

FACULTY COUNCIL
Tuesday, November 18, 2008
3:30 – 5:15 pm
Penn State Room, 337 IMU

MINUTES

Councilors Present: D. D'Alessandro, B. Justman, T. Mangum, P. Mobily, A. Morris, L. Richman, C. Ringen, L. Robertson, K. Tachau, R. Valentine, R. Williams, J. Woodhead.

Officers Present: D. Drake, M. O'Hara, V. Sharp, S. Stromquist.

Councilors Excused: D. Hammond, G. Russell.

Councilors Absent: M. Cohen, J. Reist, J. Tomkovicz.

Guests: L. Boyle (Student Services Review Committee), J. Carlson (Office of the President), C. Drum (University Relations), B. Eckstein (Office of the Provost), R. Friedrich (Emeritus Faculty Council), K. Guckert (Dance Marathon), D. Heldt (*Cedar Rapids Gazette*), S. Johnson (Office of the Provost), D. Kieft (Office of the President), L. Zaper (Faculty Senate)

I. Call to Order – President O'Hara called the meeting to order at 3:30 pm. He thanked Vice President David Drake for serving in his place during President O'Hara's recent illness.

II. Approvals

- A. Meeting Agenda – Professor D'Alessandro moved and Professor Richman seconded that the agenda be approved. The motion was unanimously approved.
- B. Faculty Council Minutes (October 7, 2008; October 21, 2008) – Professor Richman moved and Professor Justman seconded that the minutes be approved. The motion was unanimously approved.
- C. Draft Faculty Senate Agenda (December 2, 2008) – Professor Tachau moved and Professor Mangum seconded that the draft agenda be approved. The motion was unanimously approved with one edit (the removal of Steve McGuire from the list of committee replacements).
- D. Committee Replacements (David Drake)
 - Donald Black (Psychiatry) to fill the unexpired term of Janeta Tansey (Psychiatry) on Faculty Senate, 2008-11
 - Philip Wertz (Dentistry) to fill a vacant position on the University Libraries Charter Committee, 2008-11
 - Jerry Anthony (Urban & Regional Planning) appointed to the Committee on the Selection of Central Academic Officials, 2008-11

Professor Mangum moved and Professor Tachau seconded that the committee replacements be approved. The motion was unanimously approved.

III. New Business

- *Faculty Feedback for Student Services Review Committee (Linda Boyle)*

Linda Boyle, faculty member of the Student Services Review Committee, explained that the review committee is currently gathering feedback from as many groups as possible, both within and external to Student Services, and that her purpose here today is to gather feedback from faculty to assess how best Student Services can contribute to the academic mission. She drew the group's attention to the handout, *Division of Student Services Advisory Committee Plan of Study*, for basic information about the committee and also read the division's mission statement: To prepare students for their responsibilities as enlightened and engaged global citizens. Professor Boyle asked the Council for questions and comments.

Professor Richman commented that he had once served on a committee to review the Office of the Vice President of Student Services (VPSS); some faculty members at that time had suggested that the person who holds that office also have a faculty position. President O'Hara observed that the VPSS also holds the title of Dean of Students. This dual role is partly academic but also includes duties such as running the Iowa Memorial Union, which may not require an academic background. There has been a suggestion that these two roles be divided, with an academic serving as Dean of Students, while the position of VPSS could handle aspects of the job that do not have direct academic implications. Professor Tachau commented that Michael Barron, director of Admissions, is currently heading a committee looking at the freshman year experience. She suggested that that committee be contacted for feedback. Past President Sharp suggested that there be better coordination of the individual units within Student Services, particularly in the area of student health. Professor Mangum observed that faculty and Student Services staff need a better way to exchange information, as these two groups seem somewhat isolated from each other. Professor Tachau stressed that student voices need to be heard as part of the review process. David Kieft, Office of the President, indicated that a mass email message will be sent to all students directing them to a website where they can give feedback to the review committee. Staff and faculty will also be contacted to give feedback in a similar way. There will also be several open forums for the staff of Student Services.

Professor Boyle indicated that the committee hopes to put their report together by early to mid-February. They are now at the stage of gathering input from on-campus constituents and will also interview Student Services professionals at other universities. Professor Tachau suggested that the committee seek input from disabled students and student veterans, two groups who may feel that their concerns are sometimes overlooked. David Kieft commented that the various cultural centers, the Women's Resource & Action Center, and the Center for Diversity and Enrichment will also be contacted for input. Professor Woodhead suggested that child care needs of students at all levels be examined. President O'Hara asked if the review would be completed by the time an ad for the new VPSS is put out. Professor Boyle responded that it was her understanding that an ad would be put out by the end of the calendar year, which is before the report would be done. However, the report should be completed by the time a short list of candidates emerges, so that those candidates can study it.

- *Report on CIC Conference (David Drake)*

Vice President David Drake attended the CIC Faculty Governance Conference at the University of Michigan, October 30 – November 1. He reported on a session about academic freedom at the conference. The speaker, Robert O'Neill (Director, Jefferson Center for Protection of Free Expression, Virginia), described three cases in which courts sided with institutions against individual faculty members who had been either disciplined or fired for being critical of their administrations. Mr. O'Neill stated that the bottom line from three federal courts is that a university professor is not entitled to first amendment protection if such expression falls within the professor's official duties. Mr. O'Neill suggested that all shared governance groups have standing committees on academic freedom to monitor these types of cases, and he reminded the audience that those in faculty governance are not protected by First Amendment rights if they are speaking within their official duties. Professor Robertson asked for clarification regarding when one is speaking within official duties. Vice President Drake responded that this did not cover teaching or research but seemed to cover everything else.

Professor Tachau commented that setting up a committee on academic freedom was a good idea. She suggested that we write into our *Operations Manual* an explicit statement on what we guarantee regardless of what courts may rule, and therefore we would establish our own norm on this issue. This was done previously with the copyright policy. We would have grounds for doing this because academic freedom is a right that was established long before the First Amendment. President O'Hara recalled that some of these issues had been addressed several years ago in relation to a Regents policy. We should look at both our *Operations Manual* and Regents policy to see what already has been done. Professor Mangum suggested that the proposed committee could do this as its first task. Vice President Drake added that the University of Minnesota has proposed an amendment to its Board of Regent policy on academic freedom to include an explicit statement to protect the language of professors when they are speaking in their official capacity.

Other conference topics included public university budget models, outside influences on academic decision making, metrics and measures of faculty research and scholarship, and more quantitative assessments of teaching.

Professor Tachau moved and Vice President Drake seconded that a standing committee on academic freedom begin to be established. The motion was unanimously approved.

Professor D'Alessandro requested clarification of "standing" committee – will it continue even when it is no longer needed? Other Councilors responded that a standing committee can be disbanded if it is no longer needed. President O'Hara wondered if more development of the committee's purpose was needed before it was brought to the Senate, or if approval of the concept of the committee was enough. Professor Mangum suggested that Robert O'Neill be contacted for input. Professor Williams suggested that AAUP be contacted for input, and also that the work of the University of Minnesota be looked at. Professor Woodhead asked if academic freedom is the same as First Amendment rights. President O'Hara responded that the two were different. A company such as IBM does not have academic freedom; IBM employees who criticize their boss may be fired. The courts mentioned above appear to have based their judgments on this type of employment model. Professor Williams commented that ISU and UNI should also be contacted to see if they would like to participate in this effort. President O'Hara

suggested that we report to the Senate once we have determined the basic charge and organization of the committee. He indicated that there would be a request for volunteers to serve on the committee.

- *Dance Marathon (Katie Guckert)*

Katie Guckert stated that Dance Marathon is the largest student-run philanthropic organization on campus. About 1100 students are involved, and they come from nearly every college and department. The group raises money for children who are treated for cancer at The University of Iowa Children's Hospital, and also provides emotional support to those children and their families. Next year, the twenty-four hour dance marathon will take place from 7 pm on February 6 to 7 pm on February 7 in the IMU. Student dancers pledge to raise \$400 each. In 2008, the students raised over one million dollars. The children and their families are invited to the event to watch. Three hundred and fifty families have currently signed up to be Dance Marathon families. Ms. Guckert invited faculty to volunteer, donate, or simply visit during the event. She added that Spirit Dancing, which is a four-hour dance shift, is a popular way to support the Marathon. President O'Hara suggested that students contact their professors who in turn can help organize participation of some sort within their departments.

- *Report on Board of Regents Strategic Planning Session (Bruce Justman)*

Professor Justman attended the strategic planning session of the Board of Regents, State of Iowa on October 30. He reported that some of the general concerns that the Regents discussed included the increasing diversity of Iowa's population, linking education to economic success, raising the education level of the state population in general, and keeping higher education affordable. The Regents then looked at each institution individually. President Mason commented that the University of Iowa can put knowledge into practice in the areas of health care and clinical and translational research. Other areas of strength for the University of Iowa include sustainability, the arts, and health and safety issues. Iowa State University stressed the agricultural economy, while the University of Northern Iowa has developed partnerships with other educational institutions. In summary, the goal of the Regents institutions should be quality; they are obligated to educate, innovate, and participate.

Professor Tachau asked if duplication of programs had been discussed. Professor Justman responded that the group had suggested that instead of having mediocre programs at two institutions, resources could be directed towards creating an excellent program at one university. Professor Tachau added that the issue of program duplication comes up periodically from the Regents, but it gets bogged down when the practicalities of combining programs are considered. Professor Justman commented that the Regents had talked a great deal about K-12 education but were unsure of the extent of their influence in that area. President O'Hara observed that the Regents universities could have some influence over 9-12 education, in terms of admissions standards, etc. Professor Mangum asked if there were any outreach activities to immigrant communities to encourage and support their participation in higher education. Professor Williams and Professor Richman both gave examples of such outreach activities engaged in by the University of Iowa.

- *Sexual Assault Policy Guidelines (Jonathan Carlson, Office of the President)*

Professor Carlson stated that the consultants will be on campus on December 1 to gather final feedback on the draft of the sexual misconduct policy. Faculty, staff, and student leadership will all have the opportunity to meet with the consultants on that date. He asked for comments on the current draft of the policy, which had earlier been circulated to the Councilors. Professor Tachau noted that sexual harassment had several times been included under the heading of sexual misconduct, although the latter had elsewhere been limited to physical contact. She also pointed out that, in the section entitled "Confidential Advocacy & Counseling Resources," these resources are described as being available to faculty and staff, as well as students, although this is a policy only for students. Also, the Sexual Misconduct Coordinator might be better named the Sexual Misconduct Response Coordinator. Professor Tachau had looked at policies of several other institutions. In those policies the victim was referred to as the complainant, and the accused as the respondent. She also suggested that the policy be written in a style more accessible to students. Associate Provost Johnson asked for clarification of whether or not the university would be responsible for providing a counselor for victims. Professor Carlson will investigate this. Professor Woodhead sought clarification regarding who the policy applies to. Professor Carlson stated that this was a policy that applied only to student on student sexual misconduct. Councilors agreed that this should be made very clear in the beginning of the document. Professor Carlson explained that the original document came from the Student Services website, and therefore could be assumed to apply only to students. Also, given the short timeframe, the consultants recommended that the student on student piece of the overall policy be extracted and revised. Revisions to related policies may be made later.

President O'Hara observed that it is possible for a minor to be involved in a sexual misconduct situation. The implications of this should be thought out. The legal ramifications regarding impairment due to alcohol or other substances should also be worked out. The Office of the Ombudsperson is concerned about the confidentiality of their relationships with their clients. The policy appears to require them to contact the Rape Victim Advocacy Program (RVAP) when they learn of an applicable incident; this would be a violation of their professional standards. The consultants take the position that compliance with Title IX would require reporting of an incident to RVAP, unless there is state law confidentiality protection. The Ombudsperson does not have state law confidentiality protection. The Women's Resource & Action Center (WRAC) is in a similar position. President O'Hara added that the Seashore Psychology Clinic could be included in the section on counseling resources. Chaplains and Student Health Services are other counseling resources. Councilors wondered where one would find an applicable policy if only one of the parties in an incident was a student. Professor Carlson responded that there was policy elsewhere covering these possibilities. Professor Mangum commented that each policy could be headed by a short paragraph indicating that the university is one community with the same standards applying to everyone.

- *Update on Searches (David Kieft, Office of the President)*

David Kieft gave an update on four high-level searches. Chairs for the search committee for the Vice President for Legal Affairs have been named – they are Dean Carolyn Jones from the College of Law and Faculty Senate Vice President David Drake from the College of Dentistry. Committee members have also been selected. The committee will meet with President Mason on November 25 to receive their charge. The position description has been finalized. The chair of

the search committee for Vice President for Student Services will be Nancy Hauserman from the College of Business. The committee is still being formed, but a diverse group of faculty, staff, and students from across the campus is being sought. The review process will be integrated with the search process. Some members of the review committee may migrate to the search committee. The search committee should be in place by the time the review committee finishes work in early February.

There is a new vice president position. It was originally called Vice President for Strategic Communications, but that name was considered too corporate and may be changed to Vice President for Communication and Outreach, or something similar. A search firm will be hired to assist in this process. A chair has not yet been named. Many volunteers have come forward to serve on the committee. The final search is for a person to fill the position currently held by Marcella David. That position is being re-organized. The title and reporting structure for the position are still under discussion. One suggested title is Chief Diversity Officer. The level of the position is also still unclear. President O'Hara commented that the Committee on the Selection of Central Academic Officials should be involved in these discussions.

- *CLAS Re-districting (Shel Stromquist)*

Secretary Stromquist reported that the College of Liberal Arts and Sciences (CLAS) has adopted a modest re-districting of the three voting groups in the College of Liberal Arts and Sciences to correct an imbalance in the number of voters that had arisen because of changes in the number of departments represented in CLAS. Group II had become smaller than the other two groups in the number of faculty, so four departments were moved from Group I into Group II and two departments were moved from Group III into Group II, making the numbers approximately equal. This re-districting plan is being brought before the Faculty Council and Senate for approval because the same groupings could then be used in the Faculty Senate elections. The groupings no longer function as disciplinary clusters; they exist solely for voting purposes. The CLAS Executive Committee has already approved this plan. Only one department, Statistics and Actuarial Science, expressed concern about this, but those concerns have been allayed. Secretary Stromquist clarified that Microbiology, Biochemistry, Economics, and Education had earlier been eliminated from the CLAS voting structure; this had led to the imbalance in faculty numbers. Professor Ringen suggested that a random distribution of departments among the groups would be just as useful, since the disciplinary groupings no longer apply. Secretary Stromquist responded that this had been considered, but that the proposed re-districting was a simpler process. Professor Tachau commented that the disciplinary groupings had originally been created to ensure representation from the arts and humanities, the social sciences, and the physical sciences.

Secretary Stromquist moved and Professor D'Alessandro seconded that the CLAS Re-Districting Proposal be approved for use by the Senate. The motion was approved with two dissenting votes.

- *COIA Bylaws (Mike O'Hara)*

President O'Hara explained that the University of Iowa is a member of the Coalition on Intercollegiate Athletics (COIA). Expenses related to this membership are minimal, as COIA does not collect dues. COIA has now developed bylaws, and member schools are asked to

approve them. President O'Hara stated that he has reviewed the bylaws and does not have any concerns. There is a deadline of December 8 to report the result of the vote to COIA.

Past President Sharp moved and Professor D'Alessandro seconded that the COIA Bylaws be approved. The motion was unanimously approved.

IV. From the Floor

Professor Justman expressed dismay regarding some recent ads in the *Daily Iowan* that he considered inappropriate.

Professor Justman also asked for an update on the work of the Funded Retirement and Insurance Charter Committee (FRIC). Professor Tachau, a member of FRIC, reported that FRIC has received a proposal from Fix Flex and continues to consider alternatives to the proposal put forward by FRIC earlier this year. University employees should assume that the revised proposal will be implemented as planned unless they are informed otherwise. There will be an opportunity for discussion and input if new options arise. FRIC now has a website which can be found at <http://www.uiowa.edu/fric/>.

The Council met in closed session to discuss an internal issue.

Professor Justman moved and Professor Richardson seconded that the Council move to open session. The motion was unanimously approved.

V. Announcements

- The next Faculty Senate meeting will be Tuesday, December 2, 3:30 – 5:15 pm, Senate Chamber, Old Capitol.
- The Faculty Senate/Iowa City Area Chamber of Commerce Legislative Reception will be December 18, 4:30-6:00 pm, Old Capitol.
- The next Faculty Council meeting will be Tuesday, January 20, 3:30-5:15 pm, Penn State Room, 337 IMU.
- The election process will begin in February with nominations; please start recruiting people to serve in the Senate.

VI. Adjournment - Vice President Drake moved and Professor Tachau seconded that the meeting be adjourned. The motion was unanimously approved. President O'Hara adjourned the meeting at 5:25 pm.