FACULTY COUNCIL
Tuesday, November 15, 2011
3:30 – 5:15 pm
Seminar Room (2520D), Old Capitol Centre

MINUTES

Councilors Present:	D. Black, D. Bonthius, E. Ernst, S. Gardner, N. Grosland, S. Kurtz, B. McMurray, J. Murph N. Nisly, J. Pendergast, G. Penny, K. Sanders, J. Solow, K. Tachau, E. Wasserman, S. Wilson.
Officers Present:	C. Bohannan, E. Dove, R. Fumerton, L. Snetselaar.
Councilors Excused:	S. Clark, S. Schultz.
Councilors Absent:	None.
Guests:	E. Gillan (Chemistry; Faculty Policies and Compensation Committee), G. Gussin (Emeritus Faculty Council), J. Hermsen (University Human Resources), J. Jorgensen (Office of the General Counsel), M. Pottorff (Office of the Provost), J. Reiland (*Daily Iowan*), T. Rice (Office of the Provost), L. Zaper (Faculty Senate).

I. Call to Order – President Fumerton called the meeting to order at 3:33 pm,
http://www.uiowa.edu/~facsen/archive/documents/Agenda.FacultyCouncil.11.15.11.pdf.

II. Approvals
   A.   Meeting Agenda –Professor Kurtz moved and Professor Wasserman seconded that
        the agenda be approved.   The motion carried unanimously.
   B.   Faculty Council Minutes (October 4, 2011) – Professor Black moved and Past
        President Dove seconded that the minutes be approved.   The motion carried
        unanimously.
   C.   Draft Faculty Senate Agenda (December 6, 2011) – Professor Black moved and
        Professor Tachau seconded that the draft agenda be approved. The motion carried
        unanimously.
   D.   Committee Replacements (Linda Snetselaar, Chair, Committee on Committees)
        •   Elias Shiu (Statistics & Actuarial Science) to fill the unexpired term of Yasser
            Karim (Anesthesia) on the Financial Aid Advisory Committee (2011-12).
        •   Surjit Khurana (Mathematics) to fill the unexpired term of David Drake (Dows
            Institute) on the Judicial Commission (2011-13).
        Professor Kurtz moved and Professor Tachau seconded that the committee
        replacements be approved. The motion carried unanimously. Vice President
        Snetselaar also announced that there is a vacancy for a mediator on the Judicial

Commission. Professor Wilson, a current member of the commission, volunteered to fill that vacancy.

E.   Faculty Senate Elections Vacancy Tally (Linda Snetselaar) – Vice President Snetselaar indicated that there were 13 Senate vacancies and 2 Council vacancies to be filled in the 2012 Faculty Senate Elections. Nominations will begin at the end of January. Vice President Snetselaar requested that Councilors encourage their colleagues to participate. Professor Kurtz moved and Past President Dove seconded that the Vacancy Tally be approved. The motion carried unanimously.

III.   New Business

- *Funded Retirement and Insurance Charter Committee Update (Shelly Kurtz, co-chair)*
  Professor Kurtz explained that the Funded Retirement and Insurance Charter Committee (FRIC) advises the administration regarding, among other issues, health care plans, including benefits offered, structure, and premiums. He indicated that online benefit selection was underway and would end November 18. He reminded the group that the university offers two health care plans to faculty and P&S staff. By far the more popular is UI Choice, which offers three levels of benefits: care at UIHC facilities ($5 office visit copay), care outside UIHC but within the state of Iowa ($20 office visit copay), and care outside the state of Iowa (40% co-insurance for non-emergency care). For those UI employees who have a single policy, they will continue to pay no premium in 2012. The employee's share of the premium for the employee and spouse plan has risen to $221 for 2012, a nearly 15% increase over last year; for the employee and children plan, it has risen to $182, a 14% increase; and for the employee and family plan it has risen to $232, a 4% increase. For those employees who also have a spouse employed at the university, neither employee will pay a premium. The other health care plan, CHIP II, saw a premium increase only for those with an employee and family plan. CHIP II is unlikely to be offered for much longer, given that it is financially unattractive to most employees. FRIC will be looking for ways to offer some of the benefits of the CHIP II plan without that plan's high costs. Professor Kurtz then spoke briefly on the topic of long-term care insurance. Rates for long-term care policies are expected to rise sharply in the near future, given the high costs of this type of care. Professor Pendergast asked about the possibility of the university partnering with other institutions where UI faculty are teaching temporarily, in order for the UI faculty to be covered by the other institution's benefits. Professor Kurtz responded that it is possible to negotiate such a partnership on an individual basis. The UI's benefits generally are better than those of many institutions, however, and there may be issues with exclusion for pre-existing conditions.

- *Electronic CV (Tom Rice, Associate Provost for Faculty and Marge Pottorff, Coordinator, Faculty Human Resources, Provost's Office)*
  Associate Provost for Faculty Tom Rice explained that the electronic CV project had actually begun about five years ago, but had gotten off to a slow start because of budget constraints. At this time, only one college (Tippie College of Business) has fully implemented electronic CV's for its faculty. An initial informal report on the project was made to the Faculty Senate as part of the discussion on career development awards last year, but now Associate Provost Rice was formally presenting the project to the faculty and asking for their support of it. He reminded the group that questions have been raised in the past few years (by the legislators, Regents, and the people

of Iowa) about the value of faculty research and the quality of teaching. While he has no doubt about the quality and value of faculty work, Associate Provost Rice has found it difficult to respond to such questions other than anecdotally. He brought up the example of a request by the Regents for the university to provide to the legislators data on the number and amount of grants brought to the university by faculty on career development awards two years ago. Working with the Office of the Vice President for Research, as well as with the faculty who had received the awards that year, the Office of the Provost was eventually able to put together data to respond to this request. As another example of a situation in which it would be helpful to have readily accessible, comprehensive data of faculty activity, he noted that, when President Mason travels throughout the state or country, she likes to present information on faculty activity in that particular area. The electronic CV project will allow for the compilation of just such a comprehensive source of data. Creating this source of data will take some work on the part of faculty members, who will need to enter their information into the database, although some assistance will be available. Faculty members will also need to keep their electronic CV's updated. Pop-up questions will elicit information about publicly-engaged work, thus allowing for reports to be generated illustrating faculty activity in a particular city or county. These reports can serve as a marketing tool for the university among the legislators and the people of Iowa. The data can also be used for responding to requests for information from accrediting bodies and from the media. Associate Provost Rice indicated that the electronic CV program will be rolled out to the colleges individually, allowing them to tailor the template to their needs.

In response to a question, Associate Provost Rice clarified that there would be limited access to the electronic CV. Other than the faculty member, the dean, the DEO, and designated staff members would probably have access, but no public access is planned. This does not preclude faculty members, however, from posting their entire CV's on their websites if they wish to do so. Associate Provost Rice indicated that faculty members would have the opportunity to add information not usually put on traditional CV's, such as community service. Marge Pottorff, Coordinator of Faculty Human Resources in the Office of the Provost, then gave a demonstration of the electronic CV, which is accessed through the faculty member's self-service website. She demonstrated how information can be inserted or updated and how various reports can be created, such as a list of a specific year's publications.

Professor McMurray praised the electronic CV overall, but expressed concern about making this information too easy to use and abuse, for example, leading to "bean counting" during annual reviews and promotions. Ms. Pottorff responded that, for example, the College of Pharmacy has created a report that can include a personal statement from the faculty member to amplify the data presented on publications, etc. Professor Pendergast commented that the departments in her college are very different and no single format has been created to portray the activities of all the faculty in the college. She asked if faculty members could create individual templates, or if they could export their own data into a database that allows for individualized display. Ms. Pottorff responded that neither of these was possible, but that it was possible to create individualized ad hoc reports. Professor Ernst commented that once the data was downloaded into a Word document report, that Word document could be customized by the faculty member for his/her specific needs.

Professor Kurtz commented that it would be useful for faculty members to update their data on a continual basis, rather than doing so at a set time each year. He cited as an example, adding an interview with a reporter to the media contacts section as soon as it occurs rather than months later when memory of the details is not fresh. Ms. Pottorff concurred that this would be wise, although she acknowledged that faculty members are unlikely to do this regularly. Professor Murph praised aspects of the project, particularly the potential for marketing the university using this data, and asked if faculty in the arts would be able to display images of their work on their electronic CV's. Ms. Pottorff confirmed that they would be able to do so. Professor Bonthius raised the issue of identity theft when so much specific information about a faculty member is available online. Ms. Pottorff reiterated that the electronic CV's will not be available publicly, but will only be accessible to a handful of people within the college, most likely those who already have access to this information.

Professor Tachau commented that a single CV format would not be appropriate for all the departments in her college and she suggested that all DEO's have the opportunity to review the database fields. Ms. Pottorff responded that each college will have a pilot group for review of the database. Professor Wasserman and Professor McMurray expressed concern about the time involved to enter all the requested information into the database. Ms. Pottorff responded that it may be possible to download information already stored in other databases. Associate Provost Rice added that although there would be some work involved at the beginning, the benefits of the system would be worth it. President Fumerton suggested that changes to the CV from year to year be highlighted in some way for the DEO. Professor Pendergast suggested that opinions of faculty members, not just administrators, be sought regarding the project and she also urged that outreach efforts be valued so that faculty members will take the time to record them. In conclusion, Ms. Pottorff stressed that every effort will be made not to burden faculty members too much with this project.

- *Research-Track Promotion Policy (Richard Fumerton)*
President Fumerton reminded the group that the research-track policy can be found in the Operations Manual, but that the promotion procedures to be discussed today would be located on the Provost's Office website. He added that a number of research-track faculty will be coming up for promotion soon, so it is necessary to have procedures in place. Associate Provost Rice commented that the research-track promotion procedures were modeled very closely on the procedures for tenure-track and clinical-track faculty.

Professor Pendergast directed the group's attention to I.J.(2)(c); this passage calls for the protection of the confidentiality of student evaluators, but Professor Pendergast raised the larger issue of teaching expectations for research-track faculty. She pointed out that research-track faculty are not to have teaching responsibilities unless it is required by the grants that support them. They can, however, give auxiliary lectures on their areas of expertise. She expressed concern about mentioning teaching evaluations in the promotion procedures, because it could lead to the assumption that teaching is expected of research-track faculty. Ms. Pottorff responded that, since research-track faculty can engage in limited teaching activities, there must be a process for handling any student evaluations that emerge. Professor Tachau supported Professor Pendergast's point, stressing that if teaching is not one of the job responsibilities, then

teaching evaluations should play no role in promotion review and should not become part of the research-track faculty member's record. President Fumerton directed the group to I.A.(3)(e), which allows for the candidate for promotion to include information about teaching, if applicable, in the dossier. Associate Provost Rice commented that his office had debated whether to include a reference to teaching here, given the research-track faculty member's limited opportunities to teach, but had decided that there was no harm in including it. Professor Tachau responded that a future administrator unfamiliar with the history of the research-track policy might conclude that such faculty are allowed to teach without restriction.

Professor Black pointed out that the research-track policy in the Operations Manual indicates specifically what kind of teaching research-track faculty can engage in (service on doctoral committees, auxiliary lectures, or such teaching required by their grants). He was not opposed to including evaluation materials from these teaching experiences in the dossier. Professor Pendergast reminded the group that research-track faculty positions are entirely grant-funded; if the grant doesn't specify teaching, then the DEO cannot require it without violating the grant agreement. Professor Gussin, of the Emeritus Faculty Council, cautioned against not distinguishing between graduate student mentoring, an appropriate part of the research-track faculty member's job and therefore subject to evaluation, and classroom teaching.

Secretary Bohannan stressed that the policy states that research-track faculty members can be *assigned* to give auxiliary lectures or to engage in teaching as required by their grants and she considered it unfair that there might be no mention of this assigned activity in their records. After some further discussion on this aspect of the policy, Professor Pendergast asked if the clinical-track promotion policy allows for information on research activities to be included in the clinical-track faculty member's records (clinical-track faculty members are not expected to engage in research). Professor Black responded that clinical-track faculty members in the Carver College of Medicine do include their research activities in their promotion portfolios. It was unclear whether the general policy for clinical-track promotion includes language restricting inclusion of research activities in the clinical-track faculty member's portfolio. President Fumerton suggested that the Council approve the research-track promotion policy with the intention to check it against the clinical-track promotion policy on this point.

Professor Black moved and Professor Gardner seconded that the research-track promotion policy be approved and forwarded to the Faculty Senate for consideration. The motion carried unanimously.

- *Anti-Harassment Policy Revisions (Tom Rice, Associate Provost for Faculty and Judie Hermsen, Human Resources)*
  Associate Provost Rice explained that Judie Hermsen, of Human Resources, and he co-chair the Conflict Management Advisory Group, a committee that has been revising the community policies in the Operations Manual. A recent project completed by the group was the revision of the sexual harassment policy. Work on that policy revealed that the anti-harassment policy could use some updating to make the two policies consistent, so the committee asked President Mason for approval to undertake that task. Also, the committee had learned of concerns expressed by the Office of Equal Opportunity and Diversity that the bar for use of this policy was

too high to apply in most cases of non-physical harassment. For example, under the policy, harassing speech must be such that it puts individuals in fear of bodily harm. He concluded by indicating that changes to the policy fall into two groups, one group consists of minor, non-substantive changes to make the policy consistent with the sexual harassment policy, and the other group consists of two substantive changes. One of the latter was the expansion of the list [in section 14.3 Scope of Policy a.(2)] indicating where and how instances of harassment might occur (e.g., at a University-sponsored event, by an individual acting in an official capacity for the University, etc.). The other substantive change was made to section 14.4 Bringing a Complaint. Because of the high bar for use of the anti-harassment policy in cases of non-physical harassment, language was added here to alert the complainant to other applicable policies and procedures to pursue aside from this policy. Associate Provost Rice added that for faculty, the professional ethics policy might be applicable to a situation, even if the anti-harassment policy is not.

Secretary Bohannan observed that this policy defines harassment as "intentional conduct directed toward an identifiable person or persons" and commented that this was a "transactional approach" to harassment. She asked about situations in which harassment was not directed at a certain person, but had the effect of creating a hostile work environment, for example, displaying pornographic images. Ms. Hermsen responded that displaying pornographic images was addressed in the revised sexual harassment policy. Professor Wasserman focused on the word "intentional" in the passage quoted above and asked how intent could be proven. President Fumerton responded that the policy indicates that it is the *conduct* that must be intentional, not the harassment effect. Ms. Hermsen commented that this type of concern would be examined during the course of an investigation of a complaint. Professor Nisly recommended using a word other than "intentional" to prevent any confusion this term might create. She also followed up on Secretary Bohannan's comments by suggesting that the policy encompass situations in which, for example, jokes about race or religion contribute to a hostile work environment. Professor Tachau supported the goal of preventing harassment, but cautioned against infringing on academic freedom. She noted that *intent* was crucial to the policy. Responding to the discussion of the hostile work environment, Professor Ernst expressed the opinion that the policy should focus on harassment that is clearly directed toward a particular person or persons. She stressed that severe consequences (e.g., loss of job) could result from violation of the policy and therefore it should not cover situations in which one person merely doesn't like (i.e., is offended by) a particular person's views, personality, etc.

President Fumerton reminded the group that this policy was approved by the Faculty Senate in 2005, and although there may be a need to revisit the policy as a whole, the task before the Council today was to review the revisions recently made to the policy. Professor Solow commented that the purpose of the policy was not to determine whether an act was harassment, but to set up the procedures to investigate an allegation of harassment. Secretary Bohannan noted that intent is very difficult for the law to measure and therefore the law often requires for intentional conduct to be objectively deemed "sufficiently severe, pervasive, or persistent that it interferes with work...," (as stated in the policy) in order to be judged. She also commented that section 14.2 Policy b. Definition of harassment as it relates to the content of speech, provides a very narrow scope for this type of harassment. Associate Provost Rice noted that complaints of

harassment are lodged, but rarely do violations of the policy occur, because the bar for the policy is so high. Professor McMurray asked where one might turn if one is having a problem at the university, but is unsure under what policy the problem might fall. Associate Provost Rice responded that there has been talk of developing an umbrella document directing individuals experiencing such problems to the policies that would apply to their situations. Past President Dove added that the Office of the Ombudsperson can refer individuals to the policies applicable to their situations.

Professor Tachau and Professor Solow suggested that references to the Operations Manual policies that detail the procedures indicated in section 14.4 Bringing a Complaint a.(1), (2) and (3) be added. Secretary Bohannan expressed concern about complaints made not in good faith, but it was pointed out that section 14.11 Protection of the Respondent addresses this possibility.

Professor Nisly moved and Professor Gardner seconded that the revised anti-harassment policy be approved and forwarded to the Faculty Senate for consideration. 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 6, 3:30-5:15 pm in the Senate Chamber of the Old Capitol.
- The next Faculty Council meeting will be Tuesday, January 24, 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 12, 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 Fumerton adjourned the meeting at 5:28 pm.