research university, Ms. Finnerty commented, we need to consider what these changes mean for us. She next displayed a slide comparing UI with peer institutions, all but one of which experienced a drop of tenured/tenure-track faculty as a percentage of total paid faculty from Fall 2014 to Fall 2016. At -5.4%, UI's decrease was the second largest. Nevertheless, UI remains in the middle of the peer group in terms of tenured/tenure-track faculty as a percentage of total paid faculty. Ms. Finnerty's next slide showed that when clinical medicine faculty were excluded from the data, UI still had the second largest decrease. However, it moved closer to the top in terms of tenured/tenure-track faculty as a percentage of total paid faculty. Ms. Finnerty commented that these data lead us to ponder, what is the nature of higher education, how do we relate to our peer institutions, and what is the right proportion of faculty tracks for our academic mission?

Professor Tachau announced an intention to make a motion that the Council and Senate further explore the matter of the ratio of tenured/tenure-track faculty to other types of faculty, to determine whether we want this trend to continue and if not, what we intend to do about it, with a particular focus on how our status as a research university is impacted. Past President Snyder noted that UI still ranks highly among our peer group in terms of the ratio of tenured/tenure-track faculty to other types of faculty. Professor Tachau commented that she would still like the Council and Senate to address this issue, so that we are approaching the situation intentionally, not just letting the trend continue one appointment at a time. She emphasized that there is no more crucial issue facing faculty. She added that we often do not know what the faculty track situations are in other colleges and whether faculty needs are being met. Professor Lehan Mackin commented that such a discussion would provide helpful guidance to colleges, particularly those colleges that have recently implemented an instructional track. Professor Wasserman pointed out that it would be helpful to have the most recent data. Ms. Finnerty noted that this data can be found on the Office of the Provost website. Professor Oral observed that in her department, it has become a rarity to hire a tenure-track faculty member. Nearly all new hires are on the clinical track. Professor Marshall added that similar changes have taken place in her college over the past ten years.

Professor Tachau moved and Professor Oral seconded that the ratio of tenured/tenure-track faculty to other types of faculty appear on an early Spring agenda of the Faculty Senate as a discussion item and that the Senate be prepared to form a task force to address issues that arise from the discussion. The motion carried unanimously.

- *Emeritus Status Policy Revision (Diane Finnerty, Assistant Provost for Faculty; Ed Gillan, Chair, Faculty Policies and Compensation Committee)*

Professor Gillan indicated that the Faculty Policies and Compensation Committee has reviewed and approved the revisions to the emeritus status policy. As background to discussion of the revisions, Professor Gillan reminded the group that, according to University Human Resources policy, employees are eligible to retire at age 55 with retiree benefits. Emeritus faculty status is automatically conferred when a regular faculty member retires under honorable circumstances after having served the university continuously for at least ten years. (*Regular* faculty refers to tenured faculty or salaried clinical-, research-, or instructional-track faculty at any rank.) Permissive conferral of emeritus status can be granted to regular faculty who retire before having served the university for ten years and to non-regular faculty who retire under honorable circumstances after having served the university continuously for at least ten years. Recommendation of the dean and approval of the provost is required for permissive conferral.

In the revised policy, further clarification of the specific use of *emerita* vs. *emeritus* was added, Professor Gillan explained. A new provision for revocation of emeritus status has also been inserted into the policy. Emeritus status can now be revoked for good cause. A provision on limitations has been broadened to indicate that *conferral and revocation of emeritus status is not subject to review under any of the University's grievance procedures*, because emeritus faculty do not have access to any university grievance procedures. Regarding this last point, Professor Tachau noted that emeritus status confers such benefits as library access and university email accounts. Therefore, she asked, shouldn't some type of grievance procedure be available if the status is revoked? Ms. Finnerty commented that one can always grieve to the Board of Regents, State of Iowa. She added that university policies are written for employees, not former employees. Professor Gillan added that emeritus benefits may change over time. Professor Wasserman asked whether the phrase *good cause* might more appropriately be replaced with the phrase *just cause*. Professor Gillan indicated that it was the Faculty Policies and Compensation Committee's understanding that *good cause* was an acceptable legal term. As the discussion ended, Ms. Finnerty noted that Staff Council would also have an opportunity to offer feedback on the revision, because the policy affects staff, as well.

Professor Tachau moved and Professor Marshall seconded that the revised Emeritus Status Policy be approved. The motion carried unanimously.

- *Intellectual Property Policy Revision (Marie Kerbeshian, Assistant Vice President and Executive Director, University of Iowa Research Foundation; Ed Gillan, Chair, Faculty Policies and Compensation Committee)*

Professor Gillan reminded the group that revisions, approved by the Faculty Senate, were made to the intellectual property policy in 2017. Those revisions related to assignment of rights for inventions. The revisions presented today are focused on the policy's revenue distribution formula. Dr. Kerbeshian indicated that the dwindling resources of the UI Research Foundation (UIRF) have precipitated this proposed revision to the revenue distribution formula (the UIRF has been dependent on the revenue from one highly-lucrative patent, but those funds are now running out). The Intellectual Property Policy Committee (chaired by the Vice President for Research) drafted the initial revisions, then consulted with various campus groups, including

the Research Council and the Faculty Policies and Compensation Committee (FPCC), for additional feedback that was incorporated into the final proposal. Past President Snyder noted that Dr. Kerbeshian also reached out to faculty inventors across campus for their insights as the revision was being drafted.

Professor Gillan explained that the intellectual property policy's current revenue distribution formula awards the first \$100,000 of patent revenue to the inventor, with revenue over \$100,000 to be distributed among the inventor, the UIRF, a research enrichment fund administered by the Vice President for Research, the inventor's unit, and the inventor's college. The proposed formula eliminates the provision for the \$100,000 threshold. Revenue would be distributed among the individuals and units listed above from the beginning. Professor Gillan noted that the FPCC had extensively reviewed provisions in the revised policy that allowed for an inventor to designate units or colleges with which to share revenue from an invention. The FPCC urged that the policy call for these additional designations to be made at the time of invention disclosure, when memories are still clear regarding involvement in the creation of the invention. Identical changes have been made to the copyright portion of the policy, which will likely apply mainly to software, rather than print publications.

Noting that she had worked on the initial version of the intellectual property policy, Professor Tachau recalled a situation in which she had hired a private company to create technology for a digital humanities project. She asked what obligations to the university the company would have had under this policy. Dr. Kerbeshian responded that the company would not be subject to the university's policy. Professor Tachau suggested that this be made clearer to faculty in the arts and humanities who might find themselves in similar situations. She then asked if a minimum dollar threshold for significant use of university resources was designated in the policy. Dr. Kerbeshian responded that no minimum dollar threshold was spelled out in the policy but guidelines might be useful. She added that faculty creating startup companies have also indicated that guidelines would be helpful. The Intellectual Property Policy would likely work on such guidelines in the future.

Professor Tachau moved and Professor Foley Nicpon seconded that the revised Intellectual Property Policy be approved. The motion carried unanimously.

- *University Libraries Subscription Update (Russ Ganim)*

President Ganim reminded the group that the campus has been informed about the UI Libraries' efforts to seek input on subscription cancellations with the goal of cutting the annual subscription budget by \$600,000. President Ganim recently met with University Librarian John Culshaw and Associate University Librarian Linda Walton to learn about the proposed process for the subscription reductions. Both Librarians will speak at the December Senate meeting. President Ganim noted that several years ago he had chaired the University Libraries Review Committee. At that time he spoke with newly-hired University Librarian Culshaw regarding important points to keep in mind during the review. Mr. Culshaw had stressed that the acquisitions budget was extremely important for the Libraries' survival. Previously, the line item for the acquisitions budget increased about 5% every year, but lately this percentage has been

falling and has sometimes even been flat. Journal prices, on the other hand, have been rising every year. The proposed subscription cut is directly related to this budget decrease.

Turning to the process for identifying subscriptions to cut, President Ganim explained that the first step will be for the Libraries to share proposed lists of subscriptions to cancel with faculty members in colleges and departments. The humanities subscription budget will be cut by 5%, the social sciences budget by 7%, and the natural and health science budget by 10%. Because the UI Libraries have one of the lowest staffing levels among peer institutions, there is a reluctance to cut staff positions to save money. Access to electronic journals may still be possible even after subscriptions are canceled because of inter-library loan and other services, although this remains to be seen. Regarding the timeline, the process should conclude by the end of the fiscal year.

Past President Snyder commented that it would be useful to know if these percentage cuts in the disciplines would serve merely to eliminate little-used journals, or if heavily-used journals would also be affected. Professor Lehan Mackin wondered if the Big Ten Academic Alliance and similar consortiums could negotiate with publishing companies on behalf of their members for lower journal prices. Professor Tachau asked if the University Libraries Charter Committee had been involved in developing the process. President Ganim responded that he thought Mr. Culshaw had reached out to the committee. Professor Tachau pointed out that the journals of smaller fields are by definition little-used, but nevertheless crucial to those fields. Past President Snyder noted that although open access is increasing, it will not solve this immediate problem. Professor Deshpande observed that university journal subscriptions are often accessible to public health professionals through university faculty and students with whom they interact. This access for practitioners could be curtailed if subscriptions are cut, thereby decreasing university outreach and engagement.

Commenting on various cost-saving measures that faculty are frequently asked to endure, Professor Wasserman asked if administrators are also adopting cost-saving measures. President Ganim responded that, although the Faculty Staff Budget Committee has been inactive for some time, the newly-created central service advisory committees have been tasked with reviewing the central administrative functions and recommending savings. Past President Snyder commented that comparisons with our peers have indicated that UI's central administrative services are already very lean.

- *Executive Session: President's Report (Russ Ganim)*

Professor Tachau moved and Professor Marshall seconded that the Faculty Council move into executive session. The motion carried unanimously.

President Ganim updated the group on the newly formed Shared Governance Task Force on Academic and Research Centers, Institutes, and Activities; recent activities of the Faculty Senate Governmental Relations Committee; and the Big Ten Academic Alliance Shared Governance Conference (hosted by the UI Faculty Senate in October). The group also discussed a resolution

regarding the university's use of consultants. President Ganim provided follow-up on various items discussed at the last Council meeting.

Professor Tachau moved and Professor Lehan Mackin seconded that the Faculty Council move out of executive session. The motion carried unanimously.

Professor Tachau moved and Professor Wasserman seconded that the Faculty Senate form a task force to look into the pros and cons of the university's use of consultants. The motion carried unanimously.

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

V. Announcements

- The next Faculty Senate meeting will be Tuesday, December 4, 3:30-5:15 pm, Senate Chamber, Old Capitol. A reception for senators and local legislators will be held in the Rotunda immediately following the meeting.
- The next Faculty Council meeting will be Tuesday, January 22, 3:30-5:15 pm, University Capitol Centre 2390.

VI. Adjournment – Professor Tachau moved and Professor Marshall seconded that the meeting be adjourned. The motion carried unanimously. President Ganim adjourned the meeting at 5:30 pm.